

**CITY OF WAYNESBORO, GEORGIA
ORDINANCE TO REVISE CHAPTER 10
OF THE CITY CODE
ORDINANCE NO. 2022-02-21**

AN ORDINANCE AMENDING REGULATIONS OF ALCOHOL BEVERAGE SALES; PROVIDING FOR THE ISSUANCE OF LICENSES FOR THE PACKAGE SALE OF DISTILLED SPIRITS; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS SB 145 amended O.C.G.A. § 3-4-41 to allow initiation of a referendum election to authorize the issuance of licenses for package sale of distilled spirits by ordinance or resolution from the governing authority of any municipality;

WHEREAS the duly elected governing authority of the City of Waynesboro, Georgia is the Mayor and City Council;

WHEREAS the duly elected governing authority of the City of Waynesboro, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of the City of Waynesboro, Georgia;

WHEREAS the governing authority now desires to revise the Code of the City of Waynesboro, Georgia for the purpose of revising the City Code relating to the sale and regulation of alcoholic beverages;

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF WAYNESBORO, GEORGIA, AS FOLLOWS:

Section No. 1. Amendment of City Code Chapter 10 – Alcoholic Beverages.

Chapter 10 of the Code of the City of Waynesboro is hereby amended as follows:

**“Chapter 10
ALCOHOLIC BEVERAGES**

ARTICLE I. – IN GENERAL

Sec. 10-1. – Definitions.

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

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

Alcoholic beverage includes all alcohol, distilled spirits, malt beverages, wine, or fortified wine as defined in this section.

Beer means any malt beverage.

Brown Bagging means the act of a patron or patrons entering any private club, tavern, lodge, meeting room, restaurant, music hall, theatre, bowling alley, or any other establishment providing food, entertainment, or recreation in the normal course of business and bringing in and consuming the patrons' own alcoholic beverages.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume, including, but not limited to, all fortified wines.

Fortified wine means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. Fortified wine includes, but is not limited to, brandy.

License means the authorization granted by the board to engage in the sale of alcoholic beverages in a specified manner for a calendar year, or the remaining portion of the year.

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

Licensed dealer means any business or person who has met all requirements of this chapter and has applied for and received a license to sell alcoholic beverages.

Licensed Premises means not only the room wherein alcohol beverages are sold or served, but also the entire building in which such room is located. However, no more than one building shall be deemed the "licensed premises" for a single license, regardless of whether an adjacent building may be connected to the "licensed premises" by a sidewalk, breezeway, enclosed walkway, or any other means of passage from one building to another.

Liter means metric measurement as currently used by the United States.

Malt beverage 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. Malt beverage shall include ale, porter, brown, stout, lager beer, malt beer, strong beer and hard cider. Malt beverage does not include sake (Japanese rice wine).

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

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;
- (2) In the case of malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

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

Person in control means an owner of the premises, holder of a security interest in the majority of the assets of a business applicant, a stock or other equity interest holder of ten percent or more of any corporate stock or other equity interest in a business applicant.

Restaurant means any public establishment kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served. Said establishment must contain an adequate and sanitary full-service kitchen and related equipment including a three-compartment pot sink, a stove or grill permanently installed, a refrigerator and a dining room. All kitchen facilities and equipment must be approved by the county health department and city building inspector. The establishment must employ a sufficient number and kind of employees to prepare, cook, and serve suitable food for its customers. A restaurant must have a complete place setting of metal cutlery and dishware in regular use for a minimum of 30 people. A restaurant shall have the ability to seat a minimum of 30 customers at one time and shall have a minimum occupancy of at least 30 people as calculated by the city building inspector or state fire marshal according to the Life Safety Code (NFPA 101). A restaurant shall derive at least 60 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. A restaurant must also be able to obtain and maintain a food service permit from the county health department, an occupation tax certificate from the city and a regulatory fee permit from the city.

Retail dealer means any business or person who sells alcoholic beverages "by the package" in unopened containers, at retail only, to customers for off-premises consumption.

School building or *educational building* means only state, county, city, or church school buildings and such buildings at 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 by O.C.G.A. § 20-2-690(b).

Wholesaler means any business or person who sells alcoholic beverages to other wholesale dealers or licensed dealers.

Wine means any beverage containing not more than 24 percent alcohol by volume made from fruits, berries, grapes or similar products by natural fermentation. The term "wine" does not include cooking wine (wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage) or fortified wine."

10-2.- Sale without permit or license prohibited.

It shall be unlawful for any person to manufacture, sell or possess for the purpose of sale, any alcoholic beverages where such person does not have a license or permit from the city to sell or possess for sale such beverages.”

Sec. 10-3. –Establishments eligible.

With the exception of temporary permits issued to bona fide charitable or nonprofit organizations:

- (1) Malt beverages, distilled spirits, and wine may be sold by licensed dealers who meet the requirements of this chapter.
- (2) Malt beverages, distilled spirits, and wine may be sold in restaurants. Establishments must meet the definition of restaurant in section 10-1 of this chapter, and all other qualifications and requirements outlined in this chapter and be approved by council to be considered a restaurant eligible to serve malt beverages, distilled spirits and wine.”

Sec. 10-4. – Public drunkenness and drinking in public.

It shall be unlawful or any person to be drunk or to drink or consume or possess an open container of any alcoholic beverage on any sidewalk, street, road, alleyway, right-of-way, commercial parking lot or any other public place within the corporate limits of the city. Provided that open containers may be permitted in the council's discretion within specific limits, imposed upon temporary permits granted to charitable or nonprofit organizations pursuant to section 10-31.

Sec. 10-5. – Delivery of illegal sale.

It shall be unlawful for any person to send or bring within the corporate limits of the city any of the beverages enumerated in section 10-1 for the purpose of delivery to a buyer or to any other person in pursuance of any illegal sale of such beverages in the city.

Sec. 10-6. – Compliance with chapter prerequisite to selling.

It shall be unlawful for any person to sell at wholesale or retail within the corporate limits of the city any alcoholic beverage until and unless such person shall have complied with this chapter.

Sec. 10-7. – Sale subject to conditions; license constitutes a privilege.

- (a) Alcoholic beverages may only be sold in the city under a license granted by the city council upon the terms and conditions hereafter provided.
- (b) All licenses shall be a mere grant or privilege to carry on the business during the term of the license subject to all terms and conditions imposed by city ordinances and state law.

- (c) All licenses hereunder shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled, and is subject to any future ordinances which may be enacted."

Sec. 10-8. Hours and days of sale and operation.

- (a) Licensed dealers engaging in the sale of alcohol beverages by the drink for on-premises consumption are authorized to sell alcoholic beverages during the following periods:
 - (1) Mondays through Fridays from 7:00 a.m. to 1:00 a.m.;
 - (2) Saturdays from 7:00 a.m. to 1:00 a.m. on Sunday;
 - (3) Sundays from 12:00 p.m. to 12:00 midnight.
- (b) Alcoholic beverages shall not be served or consumed on the premises of licensed dealers authorized to sell alcoholic beverages for on-premises consumption after 1:30 a.m.
- (c) Licensed dealers engaging in the sale of beer and wine by the package for off-premises consumption are authorized to sell alcoholic beverages during the following periods:
 - (1) Monday through Friday from 7:00 a.m. to 1:00 a.m.;
 - (2) Saturdays from 7:00 a.m. to 11:55 p.m.;
 - (3) Sundays from 12:30 p.m. to 11:30 p.m.
- (d) Licensed dealers engaging in the sale of retail package distilled spirits (liquor store) are authorized during the following periods:
 - (1) Monday through Thursday from 8:00 a.m. to 10:00 p.m.
 - (2) Friday through Saturday from 8:00 a.m. to 11:00 p.m.
 - (3) Sundays from 12:30 p.m. to 10:00 p.m.
- (e) The sale of alcohol beverages on any election day is authorized; provided, however, no alcoholic beverages shall be sold on primary or elections days within two-hundred fifty feet (250) feet of any polling place or the outer edge of any building within which such polling place is established.
- (f) No alcohol sales of any type are to take place on Christmas Day and Thanksgiving Day."

Sec. 10-9. – License for Retail Sales of Distilled Spirits.

- (a) In addition to the requirements of this chapter, a license for the retail sale of package distilled spirits upon the terms and conditions provided in this chapter shall be granted as a special use by the City Council and Mayor after public hearing and evidenced by a written approval executed by the majority of the members of the city council. Upon the compliance with the foregoing provision and at the direction of the city council, the license shall be issued.
- (b) No distilled spirits by the package shall be sold at retail except in:

- a. Retail establishments devoted exclusively to the retail sale of distilled spirits by the package; or
- b. Retail establishments in which space has been set aside, devoted exclusively to the retail of distilled spirits by the package, with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building which the facility is located.”

Sec. 10-10. – Licensee to maintain copy of chapter and familiarity with chapter.

Each dealer licensed under this chapter shall keep a copy of this chapter in the licensed premises and shall instruct any person working there with respect to the terms of this chapter. Each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with and abide by the terms of this chapter. The licensee shall be responsible for any acts of agents or employees which are in violation of this chapter or of the laws of the state or the rules and regulations of the state revenue commissioner.

Sec. 10-11. – Private clubs prohibited.

Private clubs are prohibited from selling alcoholic beverages within the corporate limits of the city.

Sec. 10-12.- Other prohibited acts.

The following acts or activities are prohibited:

- (1) The sale of alcohol to individuals that may be intoxicated is prohibited.
- (2) The sale of alcoholic beverages to a person under 21 years of age is prohibited.
- (3) Permitting on the licensed premises any disorderly conduct, breach of peace, or any lewd entertainment, conduct or practice is prohibited.
- (4) The sale of distilled spirits, beer or wine upon the licensed premises or to permit distilled spirits, beer or wine to be consumed thereon on any day or at any time when such sale or consumption is restricted by this chapter is prohibited.
- (5) The sale, offer for sale, possession or permitting the consumption on the licensed premises of any kind of alcoholic liquor, the sale or possession of which is not authorized under a properly issued license is prohibited.
- (6) No licensed dealer in the city shall accept delivery of any alcoholic beverage or make any purchase of alcoholic beverages except from a wholesaler having a permit from the city to make deliveries in the city, and no retail dealer shall purchase or accept delivery of any beer or wine without making full payment to the wholesale dealer of the amount of excise tax provided in this article.

- (7) No licensed dealer shall store or maintain an inventory of alcoholic beverages at a location other than the licensed place of business. Inventories stored at other locations other than the licensed location are prohibited.
- (8) "Brown bagging" or bringing alcohol beverages into a licensed establishment by patrons is prohibited.
- (9) No alcoholic beverages may be sold or served in taxicabs, limousines or other types of paid transportation services.
- (10) No licensed dealer shall permit an employee or agent under 18 years of age to dispense, mix, prepare, serve, deliver, or sell any alcohol beverage. Employee or agents of the licensed dealer; under the age of 18 years, may take orders from customers for alcoholic beverages but may not deliver or serve alcoholic beverages to customers. Persons younger than 18 years of age may sell alcoholic beverages at grocery stores and convenience stores provided that consumption will take place off-premises.
- (11) Persons holding a license to sell distilled spirits for consumption on-premises shall not be permitted to sell distilled spirits by the package or bottle.
- (12) Persons holding a license to sell distilled spirits by the package or bottle shall not allow on-premise consumption and are prohibited from hosting or having any tasting events."

Sec. 10-13- Certain promotions and practices prohibited.

- (a) No licensed dealer, his employees or agents, in connection with the sale of alcoholic beverages, shall:
 - (1) Offer or deliver any free alcoholic beverage to any person;
 - (2) Deliver more than one alcoholic beverage to one person at a time;
 - (3) Sell, offer to sell, furnish or cause to be furnished to any person an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public;
 - (4) Increase the volume of alcohol contained in a drink without proportionately increasing the price charged for such alcoholic beverage;
 - (5) Encourage or permit on the premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize; and
 - (6) Sell, offer to sell, furnish or cause to be furnished any alcoholic beverages for a price less than the wholesale cost to the licensee.
- (b) No licensed dealer shall advertise or promote in any way, whether within or outside of the licensed premises, any of the acts or practices prohibited under this section.
- (c) Nothing in this section shall be construed to prohibit licensed dealers from offering free food or entertainment at any time, or to prohibit the licensed dealer from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe, or the sale of malt beverages by the pitcher or bucket.

- (d) Nothing in this section shall be construed to prohibit licensed dealers from advertising and promoting "happy hour", "drink specials", or other similar type events or occurrences through media and interior or exterior signage.

Sec. 10-14 – 10-20. – Reserved.

ARTICLE II. – APPLICATION, LICENSES AND PERMITS

Sec. 10-21. - Qualifications and requirements to apply.

- (a) The person receiving a license for the sale of alcoholic beverages must be a person of good moral character and a citizen or a legal resident alien of the United States.
- (b) The licensee shall not have been convicted, within ten years of the date of the application, of a felony or any violation of the laws of the state or any other state or the laws of the city or any other city relating to the sale of intoxicating or alcoholic beverages or any other type of illegal drugs or controlled substances.
- (c) The licensee shall not have had revoked, for cause, such as a violation of regulations or improper operation, within three years next preceding the application, any license issued to such person by the city, the state, or any other state to sell alcoholic beverages of any kind.
- (d) The licensee shall be the owner of the premises for which the license is held or the holder of a lease thereon.
- (e) The licensee shall be solely responsible for the management and operation of the business for which the license is granted.
- (f) If the application covers a partnership, all members of the partnership must meet the qualifications of this section to obtain a license.
- (g) If the applicant is a corporation or limited liability company (LLC), any officers, manager, directors or persons in control of the corporation or LLC and the persons who shall conduct or manage the licensed premises shall possess all qualifications required in this section for a license.
- (h) The applicant for a license under this article shall make a sworn statement of his qualifications in accordance with the provisions of this article and shall place such statements on file with the city manager upon application.
- (i) All applicants must be able to show financial responsibility and may be required to furnish records as requested by the city manager.
- (j) The city shall make such investigation of the qualification of each applicant for a license under this article as it may deem necessary. Applicants may be required to furnish any type of documentation requested as proof of these requirements.

- (k) Applicants must be at least 21 years of age.
- (l) No city official (or that person's spouse or minor children), employee (or that person's spouse or minor children) to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.
- (m) A person or entity is prohibited from obtaining more than one retail package license for distilled spirits (liquor) for off-premise consumption in the City. In this section, the term "person" shall include all members of the licensee's family including any persons related to the licensee within the first degree of consanguinity of affinity as computed by state law and related by marriage. The term "entity" shall include any corporation, limited liability company, partnership, or other business.

Sec. 10-22. – Application.

Any person desiring to carry on the business of selling alcoholic beverages in the city shall file an application with the city manager, stating the following:

- (1) The name, date of birth, street address and mailing address of the applicant.
- (2) Whether the license is to be used in a business which is an individual proprietorship, partnership, corporation or trade name. If a corporation, the application shall include the names, dates of birth and addresses of all shareholders owning ten percent or more of any type of corporate stock, directors, officers and persons in control. If a partnership, the application shall state the name, date of birth and addresses of all partners therein. If a trade name or individual, the application shall also state the name, date of birth and addresses of all owners or parties having an interest therein. The application shall also state the names of all persons holding any note, mortgage, or bill of sale to secure debt against the business.
- (3) The location at which the establishment is to be conducted, and a description of the building in which the business is to be conducted, indicating the size and type of construction.
- (4) Whether the applicant or any partner, shareholder, director, officer, owner or real party in interest has been convicted during the last ten years of any felony, misdemeanor or a violation of any municipal ordinance (other than non-DUI related traffic offenses) in any state, county or municipality or federal court, and the particulars of such conviction.
- (5) The prior business and residential address(es) of the applicant for the past ten years.
- (6) Names and addresses of three persons who have known the applicant (or shareholders, directors, officers, agents thereof) for the past five years.
- (7) Whether the applicant or any shareholder, officer, director or other persons connected therewith holds or has held any malt beverage, wine or distilled spirits license in the state at any time prior to the application, and the particulars thereof.

- (8) The name and address of the person who will manage the establishment or be responsible for its operation.
- (9) Such other information as the city manager or other city authority may require, either initially, at any time during the consideration of the application, or at any time thereafter.
- (10) The application shall be accompanied by a scale drawing or a plat prepared by a registered surveyor 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, government buildings, public parks or public playgrounds within 100 yards of the proposed location.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) Applicants applying for a license to sell malt beverages or wine must submit to a criminal background check. Applicants applying for a license to sell distilled spirits must allow two complete sets of fingerprints to be taken and forwarded to the GBI and FBI for background check into criminal activity of the applicant.
 - a. *Authority.* This subsection is enacted pursuant to O.C.G.A. § 35-3-35(a)(1.2).
 - b. *Fingerprinting required.* An individual seeking to receive a license to sell distilled spirits shall be fingerprinted as a condition of submitting an application for said license. By filing such application, the applicant consents to the city obtaining their criminal history record information (CHRI) from the Georgia Crime Information Center (GCIC) and the Federal Bureau of Investigation (FBI).
 - c. *Access authorized; usage regulations.* The city is hereby authorized to access national criminal history record information pursuant to O.C.G.A. § 35-3-35(a)(1.2).
 - (i) Information obtained and handled for any purposes pursuant to this subsection shall comply with all Georgia laws and the Federal Privacy Act.
 - (ii) No information given as part of the request for a criminal history and no record obtained pursuant to this section may be entered on any database.
 - (iii) No information given or obtained pursuant to this section shall be subject to the provisions of the Open Records Act.
 - d. *Administration; fees; procedures.*
 - (i) Applicant shall provide his/her fingerprints, which may be taken by the City of Waynesboro Police Department or may be taken by the Burke County Sheriff's Office.

- (ii) The applicant shall bear the cost of:
1. Fingerprinting if carried out by the Burke County Sheriff's Office;
 2. The charge by the GBI and the FBI for the CHRI history at their latest rate, paid to the city by certified or cashier's check or money order; and
 3. An administrative fee allowed by statute to be charged by the city, which shall be the maximum allowed by statute, which is currently \$20.00, which fee shall include fingerprinting when carried out by the City of Waynesboro Police Department.
- (iii) Upon receipt of the fingerprints and the appropriate fees, the city will transmit said fingerprints and appropriate fees (unless a satisfactory billing arrangement has been entered into between the City of Waynesboro Police Department and the GCIC and/or FBI) to the GCIC. As provided by law, the GCIC will compare the subject's fingerprints against its criminal file and submit the fingerprints to the FBI for a comparison with nation-wide records, unless submission to the FBI is automatic pursuant to the use of live-scan. The results of the FBI check will be returned based on its current procedure, presently being directed to the City of Waynesboro Police Department if submissions are made manually to the GCIC, or electronically from both the GBI and FBI where submissions are made electronically to the GCIC.
- (iv) In compliance with Public Law 92-544, which provides for the rendering of a "fitness determination", the city will decide whether the record applicant has been convicted of, or is under pending indictment for enumerated disqualifiers, as set forth in this chapter.
- (v) A person who has consented to the city for a criminal history based on fingerprinting record may request and receive a copy of the criminal history record report from the city at no additional charge. Should the person seek to amend or correct the record, he or she shall be responsible for contacting the GCIC as to Georgia records and/or the FBI concerning records from other jurisdictions maintained in its file.

(15) Upon the application of a new license for the package sale of distilled spirits, as opposed to an application of a renewal of an existing license, the applicant must show public notice of the application as follows: notice of application to sell distilled spirits at retail shall be advertised in the official gazette of the City, once a week for three consecutive weeks in the thirty (30) days immediately preceding the meeting of the City Council at which the application is to be considered. The notice shall be published using a form provided by the City Manager. The City will cause the notice to be posted, but the applicant shall be responsible for the costs and expenses incurred in such publication.

- a. In addition, 30 days prior to the hearing on the application, the City shall cause to be posted in a prominent position (where it can be readily read from the road) on the premises cited in the application a sign stating: "Notice is hereby given that the owner of this establishment will apply to the City of Waynesboro for a

license for the sale of alcoholic beverages (for consumption or by the package, depending on the application applied for) on the premises in thirty (30) days after the posting of this Notice.” The notice will contain the date posted. The sign shall measure not less than 2 ½ feet with letters of a minimum size of two inches. Any costs or expenses of the sign and its posting shall be the responsibility of the applicant.

- (16) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (17) Failure of the applicant to pay the applicable fees and costs provided for in this section will result in the denial of the application until all fees are paid in full.”

Sec. 10-23. —Processing of application.

- (a) Upon filing of the application, it shall be the duty of the city manager to investigate the facts as set out in the application, and to determine whether such person is qualified to hold a license to carry on such business. Following investigation, the city manager shall make a recommendation to council concerning the applicant's qualifications and eligibility. Council will make the decision to grant the license or to reject the application. Consideration for property is to be reviewed for the particular license sought by the applicant and Council shall consider all relevant circumstances of the proposed location, including, but not limited to, traffic conditions, the character of the neighborhood, location of public parks and/or public playgrounds, type of license applied for, premises involved, need and availability of police protection and supervision, concerns and feelings of residents in surrounding areas, as well as past history and conduct of any applicant, as well as the past history and conduct of activities conducted on the premises sought to be licensed and the past history and conduct of activities since the issuance of any previous alcohol license.
- (b) If the council comes to the conclusion that it will not be for the best interest of the social, moral, or business life of the city to grant such license, or that the character or reputation of the person or group applying is such that it would not be for the best interest of the city to grant a license, or for any reason within its knowledge and in its discretion, the council shall mark on the application the word "disapproved," which application so marked shall be returned to the city manager with instructions not to grant such license. If, however, the council decides to grant such license, it shall mark the application "approved," and return it to the city manager, who shall issue such license within two business days of approval. The city manager and council may take as much time as they deem necessary to investigate and approve or deny an application.
- (c) Each application provided for in this article shall be considered and passed upon by the City Council in regular or special sessions, legally assembled. At the time the application is presented to the City Council or its designated committee, the applicant may appear and present any matters in support of the application. Additionally, any other person may appear and present matters in opposition to the application. Upon hearing all of the presentations, the City Council shall take action denying or granting the application or deferring the action for a period not to exceed forty-five (45) days in order to obtain further

information. If the application is denied, the City Council shall set forth, in reasonable detail, the reasons for the denial.”

Sec. 10-24. - Appeal of denial.

If any person is refused a license, such person may appeal the decision of the council, in writing, by either separate instrument or endorsing on the back of such application, "I appeal to the Mayor and Council of the City of Waynesboro the decision refusing to issue the license herein applied for." In the event of such appeal, the city manager shall file the appeal with the mayor and council for a hearing at a public meeting of such body, at which time it shall be the duty of council to hear and determine the appeal. At the appeal hearing, the applicant shall have the right to appear in person or by counsel and offer evidence and be heard. After the hearing, if the mayor and council determine that the applicant is entitled to a license under the terms of this chapter, the appeal of the applicant shall be sustained, and the city manager shall be instructed to issue the license as applied for. If the mayor and council affirm the earlier decision to deny the issuance of the license to the applicant, the applicant shall be notified in writing of the council's decision to affirm the earlier decision, which decision shall be final.

Sec. 10-25. — Licenses.

Alcoholic beverages licenses are only valid from the time of approval until December 31 of that year. Renewals are valid after receipt of a license to December 31. The following types of licenses are available upon approval of the city council:

- 1) Malt beverages and wine, wholesale.
- 2) Malt beverages and wine (retail sales) for consumption on premises.
- 3) Malt beverages, wine, retail sales (package sales), for consumption off premises.
- 4) Distilled spirits, malt beverages, and wine wholesale.
- 5) Distilled spirits, malt beverages, and wine (retail sales) for consumption on premises.
- 6) Distilled spirits, malt beverages, and wine (package sales) for consumption off premises.
- 7) Food caterer, for consumption off-premises (must first hold a license for consumption on-premises).”

Sec. 10-26. – Display.

The license issued under this article shall be posted in a conspicuous place in the permitted establishment in full view of the public.

Sec. 10-27.- Grounds for suspension or revocation.

- (a) No person shall engage in the sale of alcoholic beverages in the city without first complying with the rules and requirements set out in this chapter. Any license issued under this article shall be subject to suspension or revocation upon any of the following grounds:

- (1) The making of any statement and application for a license which shall be later found to be false shall constitute grounds for revocation of such license.
 - (2) All licenses are conditioned upon faithful compliance with the rules and regulations set out in this chapter and the laws and regulations of the United States, the State of Georgia and the city.
 - (3) Whenever it can be shown that a licensee no longer maintains adequate financial responsibility upon which issuance of the license was conditioned or whenever the licensee has defaulted in any obligation, of any kind whatsoever, lawfully owing to the city, the license shall be suspended or revoked. This includes the failure to pay property taxes, occupation taxes, regulatory fees and/or utilities.
 - (4) Suspension or revocation of a state retail dealers' license shall automatically operate to suspend or revoke any license issued under this article.
 - (5) 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.
 - (6) Failure to obtain and maintain a food service permit from the county health department is grounds for automatic suspension of an on-premises consumption license that includes the sale of distilled spirits.
 - (7) Failure to obtain a state retail dealers' license is grounds for automatic suspension or revocation of a license.
 - (8) Failing to comply with any requirements of this chapter is grounds for suspension or revocation of a license.
 - (9) Any recurrent breaches of peace, disturbances or altercations occurring on the licensed premises or the failure of the licensee or his employees promptly to report to the Waynesboro Police Department any violation of the laws or ordinances governing the licensing and the sale of Alcoholic Beverages.
- (b) Any action taken by the mayor and council to suspend or revoke a license issued under this article shall not preclude and may be in addition to any criminal prosecution by the proper authority as provided by the laws and ordinances of the city, the mayor and council to suspend or revoke any license issued under this article, the mayor and council shall provide written notice to the licensee of the action taken and stating the reasons therefore. The licensee shall have 15 days following notification of such action to request a hearing before the mayor and council. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.
- (c) A license may be immediately suspended for cause by the city police chief on a temporary basis until the next regular council meeting when council shall hear the reasons for suspension and take permanent action at that time.”

Sec. 10-28.- Transferability.

- (a) No alcoholic beverage license issued under this article shall be transferable or assignable to any other person or location. If a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the city manager. Such businesses

shall not be permitted to sell alcoholic beverages until the new owners have applied for and received a new license.

- (b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death, or until expiration of the license, or until approval of a new licensee, whichever shall first occur; provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for authorization with the City Council.
- (c) If a license is surrendered, or a licensee severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender or from the date of severance, provided no such sale shall be authorized until such time as a new application for a license is made, such application indicating that no change of ownership has occurred, except as expected in this section. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (d) Any change in ownership of the business shall cancel and revoke any licensed issued pursuant to this article automatically, without the necessity of any hearing.
- (e) Any violation of this section shall result in revocation of the license being used, and a fine on the new ownership and the old ownership of \$500.00. No license will be issued to the old or the new owner in the City for one year from the date of violation.”

Sec. 10-29. – Annual retail renewal fee.

All alcoholic beverage license holders, after holding a license for one year or through the end of the license year in which the license is issued, shall pay to the city the annual renewal fee to renew their license for a period of one calendar year.

Sec. 10-30. – Audits.

The city manager or their designee shall have the authority to conduct an audit of the books and records of any licensee to ensure licensee’s compliance with the provisions of this chapter. In such event, the city manager shall notify the licensee of the date, time and place of audit.

Sec. 10-31.- Temporary permits for charitable organizations authorized.

- (a) Bona fide charitable and nonprofit organizations desiring to sell alcoholic beverages may apply, on forms furnished by the city manager, for a permit authorizing the organization to sell alcoholic beverages for consumption only on the designated premises for a period not to exceed five days. Applications for such temporary permit 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 whereupon a permit will be issued by the city conditioned upon the applicant's obtaining a like permit from the

state department of revenue, alcohol and tobacco tax unit as well as the other requirements in section 10-22 pertaining to application requirements. Following the issuance of the conditional permit from the city as contemplated hereunder, the applicant shall apply for a permit for such sale from the state department of revenue, alcohol and tobacco tax unit, under the provisions of O.C.G.A. § 3-9-3. The permit issued by the city as contemplated hereunder shall not be effective until such time as a permit has been obtained by the applicant from the state department of revenue, alcohol and tobacco tax unit. This application shall be submitted to council for approval in accordance with section 10-23.

- (b) There shall be an application fee of \$50.00 for the permit issued by the city. No license fee shall be charged.
- (c) Unless otherwise provided, charitable and nonprofit organizations authorized by council to receive a temporary alcoholic beverage license must comply with all other provisions of this chapter and state law.

Sec. 10-32. – Change in Business Ownership.

- (1) If a licensee withdraws from, sells, or otherwise transfers the licensee’s interest in the licensed business, the licensee shall immediately notify City Council and surrender the license.
- (2) In the case of such a withdrawal, transfer, or sale, a new application shall be made for a new license.”

Sec. 10-33. – Automatic license forfeiture for nonuse.

Any holder of any license issued pursuant to this article who shall for a period of three (3) consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the three (3) month period, automatically forfeit the license without the necessity of any further action.”

Secs. 10-34 – 10-40. – Reserved.

ARTICLE III. – FEES, TAXES AND REPORTS

Sec. 10-41. – Application fees.

An application fee for alcoholic beverages will be payable upon application by cash or certified check for the purpose of as follows:

- 1) Malt beverages and wine: \$100.00
- 2) Distilled spirits, malt beverages and wine: \$200.00
- 3) Alcoholic beverage caterer: \$100.00
- 4) Package sales for Distilled Spirits: \$300.00.

The application fee will not be refunded to the applicant if the application is denied or for any other circumstances. Application fees will not be prorated.”

Sec. 10-42. — License Fees.

A license fee for alcoholic beverages will be payable upon application by cash or certified check and at annual renewal as follows:

- 1) Malt beverages and wine, wholesale: \$600.00
- 2) Malt beverages and wine, retail sales, for consumption on premises: \$500.00
- 3) Malt beverages and wine, retail sales, package sales, for consumption off premises: \$500.00
- 4) Distilled spirits, malt beverages, and wine, wholesale: \$3,000.00
- 5) Distilled spirits, malt beverages and wine, restaurants only: \$2,000.00
- 6) Distilled spirits, retail sales, package sales, for consumption off premises: \$3,000.00
- 7) Alcoholic beverage caterer, for consumption off-premises: \$500.00

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

Sec. 10-43. – Excise Taxes.

The excise tax provided for in this section shall be in addition to any license fees, tax or charge which may be imposed upon the business of selling alcoholic beverages, at retail or wholesale, within the corporate limits of the city. Interest shall accrue on late payments at a rate equal to the then rate charged by the Internal Revenue Service on delinquent income taxes. There is hereby levied and imposed upon all dealers selling alcoholic beverages within the city a specific tax that shall be reported and paid to the city on or before the tenth day of month for the previous month as follows:

(1) Malt Beverages:

- a. In bulk containers of not more than 15.5 gallons to be paid by wholesalers at a rate of \$6.00 per container.
- b. In bottles, cans or other containers at a rate of \$0.05 per 12 ounces.

(2) Wine: First sale by package at a rate of \$0.22 per liter.

(3) Distilled Spirits:

- a. Sales by the drink paid by retailers at a rate three percent per charge to public. Dealers collecting the tax are authorized to deduct three percent of the tax due and accounted for in the form of deduction in submitting, reporting and paying the amount due provided that the amount is not delinquent at the time of payment under the formula prescribed in O.C.G.A. § 48-8-50.
- b. Sales of distilled spirits by wholesalers to retail consumption dealers and retails package dealers shall be a rate of \$0.22 per liter, including a proportionate amount calculated at the same rate on all fractional parts of a liter.”

Sec. 10-44. – Reports

Each wholesaler selling alcoholic beverages within the city shall file a report by the 20th day of each month with the payment of the excise taxes showing for the preceding calendar month the exact quantities of each type of alcoholic beverage, by size and type of container, constituting a beginning and ending inventory for the month, sold within the city for each licensed dealer. Forms and or sample forms may be furnished by the city manager to insure the proper collection of information. Licensed dealers of distilled spirits must furnish copies of their sales tax and excise tax reports as submitted to the state department of revenue with payments by the 20th of each month for the preceding month. Other forms or reports may be required of licensed dealers upon written notice of the city.

Sec. 10-45—10-50. – Reserved

ARTICLE IV.- PREMISES

Sec. 10-51.- Premises.

- (a) No license for the sale of alcoholic beverages shall be issued to any person unless the building in which the business will be located is complete, and unless detailed plans of such building and outside premises are attached to the application and for a new building unless proposed plans and specifications and a building permit for a proposed building to be built or renovated are attached to the application. The completed building or the proposed building shall comply with city ordinances, regulations of the state revenue commissioner and the laws of the state. The proposed building shall also be subject to final inspection and approval by the building inspector when completed. Existing buildings and establishments must be brought up to current standards in compliance with city ordinances. Each such building shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all of the outside premises of such building. Each applicant for a 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. A separate license shall be required for each place of business.
- (b) In a package sales business, no screen, blind, curtain, partition, article or thing shall be permitted in the window or upon the doors of such licensed premises which shall prevent a clear view into the interior of such premises from the street or road at all times. No booth, screen, partition, or other obstruction shall be permitted within the interior of such packaged licensed premises.

Sec. 10-52.- Use of open areas, patios and decks.

Consumption or sale of alcoholic beverages in open areas or on decks or patios is not permitted unless an establishment holding a license for consumption on the premises complies with the following regulations:

- (1) The open area, patio or deck must be enclosed in a manner that directs ingress and egress by the public through a single entrance, which entrance shall be under the control of the licensee. If an emergency exit is required, it must also be under the control of the licensee.
- (2) The open area, patio or deck shall be enclosed by a structure at least 42 inches in height as measured from the floor of the open area, patio or deck. Such structure must meet all building code requirements of the city.
- (3) Any license holder desiring to obtain approval for open area, patio or deck sales must submit to the city building inspector a complete set of plans before approval for such sales may be granted. All plans and final construction pursuant to such plans shall meet the requirements of this chapter, the health code, the fire code and any other codes applicable to such structures. A written approval from the city building inspector, county health department and city fire department must be provided to the city before approval of any open area, patio or deck sales.
- (4) Any structure or area set aside for open area, patio or deck sales shall not contain a number of square feet that represents an amount greater than 40 percent of the square footage of the existing seating area of the establishment.
- (5) Loudspeakers or other amplifiers of sound shall not be permitted on open areas, patios or decks.

Sec. 10-53.- Distance Requirements.

- (a) No person or business may, knowingly or intentionally, sell or offer to sell distilled spirits within 100 yards of any church building, government owned alcohol treatment center, housing authority property, or within 200 yards of any school building, educational building, school grounds or college campus. No person or business may knowingly or intentionally sell or offer to sell malt beverages or wine within 100 yards of any school building, education building, school grounds, or college campus.
- (b) A new retail package liquor license place of business engaged in the retail sale of liquor for consumption off-premises will not be authorized if it is within five-hundred (500) yards of an existing business engaged in the retail package sales of Distilled Spirits. The restriction of this subsection shall not apply to any location for which a new license is applied for if the sale of distilled spirits was lawful at such location at any time during the twelve (12) months immediately preceding such application.
- (c) No license shall be issued under this Chapter for any location or premises not in conformity with the distance requirements contained in this section.

- (d) No person or business may, knowingly or intentionally, sell or offer to sell, alcoholic beverages within 250 feet of any polling place on election days.
- (e) After issuance of a license, no change in the location of the building or walls can be made that affects distance requirements so that the distance requirement would not be satisfied as a result of the change. The distance requirements must be met at all times during the term of the license.
- (f) The term "school building" referred to in this section shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subject commonly taught in the common schools and colleges of this state. The term "school building" includes only those structures in which instruction is offered.
- (g) The term "church building" as used in this section shall mean the main structure used by any religious organization for purposes of worship.
- (h) Each application for alcoholic beverage license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church building, school building, school grounds, college campus, housing authority property or government-owned alcoholic treatment center or certificate of a registered surveyor or other means approved by the city manager that such location complies with this section.
- (i) For purposes of this section, distance shall be measured by the most direct route of travel on the ground from the front door of the structure selling the alcohol beverages to the front door of the structure of a church, public park, public playground, government-owned treatment center, or retail package store, but in the case of schools, it is to the nearest property line of the property being used as a school or for educational purposes."

Sec. 10-54.- Place of sale or delivery of goods.

- (a) Notwithstanding any other provision of law, a packaged goods retailer may deliver malt beverages and wine in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale to an address designated by such individual, subject to the following terms and conditions:
 - (1) The individual making the purchase shall, prior to ordering and purchasing malt beverages and wine for delivery, establish an account maintained by the packaged goods retailer that shall be available for inspection by Mayor and/or City Council;
 - (2) The packaged goods retailer or employee shall process all payments made by the individual who is transacting the purchase with the packaged goods retailer prior to the malt beverages and wine leaving such packaged goods retailer's licensed premises for delivery;

- (3) The packaged goods retailer, employee, or third party shall assemble, package, and fulfill each order at the licensed premises of the packaged goods retailer from inventory located at such licensed premises and shall not pull from the inventory of any other person, including another retailer or licensed premises;
- (4) All beer, malt beverages and wine that leave the licensed premises of the packaged goods retailer for delivery shall:
 - a. Remain in the possession of the individual, either the packaged goods retailer, the employee, or the third party, that removed it from the licensed premises for delivery and shall not be transferred to any other person until the time of delivery in compliance with the requirements of this subsection or until the time of the return to the packaged goods retailer if delivery is not made;
 - b. Only be transported in a vehicle or other transportation device containing products or goods traveling in intrastate commerce for delivery in the local licensing jurisdiction of the licensed premises of such packaged goods retailer; and
 - c. Not be carried, commingled, or stored with, or transported in any vehicle or other transportation device containing, products or goods traveling in interstate commerce for delivery;
- (5) Delivery shall be made by the packaged goods retailer, employee, or third party who:
 - a. Is at least 21 years of age;
 - b. Has a valid Georgia driver's license;
 - c. Has undergone within the last 12 months a background check that includes a local and national criminal history and driving records and:
 - (i) Has not had more than three moving violations in the prior three-year period;
 - (ii) Has not had a major traffic violation, as such term is defined in Code Section 40-5-142, in the prior three-year period;
 - (iii) Has not been convicted within the past seven years of driving under the influence of drugs or alcohol;
 - (iv) Has not been convicted at any time of fraud, a sexual offense, the use of a motor vehicle to commit a felony, a crime involving property damage, a crime involving theft, a crime involving an act of violence, or a crime involving an act of terror; and
 - (v) Does not have a match on the National Sex Offender Registry data base;
 - d. Has undergone training approved by the department on sales and delivery of malt beverages and wine in this state;
 - e. Shall not possess or handle as part of or during the delivery forms of compensation that are used to purchase or transact the sale of malt beverages and wine;
 - f. Does not receive compensation based upon whether an attempted delivery results in a completed transaction; and

- g. At all times during which the malt beverages and wine to be delivered are in the vehicle, transportation device, possession, or care of such packaged goods retailer, employee, or third party, shall not also have in his or her vehicle, transportation device, possession, or care any products or goods traveling in interstate commerce;
- (6) Delivery shall be made by the packaged goods retailer, employee, or third party to an individual who is at least 21 years of age and presents proper identification verifying the age of such individual;
 - (7) At the time of delivery, the packaged goods retailer, employee, or third party shall verify the identity and age of the individual accepting delivery by validating the proper identification of the individual accepting delivery in person and obtaining his or her signature on a written or electronic acknowledgment of receipt of the order and certification of legal age to purchase malt beverages and wine. The packaged goods retailer, employee, or third party shall scan or otherwise verify the proper identification of the individual accepting delivery at the time of delivery and shall retain a record of such individual's name and date of birth that shall be available for inspection upon request for a minimum of three years;
 - (8) The packaged goods retailer, employee, or third party conducting the delivery shall refuse to make the delivery if:
 - a. No individual is visibly present and available at the address to accept delivery; or
 - b. The individual visibly present and available attempting to accept the delivery:
 - (i) Has not had more than three moving violations in the prior three-year period;
 - (ii) Is less than 21 years of age;
 - (iii) Fails to produce proper identification verifying his or her age;
 - (iv) Fails to provide a signature that matches such proper identification; or
 - (v) Is noticeably intoxicated.
 - (9) All deliveries shall be inspected at the time of delivery by the individual accepting such delivery. The transaction shall be deemed complete upon acceptance of delivery of the malt beverages and wine, and all sales shall be final;
 - (10) The delivery address shall be located within the local licensing jurisdiction of the packaged goods retailer;
 - (11) The delivery shall take place only during the lawful times when beer, malt beverages and wine can be sold by the packaged goods retailer for consumption off the premises;
 - (12) The delivery shall be made only within the same calendar day on which the malt beverages and wine leave the licensed premises of the packaged goods retailer for delivery; and

- (13) No delivery shall knowingly be made to any address or to any property that is part of:
- a. Any public or private elementary or secondary educational school, including without limitation any dormitory, housing, or common space located on the campus of any elementary or secondary educational school;
 - b. Any prison, reformatory, and other correctional facilities;
 - c. Any addiction or substance abuse facilities;
 - d. Any locker, mailbox, package shipping location, or similar service or storage facility business; or
 - e. Any retailer.
- (b) Subject to the same terms and conditions above, a retailer dealer may be permitted to load purchased goods (malt beverages and wine) into a customer's vehicle after the sale has been completed either physically in the store or electronically and subject to the conditions and terms set in Section (a) above.
- (c) The Mayor and City Council shall be authorized to promulgate and enforce such rules and regulations as it may deem necessary to carry out or make effective the provisions of this section, including, but not limited to, rules and regulations governing the training of individuals making deliveries.
- (d) In addition to the Mayor and City Council's power to suspend, revoke, or cancel licenses, permits, or registrations issued pursuant to this Chapter, upon a violation of any provision of this section or any rule or regulation promulgated thereunder, the Mayor, City Council and/or City Manager shall have the power to impose a fine not to exceed \$500.00 for each violation and may suspend for up to 30 days for each violation the authorization provided by this section for the packaged goods retailer to deliver malt beverages and wine or to use an employee or third party to deliver malt beverages and wine. Any violation committed by an employee or a third party shall be attributed to and deemed to be an act taken by a packaged goods retailer for purposes of this section. A packaged goods retailer, employee, and third party may each be fined for the same violation. Nothing in this paragraph shall be construed to allow the City Manager to suspend or terminate the authorization of a packaged goods retailer to sell malt beverages and wine on the licensed premises as a result of a violation of this section by a third party. The penalties provided for in this section shall be in addition to any criminal penalties that may otherwise be provided by law."

Sec. 10-55. – Permitted locations.

No distilled spirits may be sold by the drink for consumption on the premises where sold except in restaurants regularly serving prepared food, with a full-service kitchen. A full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the county health department and city building inspector. Such establishment must have a complete place setting of metal cutlery and dishware in regular use for a minimum of 30 food customers. Such establishments must be prepared to serve food every hour they are open and must seat 30 or more persons. Such establishments must also have adequate space to support a minimum occupancy of at least 30 people. Occupancy loads shall

be calculated by the building inspector or state fire marshal in accordance with the Life Safety Code. Such establishments must meet the requirements of the current edition of the National Fire Protection Association Life Safety Code 101, Chapter 8. When located in hotels, motels and high-rise office buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.

Sec. 10-56. - Prices to be conspicuously displayed.

Each licensee under this chapter shall have conspicuously displayed within the interior of the licensed premises a printed price list of the malt beverages and wines offered for sale; provided, however, in lieu thereof, such licensee may have the price placed on the bottle or container or on the shelf where the beverages are for sale.

Sec. 10-57. - Inspection of premises, records and inventories.

The city manager, city police chief, city building inspector or any designee of the city shall have the authority to inspect the establishment licensed under this chapter including the premise and any financial records and inventories during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city official to conduct inspections authorized by other provisions of law.

Sec. 10-58. – Posting of warning signs.

Restaurants and retail dealers holding a license to sell distilled spirits must post in a conspicuous place a sign printed in letters at least four inches high reading as follows: “SALES OF ALCOHOLIC BEVERAGES TO PERSONS UNDER 21 YEARS OF AGE IS STRICTLY PROHIBITED.” The licensee shall also post another sign in a conspicuous place printed in letters at least four inches high reading as follows: “WARNING: DRINKING ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS AND MAY BE DETRIMENTAL TO YOUR HEALTH.”

Secs. 10-59 – 10.65. – Reserved.

ARTICLE V. – LICENSED ALCOHOLIC BEVERAGE CATERERS

Sec. 10-66. – Off-premises license requirements – Resident caterers.

- (a) Any caterer who possesses a valid city license to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink for consumption on the premises within the city may apply for an off-premises license that permits sales of the same off-premises at authorized catered events or functions.
- (b) Each off-premises catering license, authorized herein, shall be valid through December 31 of the year for which they are issued.

Sec. 10-67. - Off-premises permit requirements—Nonresident caterers.

A nonresident alcoholic beverage caterer shall submit an application for an off-premises event permit to the city manager or designee. The fee for each such permit shall be \$50.00 as authorized by O.C.G.A. § 3-11-3 (or such fee as may be authorized by any future amendment or revision thereto).

Sec. 10-68. - Application requirements for off-premises permit.

- (a) The application for an off-premises permit shall include the name, age, address and telephone number of the applicant; the date, address and times of the proposed catered event; and the licensed alcoholic beverage caterer's state license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (b) An off-premises permit shall be good only for the specific event at the specified address and times set forth in the application, not in excess of five days.
- (c) The original off-premises permit and other documents required by state law shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function.

Sec. 10-69. - Excise taxes.

Excise taxes are imposed upon the sale of alcoholic beverages by resident caterers as provided in this chapter. Excise taxes are imposed upon the total of individual alcoholic beverages served by a nonresident caterer in the amount set forth in this chapter and shall be paid within 30 days after the conclusion of the catered event or function.

Sec. 10-70. - Violations.

- (a) It shall be unlawful for a licensed alcoholic beverage caterer to distribute, sell, or otherwise dispense alcoholic beverages off-premises except within the scope of the off-premises event permit or off-premises license.
- (b) It shall be unlawful for a licensed alcoholic beverage caterer to sell or otherwise dispense alcohol other than as authorized by its alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, it may sell or otherwise dispense only malt beverages at the authorized catered event or function.
- (c) It shall be unlawful for a food caterer to distribute or sell alcoholic beverages off the premises of the food caterer's business without a license or permit issued pursuant to this article. This subsection shall not affect any other section of this chapter applicable to a food caterer who has a license to sell alcoholic beverages on the premises of the food caterer's business.
- (d) It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell alcoholic beverages during any hours in which the sale of alcoholic beverages by the drink for consumption on the premises is not permitted.

(e) It shall be unlawful for a licensed alcoholic beverage caterer to employ any person under 21 years of age who, in the course of such employment, would dispense, serve, sell or handle alcoholic beverages.

Secs. 10-71—10-80. - Reserved.

ARTICLE VI. - PENALTIES

Sec. 10-81. - Penalty for violation of chapter.

Any person who shall violate any of the provisions of this chapter, or who shall assist or aid another to evade or avoid the payment of the license or excise tax imposed and provided in this chapter, or to otherwise violate this chapter, shall be guilty of a violation of this chapter, and such violation shall be grounds for immediate revocation of a license in accordance with this chapter and upon conviction thereof in municipal court, may be punished by a fine up to \$1,000.00 and imprisonment not more than six months as provided in section 1-8.

Sec. 10-82. - Material misstatements.

Any material misstatement of fact or omission or concealment of fact in the application for a license or in requested information under this chapter shall be grounds for revocation of the license issued and the applicant shall be punished as provided in section 1-8.”

Section No. 2. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Waynesboro.

Section No. 3. Repealer.

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

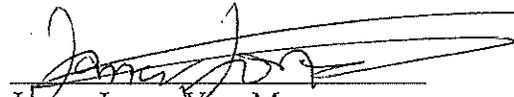
Section No. 4. Severability.

If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.

Section No. 5. Effective Date.

The provisions of Chapter 10 of The Code of Waynesboro shall become effective upon signature of the Vice Mayor.

Read, passed and adopted this 21st day of March, 2022.


James Jones, Vice Mayor
City of Waynesboro

Attested by: Valerie R. Kirkland
Valerie R. Kirkland
City Manager

First Reading: February 21, 2022.

Second Reading: March 21, 2022.

**CITY OF WAYNESBORO, GEORGIA
ORDINANCE TO REVISE CHAPTER 10, ARTICLE I, SECTION 10-8
OF THE CITY CODE
ORDINANCE NO. 2024-11-01**

AN ORDINANCE AMENDING CURRENT CODE CHAPTER 10, ARTICLE I, SECTION 10-8 TO PERMIT ALCOHOL SALES ON THANKSGIVING DAY; TO PROVIDE SEVERABILITY; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS the duly elected governing authority of the City of Waynesboro, Georgia is the Mayor and City Council;

WHEREAS the duly elected governing authority of the City of Waynesboro, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of the City of Waynesboro, Georgia;

WHEREAS on the 21st day of March 2022 the City of Waynesboro, Georgia adopted Ordinance No 2022-02-21 to amend the regulations related to alcohol beverage sales as codified in Section 10-1 *et seq.* of the Code of Waynesboro, Georgia;

WHEREAS the governing authority now desires to amend Section 10-8(f) to permit alcohol sales on Thanksgiving Day.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF WAYNESBORO, GEORGIA, AS FOLLOWS:

Section No. 1. Amendment of Chapter 10, Article I, Section 10-8 of the City Code

Section 10-8 is hereby amended as follows:

Sec. 10-8. Hours and days of sale and operation.

(a) Licensed dealers engaging in the sale of alcohol beverages by the drink for on-premises consumption are authorized to sell alcoholic beverages during the following periods:

- (1) Mondays through Fridays from 7:00 a.m. to 1:00 a.m.;
- (2) Saturdays from 7:00 a.m. to 1:00 a.m. on Sunday;
- (3) Sundays from 12:00 p.m. to 12:00 midnight.

(b) Alcoholic beverages shall not be served or consumed on the premises of licensed dealers authorized to sell alcoholic beverages for on-premises consumption after 1:30 a.m.

- (c) Licensed dealers engaging in the sale of beer and wine by the package for off-premises consumption are authorized to sell alcoholic beverages during the following periods:
- (1) Monday through Friday from 7:00 a.m. to 1:00 a.m.;
 - (2) Saturdays from 7:00 a.m. to 11:55 p.m.;
 - (3) Sundays from 12:30 p.m. to 11:30 p.m.
- (d) Licensed dealers engaging in the sale of retail package distilled spirits (liquor store) are authorized during the following periods:
- (1) Monday through Thursday from 8:00 a.m. to 10:00 p.m.
 - (2) Friday through Saturday from 8:00 a.m. to 11:00 p.m.
 - (3) Sundays from 12:30 p.m. to 10:00 p.m.
- (e) The sale of alcohol beverages on any election day is authorized; provided, however, no alcoholic beverages shall be sold on primary or elections days within two-hundred fifty feet (250) feet of any polling place or the outer edge of any building within which such polling place is established.
- (f) No alcohol sales of any type are to take place on Christmas Day.

Section No. 2. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Waynesboro.

Section No. 3. Repealer.

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section No. 4. Severability.

If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.

Section No. 5. Effective Date.

The provisions of Chapter 10 of The Code of Waynesboro shall become effective upon signature of the Mayor.

Read, passed and adopted this 20th day of November, 2024.



James Jones, Mayor
City of Waynesboro

Attested by: 
Valerie R. Kirkland
City Manager

First Reading: November 12, 2024

Second Reading: November 20, 2024