

Procedures for Processing Alcohol License Application

Application Package includes:

- ***GCIC Operations Bulletin 97-20***
- ***Barrow County Alcohol Ordinance***
 - ***Application Instructions***
- ***Barrow County Sheriff's Department Release of Criminal Form***
- ***Local liquor Excise Tax Ordinance (when applicable for Class D license only)***

Go to the Barrow County Sheriff's Department and get fingerprinted. They are located at 652 Barrow Park Drive. (See attached GCIC Revised Criminal History Record Check, Fees effective July 1, 2009. It may take 3 – 6 months for processing. We will notify you when we receive the results.

Submit the completed application to Planning and Zoning Department. There will be a \$500.00 non-refundable application fee due at this time.

Permit will be issued once notification has been received from the Sheriff's Department and background is satisfactory.

INSTRUCTIONS AND CONDITIONS FOR APPLYING FOR LICENSE TO SELL ALCOHOLIC BEVERAGES

APPLICATION FOR LICENSE TO SELL ALCOHOLIC BEVERAGES

BARROW COUNTY, GEORGIA

1. EVERY QUESTION MUST BE FULLY AND CORRECTLY ANSWERED, TYPEWRITTEN OR LEGIBLY HAND PRINTED. DO NOT USE INITIALS; SPELL OUT ALL NAMES. FAILURE TO DO SO MAY RESULT IN DENIAL OR, IF GRANTED, THE LATER REVOCATION OF A LICENSE. IF THE SPACE PROVIDED IS NOT SUFFICIENT, ANSWER THE QUESTION ON A SEPARATE SHEET AND INDICATE IN THE SPACE PROVIDED THAT A SEPARATE SHEET IS ATTACHED.
2. THE COMPLETED APPLICATION FORM AND THE REQUIRED INVESTIGATION FEE OF \$500.00 MUST BE SUBMITTED AT THE TIME APPLICATION IS MADE TO THE PLANNING DEPARTMENT. UPON APPROVAL OF THE APPLICATION ADDITIONAL FEES MUST BE TENDERED PRIOR TO ISSUANCE OF LICENSE. FEES MUST BE SUBMITTED IN THE FORM OF CERTIFIED CHECK, CASH OR MONEY ORDER. ALL CHECKS WILL BE DEPOSITED DAILY AS RECEIVED BY THE BARROW COUNTY PLANNING DEPARTMENT.
3. ANY CHANGE IN THE OWNERSHIP, MANAGEMENT, OR ANY OTHER STATUS OF THE LICENSED OPERATION, WHICH WOULD CHANGE ANY ANSWERS ON THE ORIGINAL APPLICATION, MUST BE REPORTED IN WRITING TO THE BARROW COUNTY PLANNING DEPARTMENT WITHIN THIRTY (30) DAYS FROM THE TIME OF SUCH CHANGE. FAILURE TO DO SO MAY RESULT IN THE REVOCATION OF THE LICENSE.
4. THE APPLICANT SHALL BE RESPONSIBLE FOR DETERMINING THE DISTANCE OF THE PROPOSED LICENSED LOCATION FOR EACH OF THE FOLLOWING: SCHOOL, A PRIVATE RESIDENCE (STREET ADDRESS AND NAME REQUIRED), AND A CHURCH, AS REQUIRED BY THE ORDINANCE. A CURRENT CERTIFIED PLAT FROM A REGISTERED SURVEYOR IS REQUIRED TO CONFIRM THE DISTANCE REQUIREMENTS AND MUST ACCOMPANY THE APPLICATION. THE PLAT MUST SHOW STRAIGHT LINE MEASUREMENTS FROM POINT TO POINT THAT CERTIFY THE DISTANCE REQUIRED. LOCATIONS THAT PROPOSE PERFORMANCES WHICH WOULD MAKE THEM SUBJECT TO THE BARROW COUNTY ADULT ENTERTAINMENT ORDINANCE ARE REQUIRED TO MEET ADDITIONAL DISTANCE REQUIREMENTS WHICH ARE PROVIDED IN QUESTION NUMBER 28.
5. NO LICENSE SHALL BE ISSUED EXCEPT IN THE ZONES AS DEFINED BY APPLICABLE LOCAL ZONING ORDINANCES. CONTACT THE PLANNING DEPARTMENT, 233 E. BROAD STREET, WINDER, BARROW COUNTY, GEORGIA, 30680 OR PHONE 770-307-3034, FOR ZONING REQUIREMENTS.
6. THE APPLICANT SHALL BE RESPONSIBLE FOR FILING PLANS TO REVIEW WITH THE PLANNING DEPARTMENT. CONTACT THE PLANNING DEPARTMENT, 233 E. BROAD STREET, WINDER, BARROW COUNTY, GEORGIA, 30680 OR PHONE 770-307-3034, FOR OCCUPANCY REQUIREMENTS.
7. ALL CORPORATE APPLICANTS, WITHOUT REGARD TO THE NUMBER OF STOCKHOLDERS, SHALL LIST THE NAMES AND ADDRESSES OF THE OFFICERS OF THE CORPORATION. IN ADDITION, THEY SHALL NAME AN AGENT WHOSE NAME SHALL APPEAR ON THE LICENSE ISSUED TO THE CORPORATION. THE CORPORATION SHALL PROVIDE THE NAME AND ADDRESS OF THE AGENT, WHO SHALL BE THE INDIVIDUAL WHO DOES, IN FACT, HAVE REGULAR MANAGERIAL AND SUPERVISORY AUTHORITY OVER THE BUSINESS CONDUCTED ON THE LICENSED PREMISES. IN ADDITION, THE MANGER SHALL BE AN AGENT FOR SERVICE FOR THE CORPORATION IN ADDITION TO ALL OTHER METHODS ALLOWED FOR SERVING A CORPORATION BY THE LAWS OF GEORGIA.
8. INFORMATION REQUESTED CONCERNING RACE AND SEX IDENTIFICATIN OF APPLICANTS, CORPORATIONS AND STOCKHOLDERS ARE FOR INVESTIGATIVE PURPOSES ONLY.

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY # _____ - -

11. IF APPLICANT IS A PATNERSHIP:

FULL NAME: _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX _____ BIRTHDATE: _____ SOCIAL SECURITY # _____ - -

FULL NAME: _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY # _____ - -

FULL NAME: _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

RACE: _____ SEX: _____ BIRTHDATE: _____ SOCIAL SECURITY # _____ - -

CORPORATION STOCKHOLDERS: All corporate applicants who are corporations having ten (10) or less stockholders shall list the names and addresses of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the stockholding corporation. If, during the life of the license, the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the Finance Department.

12. IF APPLICANT IS A CORPORATION:

(a) NAME OF CORPORATION: _____

HOME OFFICE: _____

MAILING ADDRESS IF DIFFERENT: _____

13. OFFICERS:

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ BIRTHDAY _____ RACE _____ SEX _____

% STOCK OWNED _____ OFFICE HELD _____

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ BIRTHDAY _____ RACE _____ SEX _____

% STOCK OWNED _____

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ BIRTHDAY _____ RACE _____ SEX _____

% STOCK OWNED _____ OFFICE HELD _____

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ BIRTHDAY _____ RACE _____ SEX _____

% STOCK OWNED _____ OFFICE HELD _____

(Attach additional pages if necessary)

14. STOCKHOLDERS (If different from officer names)

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ RACE _____ SEX _____

% STOCK OWNED _____ BIRTHDATE _____

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ RACE _____ SEX _____

% STOCK OWNED _____ BIRTHDATE _____

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ RACE _____ SEX _____

% STOCK OWNED _____ BIRTHDATE _____

(Attach additional pages if necessary)

15. TRUSTEES:

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ BIRTHDATE _____

% STOCK OWNED _____ RACE _____ SEX _____

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ BIRTHDATE _____

% STOCK OWNED _____ RACE _____ SEX _____

FULL NAME: _____

ADDRESS: _____

SOCIAL SECURITY # _____ BIRTHDATE _____

% STOCK OWNED _____ RACE _____ SEX _____

(Attach additional pages if necessary)

16. If there is any individual or officer, who has resided at this current address less than five (5) years; complete the information below.

FULL NAME: _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

FULL NAME: _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

FULL NAME: _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

PREVIOUS ADDRESS: _____ FROM _____ TO _____

(Attach additional pages if necessary)

17. State name and address of owner of the property (land and Building) where the business will be located.
- _____
18. Is the property where the business is to be located rented or leased? If yes, state name of lessor or landlord and address.
- Answer: Yes _____ No _____
- _____
19. Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venturer; or has anyone agreed to split the profits or receipts from the proposed business with any persons, firm, company corporation, or other?
- If yes, give name of person or firm and address and amount of percentage of profits and receipts to be split.
- Answer: Yes _____ No _____
- _____
20. Is there anyone connected with the business that is not a legal resident of the United States and at least twenty-one (21) years of age?
- Answer: Yes _____ No _____ If yes, give full details on separate sheet.
21. Have you ever been convicted of a felony or a crime involving moral turpitude, or convicted of three (3) violations of the ordinances of the City or County governing alcoholic beverages licensed hereunder within a five year period, or the violation of any state laws or federal laws pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof, all within the last five (5) years immediately prior to the filing of the licensee's application with the Director of Planning, or his designated representative?
- Answer: Yes _____ No _____ If yes, give full details on separate sheet, including dates, charges, and disposition.
22. Is there anyone connected with this business that has applied for a beer, wine and/or liquor license from Barrow County or other City or County in the state of Georgia, or other state or political subdivision and been denied such?
- Answer: Yes _____ No _____ If yes, give full details on separate sheet.
23. Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?
- Answer: Yes _____ No _____ If yes, give full details on separate sheet.
24. Is there anyone connected with this business that has been convicted of a felony or a crime involving moral turpitude or Convicted of violation(s) of the Barrow County ordinances governing alcoholic beverages licensed hereunder within the last five (5) year period, or been convicted for a violation of any state or federal laws pertaining to the manufacture, possession, transportation or sale of malt beverage, wine or intoxicating liquors or the taxability thereof within the last five (5) years immediately prior to the filing of said application?
- Answer: Yes _____ No _____ If yes, give full details on a separate sheet.
25. Is there anyone connected with this business that has been convicted for selling alcohol to an under-age person within the last three (3) year period?
- Answer: Yes _____ No _____ If yes, give full details on separate sheet.

26. Is there anyone connected with this business that is an official or public employee of Barrow County, any State or Federal Agency and whose duties include the regulation or policing of alcoholic beverages of licenses, or any tax collecting activity?

Answer: Yes _____ No _____ If yes, give full details on separate sheet.

27. Have you or the applicant had any vehicles, trailers, or property belonging to you or the company in which you or any of such persons have or had an interest in ever been seized, condemned or forfeited as contraband by the State of Georgia or United States for the reason the same was being used or intended for use in criminal activities?

Answer: Yes _____ No _____ If yes, give full details on separate sheet.

28. Will adult entertainment be a part of the business operations?

Answer: Yes _____ No _____ If yes, Barrow Adult Entertainment Ordinance prohibits the sale of alcoholic beverages in Adult Entertainment Establishments.

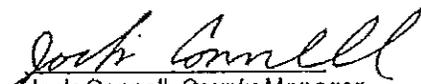
BARROW COUNTY BOARD OF COMMISSIONERS
ALCOHOL FEES
FOR FISCAL YEAR 2014

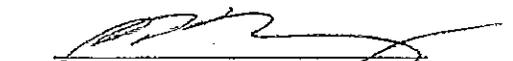
- A. Application Fee \$600.00
- B. The basic fees for each type of license listed in subsection 6-51(b) of the Alcohol Ordinance shall be as follows:
- 1) Class A \$2,000.00
 - 2) Class B:
 - a) Beer only \$1,000.00
 - b) Wine only \$1,000.00
 - 3) Class C:
 - a) Beer only \$1,000.00
 - b) Wine only \$1,000.00
 - 4) Class D \$4,000.00
 - 5) Class E \$5,000.00
 - 6) Class F:
 - a) Beer only \$1,000.00
 - b) Wine only \$1,000.00
 - 7) Class G \$1,000.00
 - 8) Class H, malt beverages only \$1,000.00
 - 9) Class I \$1,000.00
 - 10) Class J \$2,000.00
 - 11) Class K \$3,000.00

All licensees who engage in Sunday sales as permitted shall pay, in addition to the above fees, a fee of \$1,000.00.

- C. All license holders shall pay the renewal fee listed below:

Class	Flat Rate Renewal Fee
A	\$2,000.00
B BEER	\$750.00
B WINE	\$750.00
C BEER	\$750.00
C WINE	\$750.00
D	\$3,000.00
E	\$4,000.00
F BEER	\$2,500.00
F WINE	\$2,500.00
G	\$750.00
H MALT	\$750.00
I	\$750.00
J	\$2,000.00
K	\$2,000.00
Sunday	\$1,000.00


 Jock Connell, County Manager


 Guy Herring, Economic Development Director



Barrow County Sheriff's Office

30 N. Broad Street, Winder, GA 30680

Phone: 770-307-3080: Fax: 770-307-3089

Fingerprint Work Order Routing Form

SECTION I - Department or Agency Initiating Work Order			
*Date		*Requesting Dept/Business and Contact Name: Planning & Permits Department	
Requestor's Return Address (if civilian business): 233 East Broad Street, Winder, GA 30680			
*Reason Fingerprinted: Beer & Wine	*Contributing ORI: GA0070000	Fees Collected: Sheriff's Office - \$50	*Check Type:
			State Check Only: X
*Applicant Name:		*Applicant Phone:	State and Federal: X
*Appointment Date/Time:		*Authorizing Name and Signature:	
SECTION II - Barrow County Sheriff's Office Detention Division			
*Fingerprinting Officer:		Fingerprinting Date/Time:	
*Record TCN:		*Completing Officer's Name and Number:	

Instructions:

Department initiating work order will complete the top section and give to the Applicant to provide the Detention Center personnel the correct information to complete the record. Detention Center personnel will place the completed work order form with responses attached in the appropriate originating department interoffice mailbox located in Dispatch. **ALL Applicants must have an appointment in order to be fingerprinted. Firearms Permits only exception.**

Applicants without forms will not be fingerprinted.

When the Applicant is Not a U.S. Citizen the judge shall direct law enforcement to run a records search through the U.S. Immigrations & customs Enforcement (I.C.E.)

PLEASE RUN AN ICE BACKGROUND CHECK. (NOTE WHEN HIGHLIGHTED RUN REPORT)

**AN ORDINANCE TO IMPOSE, LEVY AND COLLECT AN EXCISE TAX
UPON THE SALE OF DISTILLED SPIRITS BY THE DRINK,
TO PROVIDE FOR THE AMOUNT OF THE TAX, TO PROVIDE
FOR PAYMENT AND REPORTING PROCEDURES, AND
FOR OTHER PURPOSES**

Whereas, OCGA Section 3-4-131 authorizes the governing authority of a county in which the sale of distilled spirits by the drink is permitted to impose, levy and collect an excise tax upon the sale of the beverages, which tax shall not exceed 3% of the charge to public for the beverage, and

Whereas, the sale of distilled spirits by the drink is permitted in Barrow County;

Now therefore be it hereby ordained that the Code of Ordinances, Barrow County, Georgia is hereby amended by adding a new Article to be numbered Article IV of Chapter 82 of the Code as follows:

Article IV ~~ALCOHOL~~ EXCISE TAX

SECTION 82-81. ALCOHOL EXCISED TAX IMPOSED

An excise tax upon the sale of distilled spirits by the drink is hereby imposed pursuant to OCGA Section 3-4-131 effective of the 9th day of April, 2002. The rate of such tax shall be 3% of the charge to the public for the beverages.

SECTION 82-82. PAYMENT AND REPORTING PROCEDURES

Said excise tax shall be paid by licensees selling distilled spirits by the drink by the 10th day of each month following the month in which the sale occurred. Licensees shall furnish to the County with each monthly payment a statement of the total sales for such month, and such statement shall be made under oath. A false statement shall result in the revocation of the license.

It is so ordained this 9th day of April, 2002.

BARROW COUNTY BOARD OF
COMMISSIONERS

Attest: Michelle R Sims
County Clerk

By: Walter E. Edlow
Chairman

By: Roger Wehunt
Commissioner District 1

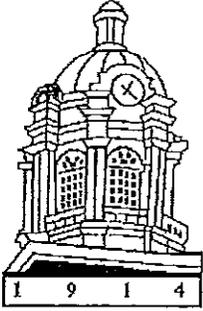
By: W. Brown
Commissioner District 2

By: Tal W.
Commissioner District 3

By: RLX
Commissioner District 4

By: G. [Signature]
Commissioner District 5

By: Bob Caldwell
Commissioner District 6



**Barrow County Board of Commissioners
Financial Administration**

233 East Broad Street Winder Georgia 30680 Phone: (770) 307-3111 Fax: (770) 307-3141

LIQUOR EXCISE TAX

BUSINESS NAME _____

LICENSE NUMBER _____

FOR CALENDAR MONTH _____

GROSS SALES-LIQUOR BY THE DRINK \$ _____

EXCISE TAX @ 3% _____

TOTAL DUE \$ _____

Make checks payable to: Barrow County Board of Commissioners
Attn: Finance Department
233 E. Broad Street
Winder, GA 30680

1 1/2% per month will be added to returns not postmarked by the 10th of the following month. Failure to submit a return and remit taxes due can result in revocation of liquor license.

Chapter 6

ALCOHOLIC BEVERAGES*

Article I. In General

- Sec. 6-1. Open containers.
Secs. 6-2—6-30. Reserved.

Article II. Sale Generally

Division 1. Generally

- Sec. 6-31. Definitions.
Sec. 6-32. Dives prohibited.
Sec. 6-33. Alcohol promotions.
Secs. 6-34—6-50. Reserved.

Division 2. License

- Sec. 6-51. Required; classes; fees.
Sec. 6-52. Application; renewal.
Sec. 6-53. Persons ineligible for license.
Sec. 6-54. General regulations pertaining to all licensees.

*Cross references—Alcoholic beverages and controlled substances in erotic dance establishments, § 10-117; businesses, ch. 26.

State law references—Georgia Alcoholic Beverage Code, O.C.G.A. §§ 3-1-1 et seq.; local permit or license required for wholesale or retail sales of alcoholic beverages, O.C.G.A. § 3-3-2(a); governing authority to set forth ascertainable standards pertaining to the granting, refusal, suspension or revocation of alcoholic beverage permits or licenses, O.C.G.A. § 3-3-2(b)(1); authority to impose excise tax on sale of distilled spirits by the drink, O.C.G.A. § 3-4-131; authority to adopt rules and regulations relating to manufacture, sale and distribution of distilled spirits, O.C.G.A. § 3-4-49; public drunkenness, O.C.G.A. § 16-11-41.

ARTICLE I. IN GENERAL

Sec. 6-1. Open containers.

(a) *"Open container" defined.* The term "open container," as used in this section, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term "open container" shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption.

(b) *"Semipublic parking facility" defined.* The term "semipublic parking facility," as used in this section, shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, church, school, or multiple-family residential building.

(c) *Possession prohibited in public places and parking facilities.* It shall be unlawful for any person to have in his possession any alcoholic beverages in any open container while on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the county.

(d) *Exemptions for special events.* The prohibition in subsection (c) of this section shall not apply to any exceptions or exemptions as may be provided for special events within the county.

(e) *Sidewalk cafes.* The prohibition in subsection (c) of this section shall not apply to patrons of a sidewalk cafe. If such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the county.

(f) *Possession by persons in motor vehicles at special events.* The exemption contained in subsection (d) of this section shall not apply to persons in automobiles.

(g) *Possession in motor vehicle prohibited.* It shall be unlawful for any person to have in his possession any alcoholic beverages in any open container while an occupant of any motor vehicle, whether such vehicle is underway or not, while such vehicle is on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the county. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger or is not located in a locked glove compartment, locked trunk or other locked nonpassenger area of the vehicle.

(h) *Applicability of subsection (g) to passengers of limousines, buses and campers.* Subsection (g) of this section shall not apply to:

- (1) A passenger of a limousine or other similar vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for hire and such driver holds a valid commercial driver's license pursuant to Georgia law or the law of any other state;
- (2) A passenger of a bus in which the driver holds a valid commercial driver's license pursuant to Georgia law or the law of any other state;
- (3) The occupants in the living quarters of a camper or motor home.

(i) *Posting of notice by licensed establishments.* All licensed alcohol establishments are hereby required to post in a conspicuous location inside such establishment a notice informing patrons that open containers are prohibited on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the county.
(Ord. of 1-14-1997, § 8)

Secs. 6-2—6-30. Reserved.

ARTICLE II. SALE GENERALLY*

DIVISION 1. GENERALLY

Sec. 6-31. 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:

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

Alcoholic beverage: All alcohol, distilled spirits, beer, malt beverages, wine, or fortified wine as defined in this section.

Brewer: A manufacturer of malt beverages.

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

Election day: That period of time beginning with the opening of the polls and ending with the closing of the polls on a day in which a general election of county, state, municipal or federal officials is held.

Financial interest: Includes, but is not limited to, holding any indebtedness or security interest in a business.

Governing authority: The county board of commissioners.

Hotel: A building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests whether transient, permanent or residential. Motels meeting the qualifications set out in this article for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant or nightclub in their premises and the holder of such franchise shall be included in the definition of hotel thereunder.

*State law references—Authority to impose excise tax on sale of distilled spirits by the drink, O.C.G.A. § 3-4-131; levy of tax on sale of distilled spirits by the package authorized, O.C.G.A. § 3-4-80.

License: The authorization by the governing authority to engage in the sale and consumption on the premises of alcoholic beverages.

Licensed alcoholic beverage caterer: A holder of any class A, B, C or D alcoholic beverage license issued under this article and who otherwise qualifies with the provisions set forth in O.C.G.A. tit. 3, ch. 11.

Licensee: Any entity which seeks to obtain a license for the sale of alcoholic beverages by the drink and meets all of the following criteria:

- (1) Has a minimum of three full-time employees.
- (2) Has a minimum of 50 paved off-street parking facilities.
- (3) Has a building or space therein for the reasonable use of its guests which it owns, hires or leases.

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

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

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits.
- (2) In the case of any malt beverages, any brewer.
- (3) In the case of wine, any vintner.

Package: Any bottle, can, keg, barrel or other original consumer container.

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

Place of business: The premises described in the licenses issued pursuant to this article.

Private club: A corporation organized and existing under the laws of the state, actively in operation within the county at least one year immediately prior to the application for a license under this article, having at least 75 members regularly paying monthly, quarterly, semi-annual or annual dues, organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any shareholder or member and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guests; provided that no member or officer, agent or

employee of the club is paid or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of spirituous liquors to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Public entertainment facility: Any building which is open to the public and provides entertainment, amusements or dancing, charges an admission fee and permits alcoholic beverages to be consumed on the premises by the business invitee.

Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. A restaurant shall derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals and foods.

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

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

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

Wine: Any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruit, berries or grapes either by natural fermentation or natural fermentation with brandy added. The term includes but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

(Ord. of 1-14-1997, § 1)

Cross reference—Definitions generally, § 1-2.

Sec. 6-32. Dives prohibited.

(a) *Definition.* As used in this section, the term "dive" shall mean any place or establishment where illegal drugs are found, possessed, kept or sold; or where any person possesses or consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or where any person commits any illegal sexual act; or where any person engages in gambling activities.

(b) *Prohibition.* It shall be unlawful for any person to have, operate or maintain any place or establishment defined as a dive.

(c) *Penalty.* There shall be a fine of not less than \$500.00 for the violation of any of the provisions of this section.

(Ord. of 1-14-1997, § 6)

Sec. 6-33. Alcohol promotions.

No licensee or employee or agent of a licensee shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages:

- (1) The giving away of any ticket, token or any other item that can be exchanged for any alcoholic beverages with the sale of any other alcoholic beverage.
- (2) The sale of two or more alcoholic beverages for a single price, or the sale of one alcoholic beverage with a ticket, token or any other item redeemable for a subsequent alcoholic beverage. Also prohibited under this section is the sale of all such beverages a customer can or desires to drink at a single price.

(Ord. of 1-14-1997, § 7)

~~Secs. 6-34—6-50.~~ Reserved.

DIVISION 2. LICENSE*

Sec. 6-51. Required; classes; fees.

(a) *License required.* It shall be unlawful for any person to manufacture, sell or offer for sale, at retail or wholesale, within the corporate limits of the county, any alcoholic beverage, including malt beverages or wine, without having a manufacturer's license or retail or wholesale alcoholic beverage dealer's license or in violation of the terms of such license or this article.

(b) *Classes.* The licenses shall be divided into the following classes:

- (1) Class A, retail liquor package store.
- (2) Class B, retail package beer and/or wine.
- (3) Class C, retail beer and/or wine by the drink.
- (4) Class D, retail liquor by the drink.
- (5) Class E, wholesale liquor.
- (6) Class F, wholesale beer and/or wine.
- (7) Class G, licensed alcoholic beverage caterer.
- (8) Class H, brewer, manufacturer of malt beverages.
- (9) Class I, brew pub operator.
- (10) Class J, vintner, manufacturer of wine.

*Cross reference—Business and occupational license, §§ 26-31 et seq.

(11) Class K, manufacturer, distiller, rectifier or blender of distilled spirits.

(c) *Amount of fees.* The amount of the fees for each type of license listed in subsection (b) of this section shall be as established and amended from time to time by the director of the Barrow County Planning Department, upon the written approval of the chairman of the board of commissioners and the chief of operations; provided, however, that the amount of such fees shall be presented within the annual budget approved by the board of commissioners. In the event that the position of director of the planning department is vacant, the amount of the fees may be established and amended from time to time by the chief of operations, upon the written approval of the chairman of the board of commissioners; provided, however, that the amount of such fees shall be presented within the annual budget approved by the board of commissioners.

(d) *Amount of fee when business transferred to new owner.* If an ongoing business licensed under this section is sold, the new owner's fee shall be determined by the transferor's sales at the time of transfer. A new owner or new location shall pay the base fee for his initial license.

(e) *Payment of fee.* The fees referred to in this section shall be payable annually on a calendar-year basis, except for the initial year, when they will be prorated for the number of quarters remaining in the calendar year at the time the license was purchased. If the license is purchased and is not used for a full calendar year, there shall be no refunds of any portion of the fees.

(Ord. of 1-14-1997, § 2; Ord. of 5-10-2005)

Sec. 6-52. Application; renewal.

(a) *Filing of application; applications to be public record.* The applicant for a license under this article shall make a written application under oath on the form as provided by the director of the county planning department or his designated representative. Such application shall be a public record and open to public inspection by any citizen of the county, at a reasonable time and place.

(b) *Investigation fee.* The applicant shall, upon turning in his completed application to the director of the planning department or his designated representative, at the same time provide a certified check for \$500.00 made payable to the county for the investigation fee.

(c) *Required information for corporations with ten or less stockholders.* All applicants who are corporations having ten or less stockholders shall list the names and addresses of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the stockholding corporation. If during the life of the license the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the director of planning or his designated representative for processing.

(d) *Required information for all corporations; designation of agent.* All corporate applicants, without regard to the number of stockholders, shall list the names and addresses of the officers of the corporation. In addition thereto, they shall name an agent, whose name shall appear as

such on the license issued to the corporation. The corporation shall provide the name and address of the agent, who shall be the individual who does in fact have regular managerial and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the corporation in addition to all other methods allowed for serving a corporation by the laws of the state.

(e) *Investigation.* The director of the planning department or his designated representative shall submit the application, within two business days after filing, to the county sheriff's department. The sheriff's department shall make an arrest and conviction investigation concerning any applicants under this section if individuals and the officers and the designated investigation to the director of the planning department or his designated representative within 30 days of submission.

(f) *Making false application.* Any person making a false statement in any application for a license or statement in connection with renewal thereof, shall be guilty of an offense and punished as provided by state law relating to false swearing, and further, a license, if previously granted or renewed, may be revoked for the violation. It shall be an offense for any person to give other than the true and correct legal name of the intended licensee, and a conviction for a violation thereof shall be punished as provided by state law relating to false swearing, and in his discretion, the judge of the magistrate court may revoke, suspend or probate any license for such violation.

(g) *Duration; renewal.* All licenses are issued only on a calendar-year basis and shall come up for renewal each year following issuance. Each licensee shall make a written application for renewal on or before November 15 of each calendar year which shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts which are different from the prior year's application. The form shall be approved by the director of planning or his designated representative. All fees shall be tendered with the application.

(h) *Penalty for late renewal.* There shall be a penalty fee charged for filing an alcoholic beverage renewal application and license fee payment as established and amended from time to time by the director of the Barrow County Planning Department, upon the written approval of the chairman of the board of commissioners and the chief of operations; provided, however, that the amount of such fees shall be presented within the annual budget approved by the board of commissioners. If an alcoholic beverage license renewal application and license fee has not been filed with the planning office by January 15, the license shall be declared to be abandoned and any re-licensing shall require a new application. In the event that the position of director of the planning department is vacant, the amount of the fee may be established and amended from time to time by the chief of operations, upon the written approval of the chairman of the board of commissioners; provided, however, that the amount of such fees shall be presented within the annual budget approved by the board of commissioners.

(Ord. of 1-14-1997, § 3; Ord. of 5-10-2005)

Sec. 6-53. Persons ineligible for license.

Issuance of licenses required under section 6-51 is limited as follows:

- (1) No license shall be issued to a person who is not a legal resident of the United States and at least 21 years of age.

- (2) No license shall be issued to a person who has been convicted of a felony or a crime involving moral turpitude, or convicted of three violations of the ordinances of the city or county governing alcoholic beverages licensed under this article within a five-year period, or the violation of any state laws or federal laws pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof, all within the last five years immediately prior to the filing of the licensee's application with the director of the planning department or his designated representative.
- (3) Any person having two convictions for selling alcohol to underage persons within a three-year period shall not be eligible for a license for 12 months immediately succeeding the last conviction.
- (4) No person shall hold a license in any retail category under this article and a license under any wholesale category at the same time.

(Ord. of 1-14-1997, § 4)

Sec. 6-54. General regulations pertaining to all licensees.

(a) *Employment of underage persons.* It shall be unlawful for any person to allow or require a person in his employment under the minimum age designated by law (currently age 18) to dispense, serve, sell or take orders for any alcoholic beverages.

(b) *Change of location of business.* Each license is issued for a specific location only and may not be transferred to another location without making a new application.

(c) *Compliance with applicable regulations; suspension or revocation of license.* Each licensee shall be subject to and comply with all ordinances and laws of the county, the state or unit thereof and the federal government. Upon the violation thereof by a licensee, any license may, after a hearing before the judge of magistrate court, be revoked, suspended or put on probation under conditions in addition to the punishment allowed under state law. Notwithstanding the provisions of this section, any license holder convicted of selling alcoholic beverages to underage persons shall have his license suspended by such judge for a minimum of 30 days.

(d) *Transfer of license to other person.* No alcoholic beverage license shall be transferred from one person to another during the year in which the license was obtained, except in the case of the death of a person holding a license, in which event his executor or administrator may continue to operate under the license for six months from the date of his qualification.

(e) *Operation by new owner under prior license.* Upon the sale of any business licensed under this article, the new owner may operate the business under the old license under this article, but in no event for longer than 60 days or until his application is granted or refused under this article, whichever shall first occur.

(f) *Location of premises.*

- (1) With the exception of class J and class K licenses, none of the licenses listed in this article shall be issued except in the following zones as defined by the applicable local zoning ordinances:
 - a. C-1 local commercial district.
 - b. C-2 general commercial district.
 - c. C-3 heavy commercial district.
 - d. O-I office and institutional district.
 - e. M-1 and M-2 industrial districts.
 - f. PUD planned unit developments (if applied to C-1, C-2, C-3, HCO or O-I designations).
 - g. HCO highway corridor overlay district.

(2) Class A and B alcoholic beverage licenses shall not be issued for a location in or within 100 feet of a private dwelling located within a single-family residentially zoned district, or within 1,000 feet of any church building, or within 1,000 feet of any school building or educational building on a college campus. The requirements for minimum distances from private dwellings provided for in this subsection shall not apply to licenses for package sales of malt beverages and wine in food stores if the establishment for which the license is applied is located within a shopping center. Excluded under this subsection is a private dwelling that has been unoccupied for at least 12 months immediately prior to the application being filed. Nor shall this subsection apply at any location for which a new license is applied for if the sale of such alcoholic beverages was lawful at such location, and for which a valid alcoholic beverage license existed, at any time during the 12 months immediately preceding such application.

(3) Class C and D alcoholic beverage licenses shall not be issued for a location in or within 1,000 feet of any church building, or within 1,000 feet of a school building or educational building on a college campus, or within 100 feet of the property line of a private dwelling located within a single-family residentially zoned district which is in existence at the time of the issuance of the original license. Such distance requirements for class C and D licenses shall be in effect for all districts in which such licenses are authorized. This subsection shall not apply at any location for which a new license is applied for if the sale of such alcoholic beverages was lawful at such location, and for which a valid alcoholic beverage license existed, at any time during the 12 months immediately preceding such application.

- (4) Class J licenses shall be issued only in such areas which have been designated agricultural (AG) as defined by the applicable local zoning resolutions.
- (5) Class K licenses shall be issued only in such areas which have been designated industrial (M-1) as defined by the applicable local zoning resolutions.

- (6) At the time of application, a plat from a registered surveyor shall be attached to the application which shall certify that all state and local distance requirements for the proposed location have been met.
- (7) All licenses which are in existence and valid as of January 14, 1997, the date of passage of the ordinance from which this article is derived may continue to be renewed under this article even though they may be in violation of this subsection (f); furthermore, that location may continue to be licensed under this article so long as the premises are continuously used for the sale of alcoholic beverages under this article, even though not under the same owner. At such time as the license for the premises is revoked, is not renewed or is allowed to lapse or a new license is applied for and granted for the location within 60 days of the expiration or termination of the previous license, this subsection (f) and the prohibitions in this subsection shall apply to any new application for that location.
- (8) Unless otherwise provided by law, all measurements, to determine distances, required by this chapter, for the issuance of alcoholic beverage licenses, shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - a. From the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;
 - b. In a straight line to the nearest public sidewalk, walkway, street, road, or highway by the nearest route;
 - c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - d. To the main entrance of the dwelling, church building, school building, or educational building.

(g) *Issuance of license to public employees.* No license shall be granted to any county, state or federal employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.

(h) *Inspection of books and accounts.* Upon demand by the director of the planning department or his designated representative, any person holding a license from the unified government of the county shall open to the director or his designated representative, his place of business for the purpose of enabling the director or his representative to ascertain and gain such information as may be necessary for determination of the proper classification of such license holder for license fee purposes and determination of the correct amount of license fee to which such person is subject. Upon demand by the director or his designated representative, any person holding a license from the county shall furnish the director or his representative, during normal business hours at such person's place of business, all books of account, invoices, papers, reports and memoranda containing entries showing amounts of purchases, sale receipts, inventory and other information ascertained and from which the correct amount of the fee to which he is subject may be determined, including exhibition of bank deposit books,

bank statements and copies of sales tax reports and any other such documents as the county may deem necessary. Any person holding a license from the county shall secure, preserve, maintain and keep for a period of three years the records and documents enumerated and referred to in this subsection.

(i) *Failure to open business.* All holders of licenses issued under this article must, within six months after the issuance of such license, open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

(j) *License eligibility requirements for officers of clubs.* In the case of a private club or fraternal or veterans' order, its chief officer and general manager shall meet the same requirements that any individual applicant must meet and maintain.

(k) *Separation of package stores.*

- (1) All package stores holding a class A license shall be within a building or room totally physically separate from any other business activities. The only ingress and egress for customers and their purchases shall be through a door opening to the outside or to an area for public pedestrian traffic and not from or into any other business establishment. This outside door shall open facing a public street or public pedestrian area.
- (2) Any opening of any type shall be prohibited between any area licensed as class A and any other business area. The only means of ingress and egress for both customer and employee shall be through a door open to the outside and facing a public street or public pedestrian area.
- (3) In a class A establishment, the total commercial transactions shall take place within the area licensed for retail alcoholic package sales.
- (4) Retail beer and wine by the package (class B) shall be permitted in food stores, grocery stores, supermarkets, convenience food stores and discount/general merchandise stores as an item incidental to the sale of foodstuffs and groceries.

(l) *Selling or furnishing alcoholic beverages to persons under legal age.* It shall be unlawful to provide alcoholic beverages to any person under the age permitted by O.C.G.A. § 3-3-23.

(m) *False representation of age.* It shall be unlawful for any person to falsely misrepresent his age in any manner whatsoever for the purposes of purchasing or otherwise acquiring any beverage licensed under this article.

(n) *Prohibitions relating to by-the-drink retailers.* It shall be unlawful for any licensee engaged in the retail sale of alcoholic beverages by the drink to:

- (1) Knowingly allow gambling of any kind or character to be carried on in his place of business.
- (2) Knowingly allow any person to frequent his place of business for the purpose of soliciting for prostitution.

- (3) Knowingly allow any criminal act to be perpetuated on the premises, such as the sale of drugs, the sale of non-tax-paid alcoholic beverages, the sale of stolen property or other offenses.
- (4) Fail to report to the county sheriff's department, at the earliest possible time known, incidents of a criminal nature that happened on his premises.
- (5) Willfully withhold from any law enforcement agency any information pertaining to any crime that may have happened on his premises and to which he was a witness.

(o) *Adding to or refilling bottles; misrepresentations as to quantity or quality.* It shall be unlawful for a licensee under this article or his agents to add to the contents of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name of any beverage licensed under this article.

(p) *Hours of operation generally.* The following hours of operation shall apply to the sale of alcoholic beverages licensed under this article:

- (1) Class A, retail liquor package store: 8:00 a.m. to 11:30 p.m., Monday through Saturday.
- (2) Class B, retail package beer and/or wine: 7:00 a.m. to 11:30 p.m., Monday through Saturday.
- (3) Class C, retail beer and/or wine by the drink: Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday morning.
- (4) Class D, retail liquor by the drink: Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday morning.
- (5) Class I, brew pub operator: Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday morning.
- (6) Public entertainment facilities: It shall be unlawful to keep any public entertainment facility which permits the consumption of alcoholic beverages on its premises open for business or permit the facility to be used or patronized at any time except during the hours provided in O.C.G.A. § 6-3-5(3) and (4).

Notwithstanding subsections (p)(3) and (4) of this section, the sale of alcoholic beverages shall be lawful on Sunday from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(q) *Clearing of service areas after closing hours.* All licensees for the sale of malt beverages and/or wine for consumption on the premises or distilled spirits by the drink shall remove or cause to be removed from the area of the premises utilized by the customers or patrons all alcoholic beverages within one hour after the times specified in subsection (p) of this section as the hours of operation.

(r) *Sales restricted on certain days.* Alcoholic beverages licensed under this article shall not be sold on Christmas Day or Sunday, except as provided for in subsection (p)(6) of this section. The sale of alcoholic beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.

(s) *Suspension of sales during civil emergency.* The chairman of the board of commissioners may, upon determining that there is an immediate danger of civil disorder or natural disaster or any other immediate threat to the public peace and order, by executive order, suspend the sales of all beverages licensed under this article until such danger or threat has passed and for a reasonable period of time thereafter.

(t) *Signs.* No sign of any kind, painted or electric, advertising any brand or price of distilled spirits shall be permitted on the exterior or in the window of any premises licensed under this article. No plaque or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any liquor sold therein, provided that a tag showing the price of individual bottles or containers or to the edge of the shelf wherein such bottles or containers are located.

(u) *Open containers prohibited on premises of retail package stores; sale of draft beer at retail package stores.* The original retail containers of any alcoholic beverage sold by a package store retail licensee under this article shall not be opened on the lot or premises of the location licensed for the sale thereof. The sale of draft beer from a tap in a retail malt beverage package store shall not be in less than one-half-gallon quantities.

(v) *Display of name and license number by package stores.* Each licensee for the sale of beverages by the package at retail licensed under this article shall have printed on the front window of the licensed premises the name of the licensee together with the inscription "Barrow County License Retail Number _____," in uniform letters not less than four inches in height, except private clubs and hotels; provided, however, that if a licensee so desires, he may have his name displayed on the inside of the window in neon or other electric lights.

(w) *Bringing beverages purchased elsewhere or deadly weapons onto premises.* No licensee for the sale of malt beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto the premises malt beverages, wine or distilled spirits purchased elsewhere; nor shall any such licensee authorize or permit any patron or customer to bring or carry any deadly weapon or firearm on the premises except a law enforcement officer on duty or other person authorized by federal or state law; nor shall the licensee act as a keeper, bailee or custodian of any kind of deadly weapon or firearm for any customer or patron thereof.

(x) *Incidental sales of malt beverages or wine for off-premises consumption.* A holder of a retail license for the sale of malt beverages or wine to be consumed on the premises may make casual or incidental sales of malt beverages or wine to be carried away from the premises by the purchaser, but the casual or incidental sales shall not be advertised, nor shall the licensee make any price differential between the sales of malt beverages or wine to be consumed on the premises and casual or incidental sales of malt beverages or wine to be carried away from the premises.

(y) *Entrance to package stores to be visible from public street.* No licensee for the sale of alcoholic beverages by the package shall operate under the license unless the front entrance to the licensed premises is clearly visible from the public street; provided, however, that this restriction shall not apply where the licensee is a motel, hotel or private club or is located in a shopping center or multiple-story business building.

(z) *Visibility of interior of package stores.* No screens, blinds, curtains, partitions, articles or things which shall prevent a clear view into the interior shall be permitted in the window or from the doors of any retail store for the sale of alcoholic beverages by the package and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each store shall be so lighted that the interior of the store is visible day and night.

(aa) *On-premises entertainment.*

- (1) No holder of a license for the sale of alcoholic beverages issued under this article shall knowingly allow any performance or entertainment or act on the licensed premises of which, when applied to contemporary standards, the dominant theme taken as a whole appeals to the prurient interests or is licentious or obscene. This provision shall be construed so as to be consistent with chapter 10, article II, pertaining to adult entertainment.
- (2) It shall be unlawful to permit on the premises so licensed any contest or form of entertainment which consists of the wetting or soaking of the upper torso of a female or the pelvic areas of a male or female. ~~This provision shall be construed so as to be consistent with chapter 10, article II, pertaining to adult entertainment.~~
- (3) Upon the violation of this subsection by any such licensee, his license may, after a hearing before the judge of magistrate court, be revoked, suspended or put on probation under conditions

(bb) *Sales areas generally; consumption on premises of package store.* It shall be unlawful for any licensee to make delivery of any alcoholic beverages licensed to be sold except inside of the premises or area licensed for sale thereof. No package store licensee shall permit the consumption of alcohol sold by him by the package on the lot or premises where such packages on the lots or premises where the licensed establishment is holding a class A and B license. Provided, however, that such licensee may sell package malt beverages or wines by means of a drive-in window, provided that any such drive-in window shall be well lighted and clearly visible from the street or sidewalk and shall not be located at the rear of any licensed premises.

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(cc) *Extension of sales area; curb sales.* Any licensee for the sale of malt beverages and/or wine for consumption on the premises or distilled spirits by adjoining building, addition, patio or deck area, or expansion on the same piece of property or an adjoining lot, so long as the business operation is under the same business management and licensed area under the same ownership; provided, however, the sale of alcoholic beverages shall be prohibited in parking lots or "at curb."

(dd) *Possession of unlicensed beverages.* All licensees under this article are forbidden to possess, keep, maintain or otherwise store or keep any alcoholic beverages for which the licensee does not hold a license on the premises so licensed.

(Ord. of 1-14-1997, § 5; Ord. of 6-12-2001; Ord. of 6-14-2005, §§ 1, 2)