

City of Waynesboro

Application for Alcoholic Beverages License



In accordance with the **Alcoholic Beverages Ordinance 2022-02-21**, any person desiring to carry on the business of selling alcoholic beverages in the City shall file this application with the City Manager/Clerk.

- Application Fee**
- \$300.00 Distilled spirits, malt beverages and wine (package sales)
 - \$200.00 Distilled spirits, malt beverages and wine (consumption)
 - \$100.00 Malt beverage and wine only
 - \$100.00 Alcoholic Beverage Caterer
 - \$50.00 Temporary Permit for Charitable Organizations

Name of Applicant: _____ Date: _____

Date of Birth: _____ Age: _____ Social Security No.: _____

Are you a U.S. Citizen Yes or No Telephone No.: _____

Race: _____ (Required for proper collection of criminal history information.)

Are you an employee (spouse) or elected official (spouse) of the City of Waynesboro Yes or No

Residential Street Address of Applicant: _____

Residential Mailing Address of Applicant: _____

Previous Mailing Address of Applicant in last ten (10) years: _____

Business Name: _____

Business Mailing Address: _____

Physical Address of Establishment or Place of Event: _____

Name and address of person who will manage the establishment or be responsible for its operation.

Form of Business:

- Sole Proprietorship
- Partnership
- Corporation
- Charitable Organization
- Nonprofit organization
- Other: _____

Building Construction Material: _____

Building Size: _____ sf

List the names, residential addresses and titles of all owners, partners, officers, directors, managers, stockholders owning more than 10% of any type stock, persons holding any note, mortgage or bill of sale to secure debt against the business, parties having an interest or other persons in control.

(See Section 10-22 of the Alcoholic Beverages Ordinance Number 2022-02-21 for application disclosure requirements. Attached additional pages if required) _____

Have you or any of the above described individuals been convicted in the last ten (10) years of any felony, misdemeanor or violation of municipal ordinances other than **non-DUI related traffic offenses** of any federal, state, county or municipal court?.. Yes or No If yes, explain: _____

Have you or any of the above listed individuals ever owned or hold an interest in a business that held an alcoholic beverages license in any state?.... Yes or No If yes, explain: _____

List the names and addresses of three (3) individual character references you and the above described individuals have known for more than five (5) years. Attached additional pages if required.

Type of Alcoholic Beverages Licenses being requested:

Annual License Fee

- | | |
|---|------------|
| <input type="checkbox"/> Malt beverages and wine, wholesale | \$ 600.00 |
| <input type="checkbox"/> Malt beverages and wine, retail sales, for consumption on premises to include package sales | \$ 500.00 |
| <input type="checkbox"/> Malt beverages and wine, retail sales, package sales | \$ 500.00 |
| <input type="checkbox"/> Distilled spirits, malt beverages and wine, wholesale | \$3,000.00 |
| <input type="checkbox"/> Distilled spirits, malt beverages and wine, restaurants only, (retail sales, for consumption on premises only) | \$2,000.00 |
| <input type="checkbox"/> Distilled spirits, malt beverages and wine (package sales) | \$3,000.00 |
| <input type="checkbox"/> Alcoholic Beverage Caterer for Consumption Off -Premises | \$ 500.00 |
| <input type="checkbox"/> Temporary Malt Beverage Permit for Non-Profit Organization
(Permit valid for 5 days) | \$ 0.00 |

The license fee will be returned to the applicant if the application is denied by City Council. License fees purchased after July 1 will be one-half (1/2) the price of the license fees listed.

½ Price
After July 1

List other types of business activities or products to be sold at the location: _____

The following is a checklist of other information and items required to be submitted with this application. Applicant must initial to confirm understanding and agreement.

- _____ 1. The application shall be accompanied by a plat or drawing prepared by a licensed surveyor or engineer showing the proximity of the proposed place of business to surrounding locations or other means approved by the City Manager. The plat or drawing should identify any churches, schools, alcoholic treatment centers, housing authority property or government buildings, public parks or public playgrounds within 100 yards of the proposed location. Distilled Sprits applicants' plat or drawing should also identify any school building, educational building, school grounds or college campus within 200 yards of the proposed location.
- _____ 2. A new Distilled Sprit (retail package liquor) store should also identify any existing business engaged in the retail package sales of Distilled Spirits (retail package liquor) store within five-hundred (500) yards of the proposed location.
- _____ 3. The application shall be accompanied by detailed plans of the building and outside premises drawn to scale. The plans should include detailed floor plans to scale.
- _____ 4. If the proposed business is a restaurant and is applying for a license to sell distilled spirits, the application must include a copy of a current Food Services Permit from the county health department.
- _____ 5. Each applicant must attach evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building.
- _____ 6. The application must be accompanied by two (2) Certified Checks or Money Orders:
 - (1) **CC/MO #1 - For the Annual License Fee as listed above:** _____
(Refunded only if Application is Denied by City Council)
 - (2) **CC/MO #2 - For the Application Fee as listed above:** _____
Public Notice/Advertisement Fee (3 weeks X \$115.25) _____
Sign Fee (\$45.00) _____
Total for 2nd Certified Check/Money Order _____
(Non-Refundable)
- _____ 7. Applicants/All persons listed on application (i.e. owners, partners, members, etc.) applying for a license to sell malt beverages or wine must submit to a criminal background check. Applicants/All persons listed on application (i.e. owners, partners, members, etc.) applying for a license to sell distilled spirits must allow a complete set of fingerprints to be taken and forwarded to the GBI/FBI for background check into criminal activity.
- _____ 8. Applicants applying for temporary permits must include a copy of an official document such as a nonprofit certification by the Internal Revenue Service, or constitution and bylaws of the organization, or a corporate charter which clearly states the purposes of the organization as being charitable or nonprofit.

- ____ 9. I _____, the applicant, have received and reviewed a copy of the City of Waynesboro, GA Revised "Chapter 10" Alcoholic Beverages Ordinance 2022-02-21. I understand that no person shall engage in the sale of alcoholic beverages in the City of Waynesboro without first complying with the rules and requirements set out in this chapter and applicable state laws.
- ____ 10. Applicant has read and understands Chapter 10, Article II, Sec.10-27 of the Alcoholic Beverage Ordinance 2022-02-21 "Grounds for suspension or revocation". **Pursuant to O.C.G.A. § 3-3-46, any violation of state law requirements by a licensee is grounds for suspension or revocation of a license.**
- ____ 11. Applicant fees and expenses will not be refunded for suspension or revocation of a license; or if the application is denied by state entities.

I swear and affirm that the above information and any attachments to this application submitted are true and correct to the best of my knowledge and belief. I hereby authorize the City of Waynesboro to receive any criminal history records information pertaining to me which may be in the files of any state or local criminal justice agency in Georgia. I authorize the City of Waynesboro to make other types of inquiries and conduct investigations pertaining to the requirements and qualifications to hold an Alcoholic Beverage License. If I am applying for a license that includes the sale of distilled spirits, I further authorize the City of Waynesboro to collect a full set of fingerprints that will be forwarded to the Georgia Bureau of Investigations/FBI for criminal history background check.

Race: _____ (Required for proper collection of criminal history information.)

Signature of Applicant

Date

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE
____ DAY OF _____, 20__

NOTARY PUBLIC
My Commission Expires:

Initials

To Be Completed by Burke County Sheriff Department:

City of Waynesboro assigned Originating Agency Identifier (ORI) is GA923325Z for its use in submitting applicant fingerprints pursuant to O.C.G.A. 3-3-2. Be advised that with this ORI, you can only fingerprint for the following reasons: Alcohol/Liquor License.

Fingerprints have been collected and submitted to the GBI/FBI for criminal history background check:

Officer's Signature: _____ Date of Collection and Submission: _____

Results of GBI/FBI fingerprint criminal history background check:

Approval Checklist: (Initial of Appropriate City Official)

- ___ 1. Business inspected to confirm compliance with Ordinance.
- ___ 2. Qualifications to apply have been met.
- ___ 3. All information and items required and requested for application have been supplied including the Application Fee and Annual License Fee.
- ___ 4. Building conforms to current Building Codes and City regulations.
- ___ 5. Distance requirements have been met.
- ___ 6. Business meets the requirements and definition of a restaurant in the Ordinance.

To Be Completed by the City Manager/Clerk on Behalf of the City Council:

Date Completed Application Received Pending Council Approval: _____

Date of Council Meeting: _____ **Approved** **Disapproved**

Conditions and Requirements of Approval:

Initials

CITY OF WAYNESBORO
AFFIDAVIT VERIFYING STATUS FOR PUBLIC BENEFIT

By executing this affidavit under oath, as an applicant for a City of Waynesboro Alcohol License as referenced in O.C.G.A. § 50-36-1, I am stating the following with respect to my application for a City of Waynesboro Alcohol License for:

(Name of natural person applying on behalf of individuals, business, corporation, partnership or other private entity)

- 1) _____ I am a United States Citizen.
- 2) _____ I am a legal permanent resident of the United States.
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G. A. § 50-36-1(e)(1), with this affidavit:

The secure and verifiable document provided with this affidavit can best be classified as:

_____.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false fictitious or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed this the ___ day of _____, 20__ in _____ (city), _____ (state).

Signature of Applicant

Printed Name of Applicant

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

___ DAY OF _____, 20__

NOTARY PUBLIC

My Commission Expires:

**Applicant Privacy Rights
Notification Signature Form**

Applicant Notification and Record Challenge:

Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in the FBI identification record. The procedure of obtaining a change, correction or updating an FBI identification record is set forth in Title 28, Code of Federal Regulations (CFR), 16.34.

Procedures for obtaining a copy of the FBI criminal history record are set forth in 28 CFR 16.30 through 16.33 or review the [FBI website](#).

Signature

Print Name

Date

Applicant Privacy Rights

As an applicant who is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history check for a non-criminal justice purpose (such as an application for criminal justice or non-criminal justice employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulation (CFR), 50.12, among other authorities.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared, or explained.
- You must be advised in writing of the procedures for obtaining a change, correction, or update of your criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on the information in the criminal history record.
- If agency policy permits, the officials may provide you with a copy of your criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may find information regarding how to obtain a copy of your Georgia criminal history record at the GBI website: <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions> Information regarding how to obtain a copy of your FBI criminal history record is located at the FBI website: <https://www.edo.cjis.gov>
- If you decide to challenge the accuracy or completeness of your criminal history record, you should contact and send your challenge to the agency that contributed the questioned information. If the disputed arrest occurred in the State of Georgia, you may send your challenge directly to the GCIC. Contact information for the GCIC can be found at <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions> Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenge entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for the authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

Privacy Act Statement

This privacy act statement is located on the back of the (blue) FD-258 fingerprint card.

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

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

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

As of 02/04/2021

PRIVACY ACT STATEMENT

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

Social Security Account Number (SSAN). Your SSAN is needed to keep records accurate because other people may have the same name and birth date. Pursuant to the Federal Privacy Act of 1974 (5 USC 552a), the requesting agency is responsible for informing you whether disclosure is mandatory or voluntary, by what statutory or other authority your SSAN is solicited, and what uses will be made of it. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

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

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

Additional Information: The requesting agency and/or the agency conducting the application-investigation will provide you additional information pertinent to the specific circumstances of this application, which may include identification of other authorities, purposes, uses, and consequences of not providing requested information. In addition, any such agency in the Federal Executive Branch has also published notice in the Federal Register describing any systems(s) of records in which that agency may also maintain your records, including the authorities, purposes, and routine uses for the system(s).

City of Waynesboro Applicant Privacy Right Policy

Notification

The City of Waynesboro licenses for Alcohol/Liquor and as a part of the process conducts fingerprint based background checks through the Georgia Crime Information Center. Prior to fingerprinting each individual must complete an application and receive a copy of both the Applicant Privacy Rights and the Privacy Act Statement. The City of Waynesboro provides the applicant with the privacy rights as part of the application packet.

Once the applicant had read and understands the Applicant Privacy Rights and the Privacy Act Statement, they will sign a log stating the notification was received and maintain such document for no less than 3 years.

Record Challenge/Correction

If an applicant chooses to challenge the accuracy of the criminal history record or needs to correct or update a record they will be given 3 days to do so. The applicant is notified that procedures for challenging an FBI record are set forth in 28 CFR 16.30 through 16.34 and the procedures for challenging a Georgia record can be found on the GBI website. The applicants will not be given a copy of the criminal history record.

Appeal Process

The applicant is provided an opportunity to appeal an adverse decision based on the criminal history record information provided from the fingerprint based background check. The procedures for the appeal process is a public hearing with Mayor and City Council.

The following requirements will be followed:

- Hearing is based on a formally established requirement;
- Applicant is aware prior to the hearing that CHRI may be disclosed;
- Applicant is not prohibited from being present at the hearing; and
- CHRI is not disclosed during the hearing if the applicant withdraws from the application process.

U.S. Department of Justice Order 556-73

Title 28 CFR Part 16 – Production or Disclosure of material or information

Subpart-C Production of FBI Identification Records in Response to Written Requests by Subjects Thereof

By order dated September 24, 1973, the Attorney General of the United States directed that the Federal Bureau of Investigation, hereinafter referred to as the FBI, publish rules for the dissemination of arrest and conviction records to the subjects of such records upon request. This order resulted from a determination that 28 U.S.C. 534 does not prohibit the subjects of arrest and convictions records from having access to those records. In accordance with the Attorney General's order, the FBI will release to the subjects of identification records copies of such records upon submission of a written request, satisfactory proof of identity of the person whose identification record is requested and a processing fee.

Since the FBI Criminal Justice Information Services (CJIS) Division is not the source of the data appearing on the Identification Records, and obtains all data thereon from fingerprint cards or related identification forms submitted to the FBI by local, state and federal agencies, the responsibility for authentication and correction of such data rests upon the contributing agencies. Therefore, the rules set forth for changing, correcting or updating such data require that the subject of an Identification Record make application to the original contributing agency in order to correct a deficiency.

The Relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable because the material contained herein relates to the interpretation of 28 U.S.C. 534 as allowing the granting of an exemption to subjects of Identification Records and relief of prior administrative restrictions on dissemination of such records to them. Furthermore, it is deemed in the public interest that there be no delay in effective date of availability of Identification Records to the subjects thereof.

By Virtue of the order of the Attorney General, dated September 24, 1973, and pursuant to the authority delegated to the Director, FBI, by 28 CFR 0.85(b), 28 CFR Part 16 is amended as follows:

16.30 Purpose and Scope

This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an Identification Record requests production of that record to review it or to obtain a change, correction, or updating of that record.

16.31 Definition of Identification Record

An FBI Identification Record, often referred to as a "rap sheet," is listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The Identification Record includes the name of agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the Identification Record includes the date of arrest or the date the individual was received by the agency submitting the fingerprints, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an Identification Record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities.

Therefore, the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an Identification Record.

16.32 Procedure to obtain an Identification Record.

The subject of an Identification Record may obtain a copy thereof by submitting a written request via the U.S. mail directly to the FBI, Criminal Justice Information Services Division, Attn: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth, and a set rolled-in inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

16.33 Fee for production of Identification Record

Each written request for production of an Identification Record must be accompanied by a fee of \$18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each Identification Record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the Identification Record and shall include a claim and proof of indigence. Subject to applicable laws, regulations, and directions of the Attorney General of the United States, the Director of the FBI may from time to time determine and establish a revised fee amount to be assessed under this authority. Notice relating to revised fee amounts shall be published in the Federal Register.

16.34 Procedure to obtain change, correction or updating of Identification Records.

If, after reviewing his/her Identification Record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections, or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of an entry on his/her record to the FBI, Criminal Justice Information Services Division, Attn: SCU, Mod.D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

Published in the Federal Register on 11/28/73; amended on 10/27/78, 10/27/81, 8/8/83, 5/6/86, 5/17/91, 1/3/95, and 9/28/99.