

CITY OF BUTLER

ALCOHOLIC BEVERAGE LICENSE

ALCOHOL APPLICATION CHECKLIST ***PLEASE READ PRIOR TO COMPLETING APPLICATION***

- Application Completion:** Every question must be fully, correctly and legibly answered. Do not use initials – spell out all names. Incomplete applications will be returned to the applicant for proper completion. If the space provided is not enough for a full and complete answer, use a separate sheet of paper and indicate that a separate sheet is attached. The City of Butler Alcohol Ordinance is available for review in the Clerk's Office. **This application is filed under oath.**
- DOR Form ATT-17:** All **LIQUOR** Applications are required to include the Georgia Alcohol and Tobacco Personnel Statement, DOR Form ATT-17 which may be downloaded [here](#).
- Copy of current lease, deed, or real estate purchase contract must be included with the application.**
- Surveyor's certificate and surveyor's plat (*Exhibit A*)**
- Notice of application for retail alcoholic beverage license (*Exhibit B*):** Applicant must cause the advertisement to appear in the Taylor County News for two consecutive weeks prior to the public hearing and provide proof of advertisement and posted signage prior to the public hearing via email to vwainwright@cityofbutlerga.com. Further instructions will be sent applicant upon completion of application
- Required Fees:** A non-refundable processing fee of \$100 per alcohol type must be paid when the initial application is submitted. Within 10 days following approval of the application, all additional fees must be paid prior to issuance of the license.
- E-Verify Acknowledgement:** Must be completed by the applicant and submitted with the application.
- SAVE Verification:** A separate form must be completed for each individual required to be listed on the application, including but not limited to sole proprietor, partners, members, managers, and corporate officers and each must include a form of identification from the list of verifiable documents.
- Proof of Residency:** The manager must be a resident of Taylor County and must provide a document other than a driver's license to prove residential address via email to vwainwright@cityofbutlerga.com.
- Outstanding Taxes:** No license shall be issued or renewed until all outstanding taxes or special assessments that are delinquent, or any other monies owed to the city, are paid in full.
- Ownership of or Interest in Multiple Licenses:** No person shall be issued more than two retail alcoholic beverage licenses or be permitted to have a beneficial interest in more than two retail alcoholic beverage licenses. No person or member of such person's immediate family or corporation shall own, hold or control any interest whatsoever in more than two licenses in the City of Butler.
- Must be approved by the Mayor and Council.** You will receive an email with the dates for the first reading, second reading and public hearing. It is recommended you come to the public hearing at the City Hall Municipal Building, 12 Cedar Street, Butler, GA.
- Fingerprinting:** Once the application is submitted online the criminal history must be completed for the licensee, the store manager, and all persons having a direct beneficial interest in the business, including the spouse of any such person. An appointment must be made with the Butler Police Department; 8 Cedar Street, Butler, GA. Appointment must be made in advance by calling 478-862-9333. Notaries are available at City Hall.

CITY OF BUTLER
ALCOHOLIC BEVERAGE LICENSE

For City Use Only

1st Reading _____ 2nd Reading _____ Public Hearing _____

INSTRUCTIONS: Every question must be fully and correctly answered. If the space provided is not sufficient, answer the question on a separate sheet and indicate in the space provided that such separate sheet is attached. When completed, it must be dated, signed and verified under oath by the applicant and filed with the City Clerk at City Hall, in Butler, Georgia 31006, together with all supporting papers and cash or certified check for the amount specified in the checklist on page one (1).

This application is filed by: _____ Single Proprietor _____ Partnership _____ Corporation _____ LLC

NOTE: Applicants other than individuals must make applications jointly in both the names of the partnership or corporation and the names of all partners, officers and stockholders having a substantial interest in the business. Provided, however any domestic corporation or legal entity lawfully registered and doing business under the laws of the State of Georgia, or any foreign corporation or legal entity lawfully registered under the laws of another state and authorized by the Secretary of State to do business in the State of Georgia, which seeks to obtain any class of license under this chapter shall be required to designate a resident of Taylor County, or an adjacent county, as a store manager, or an individual member of the management team, for the purpose of the initial application and all annual renewals.

Applicant (Individual or Entity)

Date of Application

Doing Business As:

Email Address (MUST COMPLETE-Will be used for Communications)

Date of Birth (Individual)

Location of Business

Mailing Address

Business Phone

Home Phone

Applicant's Home Address

County of Residence

CITY OF BUTLER
ALCOHOLIC BEVERAGE LICENSE

Indicate Type of License Applied For and underline or circle type of alcohol requested:

A non-refundable administrative fee of \$100 each for beer, wine, and liquor is required

_____Retail consumption dealer of malt beverages for pouring on premises (\$500.00)

_____Retail consumption dealer of wine for pouring on premises (\$500.00)

_____Retail consumption dealer of malt beverages and wine for pouring on premises
(\$1000.00)

_____Retail package dealer of malt beverages (\$1000.00)

_____Retail package dealer of wine (\$1000.00)

_____Retail package dealer of distilled spirits and fortified wine (\$5000.00)

_____Retail package dealer of malt beverages, wine, fortified wine, and distilled spirits
(\$5000.00)

_____Wholesale package Dealer (\$_____)

NOTICE

All alcohol **POURING** licensees are required to file an annual alcohol pouring report. A form is included at the end of this packet.

CITY OF BUTLER

ALCOHOLIC BEVERAGE LICENSE APPLICANT AFFIDAVIT

I, _____, applicant for a license to engage in the sale of alcoholic beverages at retail in the City of Butler, Georgia, at the following address:

I am a citizen of the United States, a resident of Taylor County, Georgia,, or have assigned a store manager who is a resident of Taylor County , and am 21 years of age or older.

I have never been convicted under any federal, state or local law of a felony involving moral turpitude, and have not been convicted under any federal, state or local law of any felony within ten (10) years preceding the filing of this application.

I have not had revoked, for cause, within three (3) years preceding the filing of this application, any license issued to me by any municipality in the State of Georgia, or any other state, to sell alcoholic beverages of any kind.

I shall be active in, and solely responsible for, the management and operation of the business for which the license is requested.

I understand that a violation of any of the regulations of the City of Butler, or a violation of any law or regulation of the State of Georgia, pertaining to the sale of alcoholic beverages, shall subject my license to immediate revocation.

I own no more than two retail alcoholic beverage licenses, including this license; nor do I have beneficial interest in more than two retail alcoholic beverage licenses under Chapter Six (6) of the Butler Code of Ordinances.

The license for which this application is made is for the use of said owner. I, as applicant for said license, am (Circle one: resident officer, partner, associate owning substantial interest in the business, principal resident managing officer) and shall be active in and responsible for the management and operation of the business for which the license is requested.

Signature of Applicant

Sworn to and subscribed before me this

_____ day of _____.

Notary Public

My commission expires: _____

CITY OF BUTLER

ALCOHOLIC BEVERAGE LICENSE

1. List the full name, Social Security Number and other pertinent information for each person, firm or corporation having any interest in this application and the percentage of interest. (Attach exhibits, if necessary.)

NAME	SOCIAL SECURITY #	ADDRESS	% OF INTEREST

Name the manager of the business for which this application is filed and state how he is compensated.

NAME	ADDRESS	TYPE OF INTEREST & AMOUNT

Do you own the business property? Yes No

If no, name of owner _____

When does the lease expire? _____ (Attach a copy of the lease)

2. List any debts you have on your premises, or the contents. List creditors, amount of debts and due dates. This will be held confidential and shall be reviewed only by the Mayor, Council, City Attorney and City Clerk. No information will be divulged to any person or organizations without your written permission or request, unless required by court order:

CITY OF BUTLER

ALCOHOLIC BEVERAGE LICENSE APPLICATION

NOTE: Before signing this application, check all answers and explanations to see that you have answered all questions fully and correctly. This application is to be executed under oath and subject to the penalties of false swearing, and it includes all attached sheets submitted herewith. Applicant understands that any license issued pursuant to this application is conditioned upon the truth of the answers and statements made herein and that any false answers and statements herein shall constitute cause for the suspension or revocation of any license pursuant to this application. Applicant also understands that issue of an alcoholic beverage license of any kind is a mere privilege and is subject to being revoked and annulled by the Mayor and Council of the City of Butler and is subject to laws, ordinances and regulations hereafter adopted. Should any change occur during the year for which a license is issued pursuant to this application which would require a different answer to any question contained in this application or any personnel statement which is made a part of this application **an amendment must be filed** at City Hall within 30 days.

I, _____, the applicant, do solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a City license pertaining to alcoholic beverages and liquors, are true and no false or fraudulent statement or answer is made herein to procure the granting of such license.

Applicant's Signature (full name, in ink)

I hereby certify that the above applicant is personally known by me and signed his name to the foregoing application after stating to me that he knew and understood all statements and answers made therein, and under oath actually administered by the notary below, has sworn that said statements and answers are true.

Witness Printed Name (full name, in ink)

Witness Signature (full name, in ink)

I hereby certify that above applicant signed his name to the foregoing application after stating to me that he knew and understood all statements and answers made therein, and under oath actually administered by me, has sworn that said statements and answers are true.

This _____ day of _____ 20_____.

(SEAL)

Notary Public

CITY OF BUTLER

ALCOHOLIC BEVERAGE LICENSE APPLICATION CONSENT TO SERVE AS STORE MANAGER

I acknowledge, accept, and consent to my designation as Store Manager in Butler, Taylor County for:

Name of Business

I am a resident of Taylor County, and I meet all requirements of an individual licensee, and will continue to meet said licensee requirements for the duration of my license period, as prescribed by Chapter 6 of the City of Butler Code of Ordinances. I understand that it will be my responsibility as store manager to actually manage or operate the package store or restaurant on a day-to-day basis, and that I shall be responsible for any matter relating to the alcohol license.

If no Registered Agent is appointed, it will be my responsibility to receive any process, notice, or demand that is served on me, as the store manager of the represented business entity named above, and to forward such to the represented business entity.

I also understand that should I resign as store manager it is my responsibility to immediately notify the represented business entity and submit a statement of resignation to the City of Butler.

I, _____, store manager applicant, do solemnly swear, subject to criminal penalties for false swearing, that I am a resident of Taylor County, and as store manager for the above named business entity, I meet all of the requirements of an individual licensee as prescribed by Chapter 6 of the Butler Code of Ordinances.

Store Manager's Signature (full name, in ink)

I _____, hereby certify that the above named store manager is personally known by me and signed his name to the foregoing application after stating to me that he knew and understood all requirements of a store manager for the above named business entity.

Witness Signature (full name, in ink)

I hereby certify that _____ signed his name to the foregoing application after stating to me that he knew and understood all statements and answers made therein, and under oath actually administered by me, has sworn that said statements and answers are true.

This _____ day of _____ 20_____.

Notary Public

CITY OF BUTLER

ALCOHOLIC BEVERAGE LICENSE APPLICATION

**SURVEYOR'S CERTIFICATE
"EXHIBIT A"**

STATE OF GEORGIA

COUNTY OF TAYLOR

CITY OF BUTLER

***SURVEYOR'S PLAT MUST BE ATTACHED IF ALCOHOLIC BEVERAGES HAVE NEVER BEEN SOLD AT THIS LOCATION, OR IF IN CLOSE PROXEMITY TO A CHURCH OR SCHOOL. ***

"I hereby certify that I have examined the property located at _____

_____ in the City of Butler and find that it meets the distance requirements noted below, which are evidenced by my initials on each distance requirement that is met:

_____ the property is not within 100 yards of any church building

_____ the property is not within 100 yards of any school building, school grounds, or college campus

_____ the property is not within 200 yards of any school building, educational building, school grounds, or college campus

_____ the property is not within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein"

In witness whereof, I have hereunto set my hand and affixed my seal this

_____ day of _____, 20____

Registered Surveyor
Surveyor License NO. # _____

(Seal)

NOTICE OF APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE
“EXHIBIT B”

It is the applicant’s responsibility to ensure the following advertisement is placed in the Taylor County News once weekly for two consecutive weeks prior to the public hearing.

Please Note: Please sign signature line only. We will complete the advertising information and email it to the applicant once the application has been reviewed. You will then take the document to Taylor County News to run your newspaper advertisement.

The undersigned _____, has made application to the Mayor and Council of the City of Butler for a Class _____ license to sell alcoholic beverages at _____. This application will be heard by the Mayor and Council at its regular meeting to be held at 7:00 p.m. on the _____ day of _____, _____.

Signed: _____ Applicant

a) At least 15 days prior to the public hearing, the applicant shall cause to be placed upon the location of the proposed business one or more signs stating the following: (Proof of posting to be emailed to vwainwright@cityofbutlerga.com

RETAIL ALCOHOLIC BEVERAGE LICENSE APPLIED FOR. HEARING BEFORE THE MAYOR AND COUNCIL OF THE CITY OF BUTLER, GEORGIA, ON THE _____ DAY OF _____.

b) The signs shall each be not less than 24 inches by 36 inches and shall face toward all public streets, alleys, sidewalks, or other public property adjoining the proposed location. Such signs shall be placed where they can easily be seen from all public properties adjoining the proposed location.

c) Such applicant for retail sales, at the public hearing for such application, shall submit satisfactory proof to the mayor and council that the signs required by section (c) of this section were properly and adequately posted and were adequate to inform the public of the pending application and the public hearing thereon.

City of Butler

Private Employer E-verify affidavit
** THIS FORM IS REQUIRED BY STATE LAW **

By executing this affidavit under oath, as an applicant for a Business Occupation License as referenced in O.C.G.A. § 36-60-6(d), from the City of Butler, Georgia, the undersigned applicant representing the private employer indicated below verifies the following with respect to my application.

Printed name of Private Employer: _____

 Employs more than ten (10) employees: Please complete section 2 below and sign/notarize at the bottom

 Employs ten (10) or fewer employees: Do not complete section 2. Please sign/notarize at the bottom.

Section 2: The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A § 36-60-6(a). The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as listed below:

E-verify # _____ Date of Authorization _____
(Federal Work Authorization User ID number)

As an applicant for the City of Butler, Georgia Business License as referenced in O.C.G.A. § 50-36-1, from the undersigned applicant **verifies one of the following** with respect to my application for public benefit:

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

My alien # 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 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.

A copy of your driver's license must be attached if number 1 is checked:
A copy of one of the following cards must be attached if numbers 2 or 3 are checked: Permanent Resident, Employment Authorization Document, US Passport, US military ID, or a Certificate of Citizenship.

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.

X _____
Signature of Authorized Officer or Agent

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

Printed Name

NOTARY PUBLIC

**CITY OF BUTLER
POST OFFICE BOX 476
BUTLER, GEORGIA 31006
(478) 862-5435**

**ANNUAL REPORT FOR ALCOHOL POURING LICENSEES
DUE NOVEMBER 15 EACH YEAR**

Name of Licensee

Address of Licensee

Telephone Number

	AUGUST	SEPTEMBER	OCTOBER
Gross Sale of Food	\$ _____	\$ _____	\$ _____
Gross Sale of Malt Beverages	\$ _____	\$ _____	\$ _____
Gross Sale of Distilled Spirits	\$ _____	\$ _____	\$ _____
Gross Sales of other items	\$ _____	\$ _____	\$ _____

This report is to be remitted by the 15th day of November each year. Failure to file a report promptly may result in the suspension or revocation of the license. Please include Sales and Use tax returns for all three months.

I certify that I am the licensee on record and that the above is a true and accurate report of gross sales of food and all alcoholic beverages for the third quarter as stated above. I understand that I may be asked for additional information pertaining to this report.

Signature of Licensee

Date

Return completed forms to Butler City Clerk, P.O. Box 476, Butler, GA 31006

**CITY OF BUTLER
POST OFFICE BOX 476
BUTLER, GEORGIA 31006**

(478) 862-5435
MONTHLY REPORT FOR 3% EXCISE TAX
ON LIQUOR BY THE DRINK SALES

Name of Licensee

Address of Licensee

Telephone Number

Month for which tax is remitted: _____

Gross liquor by the drink cash sales for month: _____

Tax (3% of sales) {BA 005}: _____

This report is to be remitted by the 10th day of the month following that for which the report is filed. Tax is delinquent as of the 15th day and a 10% penalty, plus interest of 1% per month for the period delinquent. Failure to file a report and remit taxes shall constitute cause for suspension or revocation of said license.

“I hereby state that the above is a true and accurate report of gross sales of liquor by the drink, and the taxes due the City of Butler, Georgia as per section 6-173 of the Code of Ordinances of the City.”

Signature of Licensee

Date

Witness

Notary Public

CITY OF BUTLER NON-CRIMINAL JUSTICE APPLICANT'S 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 noncriminal justice purpose (such as an application for 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-recordinformation-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-askedquestions> 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.

City of Butler Privacy Act Statement

This privacy act statement is located on the back of the 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.

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.

As of 02/04/2021

**I _____ have read and received a copy
of the Applicant Privacy Rights and Privacy Act Statement**

Signature:

Date:

Non-Criminal Justice Outsourcing Sample Contract

STATE OF GEORGIA
COUNTY OF TAYLOR
CITY OF BUTLER

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF PART II - CODE OF ORDINANCES, CHAPTER 6: ALCOHOLIC BEVERAGES; TO ADD ADDITIONAL PROVISIONS AND SECTIONS TO CHAPTER 6: ALCOHOLIC BEVERAGES; TO REPEAL ALL CONFLICTING ORDINANCES TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, with the passage of a referendum of the voters approving the sale of liquor by the package within the municipal limits of the City of Butler; and

WHEREAS, the Mayor and Council for the City of Butler seek to amend the former municipal code of ordinances to establish a more modern set of regulations concerning the sale of alcoholic beverages within the municipal limits.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BUTLER THAT THE BUTLER CODE OF ORDINANCES, CHAPTER 6 - ALCOHOLIC BEVERAGES SHALL BE MODIFIED, AMENDED, OR CHANGED AS FOLLOWS:

SECTION I

Chapter 6 - ALCOHOLIC BEVERAGES is stricken in its entirety and replaced with:

ARTICLE I. - IN GENERAL

Sec. 6-001. - Definitions.

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

Adequate parking means one parking space for each 100 square feet of customer service area within the premises of the applicant, but not less than five parking spaces. Such off-street parking shall have vehicular access to streets and shall be constructed of an all-weather surface. Where no parking space can reasonably be provided on the same lot, any public or private off-street parking lot may be utilized to fulfill such parking requirement, if the public or off-street parking lot is within 150 feet of the premises, and if the patrons of the licensee are allowed to use such lot.

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

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

Church means a permanent building in which persons regularly assemble for religious worship and the building is situated upon real estate owned by an entity qualified as an exempt religious organization under section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

Distance means the measurement in linear feet by the most direct route of travel on the ground in a straight line from the front door of the building enclosing the proposed premises of a licensee under this chapter to the front door of the main sanctuary of any church or the nearest property line of any school or residence.

Distilled spirits and *liquor* mean any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including but not limited to all fortified wines.

Family means any person related to the holder of a license issued under the provisions of this chapter within the first degree of consanguinity or affinity, as determined according to the law of the state.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume, made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.

Governing body means the mayor and council.

Individual means a natural person.

License means the authorization by the governing body to engage in the sale of alcoholic beverages by the package or for the sale of alcoholic beverages for consumption on the premises, as may be permitted by the terms of this chapter.

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

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 and including ale, porter, brown, stout, lager beer, and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Manufacturer means any maker, producer, or bottler of any alcoholic beverage.

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

Package store means a specific building or facility within the city wherein a license may be issued for the sale of alcoholic beverages in their respective consumer containers and not for consumption on the premises.

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

Pour means to sell for beverage purposes, sell for consumption on the premises, or sell by the drink.

Premises means the definite enclosed or partitioned-in locality, whether a room, shop, or building, wherein alcoholic beverages are sold under the terms of this chapter.

Retail alcoholic beverage license means the authorization by the governing body to engage in the sale of alcoholic beverages by the package or for the sale of alcoholic beverages for consumption on the premises.

Retail sale means selling or offering for sale alcoholic beverages to any member of the public.

School means such state, county, city, church, or other schools as teach subjects commonly taught in the common schools of the state and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, dance, medicine, dentistry, vocational occupation, or other special subjects are taught.

Store manager means that individual who does or will actually manage or operate a package store or restaurant on a day-to-day basis and shall be responsible for any matter relating to the license.

Wholesaler means any person engaged in distribution of, or selling to retailers for the purpose of resale, any alcoholic beverages.

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

Sec. 6-002. - Moral character.

- (A) In this chapter, the phrase "good moral character" shall be construed to mean the propensity of the person to serve the public in the licensed area in a fair, honest, and open manner.
- (B) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used in and of itself as proof of a person's lack of good moral character. It may be used as evidence in the determination and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that:
 - (1) At the current time he has the ability to, and is likely to, serve the public in a fair, honest and open manner; and
 - (2) He is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he seeks a business license or business permit.
- (C) The following criminal records shall not be used, examined, or requested by the city in a determination of good moral character when used as a requirement to obtain a business license or business permit:
 - (1) Records of an arrest not followed by a conviction.
 - (2) Records of a conviction which has been reversed or vacated, including the arrest records relevant to that conviction.
 - (3) Records of an arrest or conviction for a misdemeanor or a felony unrelated to the person's likelihood to serve the public in a fair, honest, and open manner.

- (4) Records of an arrest or conviction for a misdemeanor for the conviction of which a person may not be incarcerated in a jail or prison.

Sec. 6-003. - Purpose.

This chapter has been enacted for the purpose of promoting the health and general welfare of the city, establishing reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages, protecting and preserving schools and churches, giving effect to existing land use, and preserving residential areas with reasonable consideration being given to the character of the area and its peculiar suitability for particular uses and the congestion in roads and streets, and with a general view of promoting desirable living conditions, sustaining the stability of neighborhoods and property values, protecting against the evils of concentration of retail licenses for alcoholic beverages in one family or corporation, and preventing an undesirable person from engaging or having an interest in alcoholic beverages or the sale thereof in the city, considering the proximity to the proposed location of other establishments selling alcoholic beverages, considering adequate parking availability, and considering the feelings and attitudes of citizens residing in the area adjacent to the proposed location of the premises for which an application for a permit to sell alcoholic beverages has been made.

Sec. 6-004. - Compliance; inspection; inspection of licensed establishments by the police department.

- (A) It shall be unlawful for any person to sell or offer for sale, at wholesale or retail, any alcoholic beverages within the city, without having first complied with the provisions of this chapter.
- (B) The city administrator shall appoint one or more persons to conduct periodic inspections of the businesses regulated by this chapter and to report to the city administrator any violation of any laws or ordinances regulating such businesses or other regulations made pursuant to authority granted for the purpose of regulating such businesses, or for the violation of any state or federal law or city ordinance, other than infrequent minor traffic violations.
- (C) Sworn officers of the police department shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business without prior notice to the city administrator. 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 officer to conduct inspections authorized by other provisions of this Code and state law.

Sec. 6-005. - Assisting violation.

Any person who shall assist or aid another in violating this chapter shall, upon conviction thereof by the judge of the municipal court, be punished as provided in the City of Butler Ordinances.

Sec. 6-006. – Audit and production of records.

- (A) If the governing body deems it necessary to conduct an audit of the records and books of a licensee to ensure or establish compliance with this chapter, the governing body shall notify the licensee of the date, time, and place of the audit. The governing body will designate an

auditor to perform the audit. The licensee shall cooperate with the audit or forfeit any license(s) issued under this chapter.

- (B) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:
 - (1) Monthly income or operating statements;
 - (2) Daily sales receipts showing liquor, beer, wine, and food sales separately;
 - (3) Daily cash register receipts such as Z tapes or guest tickets;
 - (4) Monthly state sales and use tax reports;
 - (5) Federal income tax return with all Form 1099s; and
 - (6) Wholesaler invoices in triplicate.
- (C) The governing body can waive all or some of the requirements of this section if the governing body finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.
- (D) The governing body shall have the right to subpoena all or any part of the records including but not limited to the records listed in subpart (B) of this section for the purpose of auditing the records of such licensee, securing compliance by such licensee with the provisions of this chapter, or proving or disproving violation of any part of this chapter by any licensee, or to show payment or nonpayment of any taxes, fees, charges, or the like due under this chapter.

Sec. 6-007. - Prohibitions relating to underage persons; use of false identification; seller's duty to request proper identification.

- (A) Except as authorized in this section, it is unlawful within the corporate limits of the city:
 - (1) For a person knowingly, directly or through another person, to furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age;
 - (2) For a person under 21 years of age to purchase or knowingly possess any alcoholic beverage;
 - (3) For a person under 21 years of age to misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage;
 - (4) For a person knowingly or intentionally to act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age; or
 - (5) For a person under 21 years of age to misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

- (B) The prohibitions contained in subsections (A)(1), (2), and (4) of this section shall not apply with respect to the sale, purchase or possession of alcoholic beverages for consumption:
- (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state; or
 - (2) At a religious ceremony for sacramental purposes.
- (C) The prohibitions contained in subsections (A)(1), (2), and (4) of this section shall not apply with respect to the possession of alcoholic beverages for consumption by a person under 21 years of age when the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.
- (D) The prohibition contained in subsection (A)(1) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term “proper identification” means any document issued by a governmental agency containing a description of the person, such person’s photograph, or both, and giving such person’s date of birth, and includes, without being limited to, a passport, a military identification card, a driver’s license, or an identification card authorized under O.C.G.A. §§ 40-5-100—40-5-104, pertaining to proper identification, shall not include a birth certificate and shall not include any traffic citation or complaint form.
- (E) If such conduct is not otherwise prohibited pursuant to this chapter, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:
- (1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishment;
 - (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured; or
 - (3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- (F) In any case where a reasonable or prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing such alcoholic beverage to request to see and to be furnished with proper identification as provided for in subsection (D) of this section in order to verify the age of such person. Failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so knowingly.
- (G) Any person who is charged and then convicted in the municipal court for the city of violating any prohibition contained in subsection (A) of this section shall be guilty of a misdemeanor and punished in accordance with section 1-008, except that any person convicted of violating subsection (A)(2) of this section shall, upon the first conviction only, be guilty of a

misdemeanor and shall be punished by not more than 30 days' imprisonment or a fine of not more than \$300.00 or both.

- (H) Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used in any administrative or judicial proceedings brought against such testifying person under 21 years of age.
- (I) If a law enforcement officer has reasonable cause to believe such person is intoxicated, a law enforcement officer may arrest by issuance of a citation a person accused of violating only subsection (A)(2) of this section. The citation shall enumerate the specific charges against the person and either the date upon which the person is to appear and answer the charges or a notation that the person will be later notified of the date upon which the person is to appear and answer the charges. If the person charged shall fail to appear as required, the judge having jurisdiction of the offense may issue a warrant or other order directing the apprehension of such person and commanding that he be brought before the court to answer the charges contained within the citation and the charge of his failure to appear as required. Nothing in this subsection shall be construed to invalidate an otherwise valid arrest by citation of a person who is intoxicated.

(J)(1) As used in this subpart, the term:

- (a) "Alcohol related overdose" means an acute condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, resulting from the consumption or use of alcohol or that a layperson would reasonably believe to be resulting from the consumption or use of alcohol for which medical assistance is required.
 - (b) "Medical assistance" means aid provided to a person believed to be experiencing an alcohol related overdose by a health care professional licensed, registered, or certified under the laws of Georgia who, acting within his or her lawful scope of practice, may provide diagnosis, treatment, or emergency services relative to such overdose.
 - (c) "Seeks medical assistance" means accesses or assists in accessing the 9-1-1 system or otherwise contacts or assists in contacting law enforcement or a poison control center or provides care to a person experiencing or believed to be experiencing an alcohol related overdose while awaiting the arrival of medical assistance to aid such person.
- (2) Any person who in good faith seeks medical assistance for someone who is experiencing an alcohol related overdose shall not be arrested, charged, or prosecuted for a violation of paragraphs (2) through (5) of subsection (A) of this Section if the evidence for the arrest, charge, or prosecution of such violation resulted from seeking such medical assistance. Any person who is experiencing an alcohol related overdose and, in good faith, seeks medical assistance for himself or herself or is subject of such a request shall not be arrested, charged, or prosecuted for a violation of paragraphs (2) through (5) of subsection (A) of this Section

if the evidence for the arrest, charge, or prosecution of such violation resulted from seeking such medical assistance. Any such person shall also not be subject to:

- (a) Penalties for a violation of a permanent or temporary protective order or restraining order; or
 - (b) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole based on a violation of paragraphs (2) through (5) of subsection (A) of this Section.
- (3) Nothing in paragraph (J) or its subparts of this section shall be construed to limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of paragraph (J)(2) of this subsection or with regard to other crimes committed by a person who otherwise qualifies for protection pursuant to paragraph (J)(2) of this subsection. Nothing in paragraph (J) or its subparts shall be construed to limit any seizure of evidence or contraband otherwise permitted by law. Nothing herein shall be construed to limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in paragraph (J)(2) of this subsection.

Sec. 6-008. - Possession in public places.

It shall be unlawful for any person to drink, consume, transport, or carry any alcoholic beverage (except in the original package and with the seal unbroken), on any public street, sidewalk, or in any city park, city-maintained recreation facility, public parking lot, or semi-public parking lot located within the city limits. The term "semi-public parking lot" shall include any area wherein motor vehicles are parked in plain view of the public in conjunction with any business, enterprise, commercial establishment, office building, or apartment building.

Secs. 6-009—6-030. - Reserved.

ARTICLE II. – LICENSE

Sec. 6-031. - Required.

It shall be unlawful for any person to sell or offer for sale at wholesale or retail any alcoholic beverage within the city without having first complied with the provisions of this article, and without having obtained a license therefor, granted by the governing body as provided in this article.

Sec. 6-032. - License constitutes grant of privilege.

- (A) All licenses issued under this article shall constitute a mere grant of privilege to carry on or conduct a business covered by such license during the term of the license, subject to the terms and conditions imposed by the Charter, this chapter, and other applicable ordinances of the city and the constitution, laws and regulations of the state and the United States of America applicable thereto.

- (B) All licenses issued under this article shall have printed on the face the following words: "THIS LICENSE IS A MERE PRIVILEGE AND IS SUBJECT TO BEING REVOKED AND ANNULLED BY THE MAYOR AND COUNCIL OF THE CITY OF BUTLER AND IS SUBJECT TO LAWS, ORDINANCES, AND REGULATIONS HEREAFTER ADOPTED."

Sec. 6-033. - Application requirements and procedure.

- (A) *Required information.* All persons desiring to obtain a license under this article shall make written application to the governing body for such privilege, upon forms to be prepared and provided by the city administrator. Such application shall state the name and address of the applicant; the license desired; the place where the proposed business is to be located; the nature and character of the business to be carried on; if a partnership, the names of all partners, whether general or limited; if a corporation, the names of all officers thereof, and all stockholders therein if its shares are not registered with the appropriate state and federal regulatory agency; and the names of all persons who have or will have a direct or indirect beneficial interest in the license, if issued. There shall be attached to and made a part of the application a financial statement detailing the amount of investment by the applicant; the amount and sources of loans, if any, to be used for construction and/or operation of the business; and the collateral used to secure such loan, if any. This statement and the information therein shall be treated confidentially to the extent permitted under the Georgia Open Records Law (O.C.G.A. § 50-18-70 et seq.) and shall be examined only by the city administrator, the governing body, and the city attorney. The application shall contain such other appropriate information as may be required by this article or by the governing body, and shall be sworn to by the applicant before filing.
- (B) *Failure to furnish information; personnel statement; failure to produce persons for interrogation.* All applicants shall furnish all data, information and records pertinent to the application requested of them by the police department. Failure to furnish such data, information and records within 30 days from the date of such request shall automatically serve to dismiss, with prejudice, the application. All applicants shall submit a completed copy of the personnel statement Form ATT-17, state department of revenue, alcohol tax and control unit. The applicants, by filing an application, agree to produce for oral interrogation any persons requested by the police department and considered as being important in the ascertainment of the facts relative to such application or license issued under the terms of this article. The failure to produce such persons within 30 days after being requested to do so shall result in the automatic dismissal of any application pending under this article.
- (C) *Survey.* Each applicant shall submit a survey by a registered land surveyor showing compliance with all distance requirements contained in this chapter.
- (D) *Processing time.* The city shall require not less than 25 days and not more than 45 days after the filing of the application for processing any application for license under the terms of this article.
- (E) *Processing fee.* Upon filing of the application with the city administrator, the applicant shall deposit in cash or by certified check a processing fee in the amount specified by the governing body to cover the expense of investigation and processing the application, which fee shall not be refundable and shall not apply against any license under this article. The fee shall be

retained for application processing costs and the applicant is responsible for the entire license fee upon approval.

- (F) *Payment of license fee.* Upon approval of an application for license in accordance with the terms of this article, the license fee shall be paid by certified check prior to the issuance of a license and within ten days after approval.
- (G) *Refund of fee upon denial of license by state.* If the applicant is denied a license by the state, the license fee shall be refunded.
- (H) *Annual questionnaire.* The city shall require annual questionnaires to be filled out by current license holders before new yearly licenses are issued by the city clerk.
- (I) *Fingerprints.* As a prerequisite to the issuance of any such initial permit or license only, the applicant shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the governing authority submitting fingerprints.

Sec. 6-034. - Designation of store manager.

- (A) When a license for the sale of any alcoholic beverage is applied for by any domestic or foreign legal entity lawfully registered and doing business under the laws of the state, the applicant shall also name an individual manager, or an individual member of the management team, who shall be responsible for managing and overseeing the proposed business of selling alcoholic beverages.
 - (1) The manager must meet and maintain all requirements of an individual licensee as prescribed by this chapter; provided, however, any domestic corporation or legal entity lawfully registered and doing business under the laws of the state, or any foreign corporation or legal entity lawfully registered under the laws of another state and authorized by the secretary of state to do business in the state, which seeks to obtain any license under this chapter shall be required to designate a resident of the county as a store manager, or an individual member of the management team, for purposes of the initial application and all annual renewals.
 - (2) Should the corporation have a change of management, or should the designated manager relocate so as to no longer be a resident of the county after the initial application, but prior to the annual renewal, the corporate licensee shall immediately notify the city through the city clerk, city administrator, or police chief of such change in writing no less than five business days from said change. For the duration of the time prior to the annual renewal, the corporation shall be permitted to provide the city the name of its authorized agent, who must be a natural person and resident of the state, authorized to receive notice of any violation of its license privileges or receive service of citation or service of process under the laws of the state. At no time shall the designated agent be a corporation, limited liability company, partnership, or other form of business entity. The authorization described herein shall be delivered in writing with all other elements of the required application.

- (3) The corporation shall be required to designate an individual manager, or an individual member of the management team, who is a resident of Taylor County prior to the annual renewal of any license issued pursuant to this chapter.
- (B) Failure of a corporation or legal entity holding a retail alcoholic beverage license to immediately notify the city through the city clerk, city administrator, or police chief of such a change in its authorized agent shall be grounds for suspension or revocation of the licensee's license, and shall be effective immediately upon notice having been provided by the city in writing.
- (C) If such a named authorized agent should cease to possess or maintain all of the qualifications and requirements as are required of an individual license holder for the sale of similar alcoholic beverages, except the county residency requirement, the license of the legal entity or corporation responsible for the authorized agent may be suspended until the corporation or legal entity names an authorized agent who does meet and possess all such qualifications and requirements.
- (D) When a license for the sale of alcoholic beverages is applied for by an individual person or partnership comprised of individual persons, the applicant shall also name a store manager who will be responsible for managing and overseeing the proposed business of selling alcoholic beverages. The manager must meet and maintain all requirements of an individual licensee as prescribed in this chapter, and must be a resident of the city or county.

Sec. 6-035. - Submitting false application.

Any material omission from, or untrue, or misleading information which is contained in an original, renewal, or transfer application for a license under this article shall be cause for the denial or refusal of a license, and if any license has previously been granted under such circumstances, the same shall constitute due cause for revocation of such license.

Sec. 6-036. - Public notice of application; hearing.

- (A) No application for a license for the retail sale of alcoholic beverages shall be acted upon or issued by the governing body until after advertisement and public hearing thereon, as required in this section.
- (B) A public hearing upon all applications for a license under this article shall be held before the governing body at a regular meeting, not less than 25 days and not more than 45 days after the filing of the application. The applicant for the license shall give notice of the making of any application by advertisement at least once a week for two consecutive weeks prior to the date of hearing on such application, in a newspaper published in the city in which the legal advertisements and notices of the city are published, which advertisement shall be in the following form:

NOTICE OF APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

The undersigned has made application to the Mayor and Council of the City of Butler for a license to sell alcoholic beverages at _____. This application will be heard by the Mayor and Council at its regular meeting to be held at 7:00 p.m. on the _____ day of _____ / _____ / _____, _____.

	Signed: _____ Applicant
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(The applicant shall fill in the correct and appropriate information.)

- (C) The applicant shall cause to be placed upon the location of the proposed business one or more signs stating the following:

RETAIL ALCOHOLIC BEVERAGE LICENSE APPLIED FOR. HEARING BEFORE THE
MAYOR AND COUNCIL OF THE CITY OF BUTLER, GEORGIA, ON THE
_____ DAY OF _____ / _____ / _____. (Applicant shall
fill in the correct date.)

- (D) The signs required by subsection (c) of this section shall each be not less than 24 inches by 36 inches and shall face toward all public streets, alleys, sidewalks, or other public property adjoining the proposed location. Such signs shall be placed where they can easily be seen from all public properties adjoining the proposed location.
- (E) Such applicant for retail sales, at the public hearing for such application, shall submit satisfactory proof to the governing body that the signs required by section (C) of this section were properly and adequately posted and were adequate to inform the public of the pending application and the public hearing thereon.

Sec. 6-037. - Investigation of application.

All applications required by this article shall be investigated by the police department and the report of investigation presented to the governing body for consideration with the application.

Sec. 6-038. - Standards for granting or denial.

- (A) The governing body, in passing upon any application for an alcoholic beverage license, at the final meeting thereon, shall be guided by the following factors as to whether to grant or to deny such application in the public interest and welfare:
- (1) *Reputation, character.* The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.
 - (2) *Previous violations of local or state laws regarding the sale of alcoholic beverages.* If the applicant is a previous holder of a license to sell alcoholic beverages, whether or not he has violated any law, regulation or ordinance relating to such business.
 - (3) *Manner of conducting prior alcoholic beverage business.* If the applicant is a previous holder of a license to sell alcoholic beverages, the manner in which he conducted the business thereunder, especially as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.

- (4) *Location.* The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values. This shall also include:
 - a. The character of the neighborhood immediately adjacent to the proposed location;
 - b. Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons; and
 - c. Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
 - (5) *Number of licenses in trading area.* The number of licenses already granted for similar business in the trading area of the place for which the license is sought. This shall also include the proximity of the proposed location to any other establishment selling alcoholic beverages of any nature.
 - (6) *Dancing.* If dancing is to be permitted upon the premises for which the license is sought and the applicant has previously permitted dancing upon any premises controlled or supervised by him, the manner in which he controlled or supervised such dancing to prevent any violation of any law, regulation or ordinance.
 - (7) *Previous revocation of license.* If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an alcoholic beverages license suspended or revoked.
 - (8) *Payment of taxes.* If the applicant and business are not delinquent in the payment of any local taxes.
 - (9) *Congregation of minors.* Any circumstances which may cause minors to congregate in the vicinity of the proposed location.
 - (10) *Prior incidents.* Evidence that a substantial number of incidents requiring law enforcement intervention have occurred within a square city block of the proposed location, if within the City of Butler, during the 12 months immediately preceding the date of application. This should also include calls for other emergency services in the area.
 - (11) *Previous denial or revocation.* The denial of an application, or the revocation of a license, occurring within the preceding 12 months, which was based on the qualifications of the proposed location.
- (B) The governing body may, in its discretion, issue or deny any license when there is evidence that the type and number of schools, churches, libraries, public recreation areas, or public housing in the vicinity of the place of business of the licensee causes minors to frequent the immediate area, even though there is compliance with the minimum distances.
- (C) If the application is denied, the governing body shall cause a written report to be prepared showing the reason or reasons for the denial. The governing body shall return the application showing its denial, together with the written report, to the clerk of the city who shall notify the applicant of the denial within five days of the denial. Notice to the applicant shall be made in writing, showing the reason or reasons for the denial and the day and time of the next scheduled meeting of the governing body. The applicant may appeal the denial of the

application by serving notice on the governing body requesting reconsideration of the application. The applicant shall serve said notice, in writing, within five days of the receipt of the denial of the application.

- (D) On reconsideration, the governing body shall hear evidence offered by the applicant and any entity opposing the issuance of the license. The applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may cross examine any opposing witnesses. At the close of the evidence, the governing body shall either uphold the denial or shall approve the issuance of a license. The standard of proof on all issues in the hearing shall be a preponderance of the evidence. The applicant or licensee shall have the burden of proof and shall present its case first.

Sec. 6-039. - General qualifications of licensees.

No application for a license under this article shall be granted where the application investigation or the evidence presented at a hearing before the governing body shows any of the following conditions to exist:

- (1) That the applicant or any person owning a direct or indirect beneficial interest in the license for which application is made is of bad moral character, or does not have sufficient mental capacity to conduct the business for which application is made, or has been dishonorably discharged from the armed services of the United States.
- (2) That the applicant or any person having direct or indirect beneficial interest in the issuance of the license has had any license issued by the city or by any other city in the state, or by any other licensing authority in the state, relating to the manufacturing, distribution or sale of alcoholic beverages, previously suspended or revoked.
- (3) That the applicant, or any person who shall have a direct or indirect beneficial interest in the license, as a previous holder of a license to sell alcoholic beverages, has violated any law, regulation or ordinance relating to such business within a ten-year period immediately preceding the date of the application for a license under this article.
- (4) That any applicant for a retail license under this article is related to any distributor or wholesaler of alcoholic beverages within the first degree of consanguinity or affinity, as computed according to the laws of the state.
- (5) For purposes of this section, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which a defendant was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended; except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

Sec. 6-040. - Citizenship and residency requirements.

No license for the sale of alcoholic beverages shall be granted to an applicant unless such applicant is:

- (1) An individual at least 21 years of age who lawfully resides in the United States and is a resident of Taylor County, Georgia; provided, however, that residency in the county shall

not be a requirement if the applicant designates a resident of the county as store manager and such designee is over the age of 21 and lawfully resides in the United States, who shall be responsible for all matters relating to the license;

- (2) A corporation organized under the laws of the state or authorized to do business therein, provided that said corporation shall be required to designate a manager in accordance with the provisions of section 6-34; or
- (3) A partnership, all of whose partners are at least 21 years of age and residents of the state for at least one year preceding the date of application.

Sec. 6-041. - City officials and immediate family ineligible for license.

It shall be unlawful to grant a license for the sale of alcoholic beverages to any elected official, city department head, city employee, or such person's immediate family. It shall further be unlawful for any elected official, city department head, city employee, or such person's immediate family to own any whole, partial, or beneficial interest in any license to sell alcoholic beverages in the city.

Sec. 6-042. - Persons convicted of certain crimes or with previous license revocation ineligible for license.

(A) It shall be unlawful to grant a license for the sale of any alcoholic beverage to:

- (1) A person who has been convicted of a felony, or of a crime involving moral turpitude, or of a crime involving a violation of the ordinances of the city relating to the use, sale, taxability or possession of alcoholic beverages or a violation of the laws of the state or the United States pertaining to the manufacture, possession, transportation or sale of any alcoholic beverage, or taxability thereof, within ten years prior to the filing of application for such license; or
- (2) A person whose license under this article has been revoked for cause or who has had a license under this article revoked for cause within 24 months of the date of reapplication for the license.

(B) Any licensee who becomes a "prohibited person" as defined in subsection (a) of this section shall, within ten days of such event, make such fact known to the governing body and shall surrender such person's license upon demand by the governing body.

Sec. 6-043. - Interest in license by persons convicted of certain crimes.

No license for the retail sale of alcoholic beverages shall be issued to any person, partnership, corporation, joint venture, or other corporate entity, or other entity, where any individual having any interest therein, either as owner, partner, member, or stockholder, or having a direct or indirect beneficial or absolute interest, or the spouse of any such person, shall have been convicted or shall have taken a plea of nolo contendere, within a period of ten years immediately prior to the filing of such application, for any felony or misdemeanor of any state, or of the United States, or any municipal ordinance, except traffic violations. As used in this section, the term "conviction" shall include an adjudication of guilt or a plea of guilty or a plea of nolo contendere to any offense specified in this section, or the forfeiture of a bond. Where there is a conviction of a violation of a

municipal ordinance, or where there is a plea of nolo contendere, the mayor and council may, after investigation, waive such conviction as a disqualification.

Sec. 6-044. - Ownership of or interest in multiple licenses.

No person or individual shall be issued more than two retail alcoholic beverages licenses, nor shall any person or individual be permitted to have a beneficial interest in more than two retail alcoholic beverage licenses issued under this chapter, regardless of the degree of such interest. A license may be granted to one person for the same premises, provided all other provisions of this chapter are complied with.

Sec. 6-045. - Limitation on number of licenses within family or corporation.

- (A) No person or member of such person's immediate family or a corporation shall own, hold or control any interest whatsoever in more than two licenses in the city.
- (B) As used in this section, an interest in the license shall be deemed to exist if the person involved is the outright owner of the license, a co-owner of the license, a general or limited partner in a partnership which owns all or any part of a license, a stockholder in any corporation which owns all or any part of a license, or an owner, lessor, sublessor of, or stockholder in any corporation owning or leasing any real estate which is occupied by a package store, or shares in any income or corpus of any trust fund or estate having any interest in a package store.
- (C) All applications for a license for a package store, whether original or for renewal, must be accompanied by a full and complete statement under oath with information relative to all interests, as defined in subsection (B) of this section. This shall include:
 - (1) The names and addresses of all persons with interest in the ownership of the business of selling packaged alcoholic beverages at retail, together with any interest each person or members of such person's immediate family has in any other retail liquor store;
 - (2) The ownership of the land and building where such retail business is operated;
 - (3) The amount of rent paid for such land and building, and the manner in which the rent is determined and to whom and at what intervals the rent is paid;
 - (4) The names and addresses (by affidavit of the owner, lessor, or sublessor of such land and building) of all persons having any whole, partial, beneficial, or any other interest in and to the land and building on which the retail package store is to be located;
 - (5) A copy of the proposed lease; and
 - (6) Any other information requested by the police department or the governing body pertinent to the application under investigation.
- (D) Any change in any of the relationships or ownership interest contained on the application must be filed with the governing body within 30 days after such change is made, and failure to do so shall be grounds for immediate cancellation and revocation by the governing body of any license issued under this article or for the immediate dismissal of any application for a license under this article.

Sec. 6-046. - Wholesale licensees prohibited from interest in other licenses.

No person who has any direct financial interest in a license for the sale of alcoholic beverages at wholesale shall hold any other license or have an interest in any other license issued under the terms of this chapter.

Sec. 6-047. - Payment of outstanding taxes and other debts due city.

The city administrator shall cause an inquiry to be made into the tax records to determine if any applicant or other party interested in an application under this article has any outstanding taxes or special assessments that are delinquent, or any other monies owed to the city. No license shall be issued, nor shall a license be renewed, until all such debts are paid in full.

Sec. 6-048. - Issuance limited to designated areas.

- (A) *Wholesaler's license.* No license shall be issued to a wholesaler of alcoholic beverages except where the wholesale business is to be located in an area of the city which is zoned for commercial or industrial use.
- (B) *Retailer's license.* No license to engage in the sale of alcoholic beverages at retail shall be granted except in an area zoned for commercial or industrial use.

Sec. 6-049. - Ownership of premises or written lease required.

No retail or wholesale license for the sale of alcoholic beverages shall be issued to an applicant unless the applicant shall either own the premises for which the license is sought or shall have a written lease for the premises for which the license is sought for the full period for which the license is to be issued. If the applicant shall merely lease the premises for which the license is sought, the applicant shall attach a copy of the lease to the application for the issuance of a license for the sale of alcoholic beverages.

Sec. 6-050. - Completion of proposed licensed premises.

Where a building in which a retailer proposes to operate under the provisions of this chapter is at the time of application for such license not in existence, or not yet completed, a license may be issued for such location, provided the plans and specifications for the proposed building are filed with the city administrator and show clearly a compliance with the other provisions of this chapter and applicable ordinances of the city. No sale shall be allowed in such establishment until it has been completed in accordance with such plans and specifications and is in conformity with all other provisions of this chapter and other applicable ordinances of the city.

Sec. 6-051. - Time limit for commencement of business; forfeiture of license for nonuse.

- (A) All holders of licenses under this article must, within six months after the issuance of the license, open for business the establishment referred to in the license. Failure to open the licensee's establishment within six months after the issuance of such license shall cause the automatic forfeiture and cancellation of such license and no refund of the license fee shall be made to the license holder.
- (B) Any holder of a license under this article who shall begin the operation of the business authorized in the license but who shall, for a period of six consecutive months thereafter, cease to operate the business as authorized in the license, shall, upon expiration of such six-month period, automatically forfeit such license, which license shall, by virtue of such failure to

operate, be cancelled without the necessity of any further action of the governing body, and no refund of the license fee shall be made to the license holder.

Sec. 6-052. - Application for relocation.

- (A) If the holder of any retail alcoholic beverage license for a prescribed location in the city desires to move his retail alcoholic beverage business to another location in the city, the license holder shall make application to the governing body for permission to relocate the business. The application shall be in the same form and contain the same information as is required for an initial application for a retail alcoholic beverage license.
- (B) No fee shall be required for the processing of an application for relocation of a retail alcoholic beverage business.
- (C) The applicant for relocation of a retail alcoholic beverage business shall comply with the provisions of this article pertaining to newspaper advertisement and the posting of a sign upon the proposed new location of the business, as if the applicant for relocation of the business were making an initial application for the retail alcoholic beverage license.
- (D) In reviewing and acting upon an application for the relocation of a retail alcoholic beverage business and license, the governing body shall be guided by the same factors and considerations as if the application were an application for a new license.

Sec. 6-053. - Transfer generally; "grandfathered" locations.

- (A) Except as provided in this article, no license for the sale of any alcoholic beverage may be transferred from one person to another. Further, no license for the sale of any alcoholic beverage may be transferred from one location or premises to another without the prior approval thereof by the governing body in the manner described in this article.
- (B) Any previously licensed location for the sale of alcoholic beverages in accordance with this ordinance shall remain valid for a new license application by a new licensee, without regard for a change in any of the distances for the structures outlined in section 6-91 that occurred during the existence of the operation of the business for the prior licensee, so long as said application shall be made within 24 months of the sale, transfer, lease, or other vacancy of the property caused by the prior licensee at said location.

Sec. 6-054. - Transfer on death of licensee; change in partners or stockholders.

- (A) Licenses issued under this article shall not be transferable except as otherwise provided in this article.
- (B) In case of the death of any person owning a license, or any interest therein, the license may, with the approval of the governing body and subject to the terms of this article, be transferred to the administrator, executor or personal representative of the deceased person, or to the heirs at law of the deceased person, if such heirs meet all other qualifications contained in this article. The license of such deceased person shall be held by the administrator, executor, or personal representative of such deceased person only for the time necessary to complete execution of such deceased person's estate and dispose of the license or such interest therein, but in no event to exceed one year.

- (C) Nothing in this section, however, shall prohibit one or more of the partners in a partnership holding a license to withdraw from the partnership and to assign such partner's interest in such partnership to one or more of the partners who were partners at the time of the issuance of the license. Such withdrawal shall not, however, serve to bring any new ownership into the partnership, unless all provisions of this chapter are fully complied with, and then only upon the approval of the governing body.
- (D) A licensee may take in partners or additional stockholders where it is determined that additional capital furnished is to be used exclusively for additional inventory or expanding the facilities of the business or for building new facilities and where it appears that the licensee personally will directly receive none of the additional capital investment. Under this subsection, an additional partner or new stockholder must be approved by the mayor and council, as provided in this article.

Sec. 6-055. - Renewal.

- (A) *Annual renewal required.* All licenses under this article shall expire on December 31, and licensees are required to renew their licenses annually and in a timely manner on or before November 1 of each year. The city shall require simplified annual applications from all previously approved license holders, exclusive of advertisement or waiting periods, but with approval by the governing body at a regularly scheduled meeting.
- (B) *Late renewal application after deadline.* Any licensee under this article that fails to renew their licenses annually and in a timely manner on or before November 1 of each year shall have until December 31 in which to submit a renewal application in the same manner as outlined in subsection (A) with the penalty fee of ten percent of the license fee to be assessed for failure to renew such license on or before December 31. There shall not be a suspension of the license during that time.
- (C) *Suspension of license and late application after December 31.* Any licensee under this article that fails to make a late renewal application pursuant to subsection (B) shall have their ability to sell immediately suspended upon written notice having been provided by the city. The licensee shall have until January 31 to file a late renewal application with the form mandated in subsection (A) with the penalty fee of twenty percent of the license fee to be assessed. The suspension shall remain in full effect until the party has appeared before the governing body to offer a sufficient explanation for the delinquent renewal.
- (D) *Failure to renew application.* Any licensee under this article that fails to renew their licenses annually in accordance with any of the previous subsections shall have their ability to sell any alcoholic beverage terminated upon the first day of February without any notice to be provided by the city. Additionally, there shall not be any means to file an application for renewal, and the former licensee shall be required to make a new license application in accordance with the provisions mandated by section 6-033.

Sec. 6-056. - Fee schedule.

- (A) The annual alcoholic beverage license fee for the sale of alcoholic beverages in the city, as authorized under this article, shall be as prescribed by the governing body.
- (B) All license fees shall be paid annually, in advance, on or before November 1 of each year.

- (C) The license fee for each license for the sale of alcoholic beverages in the city issued after June 30 of any given year shall be one-half of the full annual license fee as provided in this article.
- (D) The license fee schedule is maintained in the office of the city administrator.

Sec. 6-057. - Payment of fees.

- (A) All annual license fees under this article shall be paid in advance on or before November 1 of each year, and for any new license granted under this article during a calendar year there shall be paid a license fee in accordance with section 6-056(C).
- (B) Each person selling alcoholic beverages in the city, except wholesalers not maintaining a place of business in the city, shall pay an annual license tax as prescribed by the governing body and filed in the office of the city administrator.
- (C) Any person licensed under this article shall be required to renew such license on or before November 1 of each year or be subject to the penalty fees and additional requirements noted in section 6-055.

Sec. 6-058. - Grounds and procedure for suspension or revocation.

- (A) *Procedure.* Any license which has been issued or which is hereafter issued by the city to any licensee for the sale of alcoholic beverages, either by package or for consumption on the premises, may be suspended for a time certain or revoked entirely for due cause as defined in this section, such suspension or revocation to be effective only after a hearing held before the governing body for the purpose of considering any such suspension or revocation. At least five days' prior written notice of the time, place and purpose of such hearing, including a specific statement of the charges upon which the suspension or revocation is being sought, shall be given to the holder of such license which is sought to be suspended or revoked.
- (B) *Hearing and decision.* A hearing held before the governing body pursuant to this section shall be conducted informally, and the technical rules of evidence shall not apply. All testimony shall be under oath. The holder of the license sought to be suspended or revoked shall be entitled to be represented by legal counsel, if desired, shall be able to cross examine any witness produced by the city, and shall be able to present witnesses and evidence in such license holder's own behalf. The standard of proof on all issues in the hearing shall be a preponderance of the evidence. The applicant or licensee shall have the burden of proof and shall present its case first. Pursuant to such hearing, a decision to suspend or revoke the license under consideration shall be upon a majority vote of the governing body hearing the evidence. The license holder shall be promptly notified in writing of the governing body's finding and decision affecting such person's license.
- (C) *Grounds.* Due cause for the suspension or revocation of any license shall include, but not be limited to, a violation of any laws, regulations, or ordinances, both state and municipal, regulating the sale of alcoholic beverages, or a violation of regulations made pursuant to authority granted for the purpose of regulating such businesses, or for the violation of any state or federal law, or for the violation of any city ordinance other than traffic ordinances, or for the failure of the licensee or any employee of the licensee to promptly report to the city police department any violation of the law or ordinance, breach of the peace, disturbance or altercation resulting in violence on the premises, or for the violation of any validly promulgated law, ordinance, or regulation pertaining to the sale of alcoholic beverages by any

employee of the license holder involved in the sale of alcoholic beverages, failure to notify the city administrator or police chief of change in manager, failure of a manager to maintain all qualifications required under this chapter, failure to report a manager's violation, or failure to promptly replace an unqualified manager with a manager properly qualified under this chapter.

- (D) *Suspension during emergencies.* The mayor is hereby authorized to suspend any alcoholic beverage license issued under this article for any emergency situation such as civil disorders or natural disasters or in any situation in which the mayor deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the city. The suspension may be made effective immediately and shall remain in force until the mayor determines the emergency is over or until the next regular meeting of the governing body, or a meeting called prior to the next regular meeting, at which time the governing body, by majority vote, may determine that the emergency is ended.
- (E) *Fees not to be refunded.* When a license is suspended or revoked, the city shall not be required to refund any portion of the license fee to the holder of such suspended or revoked license.
- (F) *Appeals.* Appeals of the decision of the governing body shall be to the superior court of Taylor County, Georgia, filed within 30 days of the date of the written decision of the governing body.

Sec. 6-059. - Automatic revocation of city license upon revocation of state license or permit.

Whenever the state shall revoke any permit or license to sell at wholesale or retail any alcoholic beverages, the city license held by the same licensee to sell at wholesale or retail any alcoholic beverage within the city shall thereupon be automatically revoked without any additional action by the governing body or any officer of the city.

Sec. 6-060. - Revocation for violation of state regulations.

A violation of any rule or regulation pertaining to the sale or consumption of alcoholic beverages promulgated by the commissioner of the state department of revenue, alcohol and tax unit in Department 560, Chapter 1, et seq., by a licensee under the provisions of this article shall be cause for immediate revocation of any alcoholic beverage license issued by the city.

Sec. 6-061. - Removal of signs after revocation.

When any license for the sale of alcoholic beverages is revoked, all signs indicating that such beverages may be sold or purchased shall be immediately removed from both inside and outside the place of business. Upon receipt by the police department of the notice of revocation, the police department shall take the necessary steps to see that this section is enforced.

Sec. 6-062. - Reapplication after revocation of package store license.

When any license or permit to operate a retail package store under this article is revoked by the governing body, no application from the same applicant for such license shall be considered within 24 months of the time of such revocation by the governing body.

Sec. 6-063. – Notice to Department of Revenue of violations.

(A) As used in this section, the term:

- (1) “Disciplinary action” means any citation or arrest arising out of the violation of any law, rule, regulation, resolution or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.
- (2) “Governmental entity” means the United States Government, any state government, any local government, and any department, agency, or instrumentality thereof.
- (3) “Licensee” means any person issued a license pursuant to Title 3 of the Official Code of Georgia by a governmental entity.

(B) Any licensee who has any disciplinary action taken against him, his employees, or any person holding a financial interest in the license of said licensee by any governmental entity shall notify the governing body and the Georgia Department of Revenue commissioner within fifteen (15) days of such action.

- (1) The notification of the disciplinary action must include the complete details of the action, including but not limited to the following: the date of the violation, the substance of the violation, the governmental entity enforcing the disciplinary action, the jurisdiction where such disciplinary action is pending, case or citation identification number, and the disposition or status of the disciplinary action.
- (2) Traffic citations need not be reported to the governing body or the Georgia Department of Revenue commissioner.

(C) If the governing body, or any of its officers, departments, agencies, or instrumentalities, takes disciplinary action against a licensee, the governing body shall inform the Georgia Department of Revenue within forty-five (45) days of such action.

- (1) The notification of the disciplinary action must include the complete details of the action, including but not limited to the following: the date of the violation, the substance of the violation, the governmental entity enforcing the disciplinary action, the jurisdiction where such disciplinary action is pending, case or citation identification number, and the disposition or status of the disciplinary action.
- (2) The notification of disciplinary action by the governing body to the Georgia Department of Revenue shall not obviate the licensee’s reporting requirement as described in subsection (B) of this section.

Sec. 6-064 – Licenses enumerated.

The governing body permits the following licenses for the sale of alcoholic beverages:

- (A) Retail consumption dealer of malt beverages for pouring on premises;
- (B) Retail consumption dealer of wine for pouring on premises;
- (C) Retail consumption dealer of malt beverages and wine for pouring on premises;
- (D) Retail package dealer of malt beverages;
- (E) Retail package dealer of wine;
- (F) Retail package dealer of distilled spirits and fortified wine;
- (G) Retail package dealer of malt beverages, wine, fortified wine, and distilled spirits; and
- (H) Wholesale package dealer.

Secs. 6-065—6-090. - Reserved.

ARTICLE III. - OPERATING REGULATIONS FOR LICENSED ESTABLISHMENTS

DIVISION 1. – GENERALLY

Sec. 6-091. - Distance from schools, churches, polling places and residences.

- (A) No person knowingly and intentionally may sell or offer to sell:
 - (1) Any distilled spirits in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus;
 - (2) Any wine or malt beverages within 100 yards of any school building, school grounds, or college campus; or
 - (3) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.
- (B) As used in subsection (a), the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as defined in [O.C.G.A.] subsection (b) of Code Section 20-2-690.
- (C) No person knowingly and intentionally may sell any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued prior to July 1, 2000, nor to the renewal of such license.
- (D) As used in subsection (d), the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by [O.C.G.A.] Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."
- (E) No person shall knowingly and intentionally sell or offer to sell any alcoholic beverage within 250 feet of any polling place or of the outer edge of any building within which such polling

place is established for any state or local election days, including primary, special, runoff or general elections.

- (F) All distances required by this article shall be measured in accordance with the regulations promulgated by the state commissioner in the current version of Section 560-2-2-.12. Measurement of Distance of the Rules and Regulations of The State of Georgia, and unless otherwise modified, shall be the following:
- (1) In a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale; and
 - (2) To the front door of the building of a church, government-owned treatment center, or a retail package store; or
 - (3) To the nearest property line of the real property being used for school or educational purposes.
- (G) All renewal applications shall use the measurements required in the initial application and license.

Sec. 6-092. - Hours and days of operation; hours of consumption on alcoholic beverages sold by the package.

- (A) Hours of operation for sale of alcoholic beverages by package. No sale of alcoholic beverages by the package shall be allowed by a licensed establishment on weekdays and Saturdays except between the hours of 6:00 a.m. and 11:00 p.m. The sale of alcoholic beverages by the package shall not be allowed on Sundays.
- (B) No outlet manager, nor other employee of an outlet, shall permit violations of subsection (A).

Sec. 6-093. - Products for sale, display or offer other than distilled spirits.

- (A) No retail dealer shall sell or offer for sale or display or keep in stock at its place of business where distilled spirits are offered for sale, any other product, except the following:
- (1) Wines, but only if the retail dealer holds a valid and current license to sell wine at said place of business;
 - (2) Malt beverages or beer, but only if the retail dealer holds a valid and current license to sell malt beverages or beer at said place of business;
 - (3) Tobacco products, limited to tobacco, cigarettes, cigars, chewing tobacco, snuff, cigarette papers, lighters, matches, and “vapor product” (as that term is currently defined in O.C.G.A. § 16-12-170(9));
 - (4) Chewing gum and breath mints;
 - (5) Beverages containing no alcohol and commonly used to dilute distilled spirits;
 - (6) Ice, ice chests, and coozies (individual can and bottle coolers);
 - (7) Paper, Styrofoam or plastic cups; and wine gift bags which are limited to a size to accommodate one 750 ml size bottle and which contain only products approved for sale or display by this regulation;

- (8) State-approved lottery tickets and related state approved lottery materials, but only if the retail dealer is a state-approved retail lottery dealer location;
 - (9) Bar supplies, limited to:
 - a. Cork screws, openers, straws, swizzle stirrers, and bar related glass ware, bar related metal ware, bar related ceramic ware, and bar related plastic ware.
 - b. Cocktail olives, onions, cherries, lemons, limes, or other fruits.
 - c. Beverage alcohol drink recipe booklets, bar guides, and consumer-oriented beverage alcohol publications.
 - (10) Chips and various snack food
- (B) Products co-packaged with alcohol beverages are limited to the items approved for sale or display by this section, but shall not include alcohol beverage products of a different class.
- (C) Retail dealers are not permitted to separate co-packaged products for individual sale. Products packaged together are to be offered for sale and sold as a single unit.

Sec. 6-095. - Police supervision.

Anyone holding a license for the sale of alcoholic beverages shall, at all times, permit the police department to have complete supervision over the conduct of those people patronizing the establishment, and any dealer or licensee refusing to permit the police department to have full supervision, or interfering with such activities or hindering the proper policing of such establishments, will be subject to having the license suspended or revoked in the manner provided in this chapter.

Sec. 6-096. - Coin-operated devices.

No holder of a retail license for the sale of any alcoholic beverages, except for the sale of such beverages for consumption on the premises, shall permit on the licensed premises any slot machine, mechanical music box or jukebox, pinball machine, video arcade machine, or other coin-operated or token-operated machine for amusement purposes.

Sec. 6-097. - Allowing underage persons on premises.

No person who holds a license to sell alcoholic beverages shall allow anyone under the age specified by state law to be in, frequent or loiter about the premises of the licensee, unless such minors are accompanied by a parent, legal guardian, or adult responsible for said underage person(s); provided, however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, food halls, or private clubs without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees otherwise in compliance with this chapter.

Sec. 6-098. - Misrepresentation of quantity, quality or brand name of alcoholic beverages.

It shall be unlawful for licensees under this chapter or their agents to add to the contents of a bottle or to refill empty bottles or in any manner misrepresent the quantity, quality, or brand name of any alcoholic beverage.

Sec. 6-099. - Display of name of licensee and identification of business.

Each licensee for the sale of liquor by the package at retail shall have printed on the front window of the licensed premises the name of the licensee in uniform letters not less than four inches and not more than eight inches in height, and the words "Liquor", "Liquor Store", or "Package Store." Such signs shall not be illuminated.

Sec. 6-100. - Display of prices.

Each retail licensee under this chapter shall have conspicuously displayed within the interior of the licensed premises not less than four copies of a printed price list of the alcoholic beverages offered for sale; provided, however, that a licensee, in lieu of having four copies of a printed list, may have the price placed on the bottle or on the shelf where alcoholic beverages are exhibited for sale.

Sec. 6-101. - Exterior advertisements.

Exterior advertisements for licensees under this chapter shall be restricted according to state law, including but not limited to [O.C.G.A] Code Section 3-4-3, regarding distilled spirits and according to the zoning ordinances and exterior sign ordinances of the city.

Sec. 6-102. - Wholesale transactions and dealers.

- (A) All wholesale dealers or distributors shall be licensed by the state revenue department and shall comply with all laws and regulations of the state revenue department before they sell or deliver any alcoholic beverages in the city. Deliveries and sales shall be made only to retailers licensed under the provisions of this chapter and all deliveries shall be made in conveyances owned and operated by such wholesale dealers or distributors.
- (B) Retail dealers in alcoholic beverages licensed under the provisions of this chapter shall not buy or accept deliveries of alcoholic beverages from wholesalers, dealers, or distributors except those who are licensed by the state revenue department.
- (C) All licensed retailers shall store all alcoholic beverages on the premises for which the license was issued and at no other place. All alcoholic beverage stock shall be available at all times for inspection by the governing body or such body's duly authorized representatives. Any alcoholic beverage found in any retailer's stock that is sold or distributed by a wholesaler who is not licensed in accordance with the laws of the state to make sales and deliveries in the city shall be subject to immediate confiscation.
- (D) Upon each delivery by a licensed wholesaler to a licensed retailer, an invoice in triplicate shall be prepared, showing the quantities and brands of alcoholic beverages delivered, together with the price thereof and the excise tax due and collected thereon. The original of such invoice shall be delivered by the wholesaler to the retailer simultaneously with such delivery. The wholesaler shall retain the second copy of such invoice and shall keep it for a period of three years after the date of delivery. During such three-year period, such invoices shall be made available for inspection by the governing body, or duly authorized representatives of the governing body. Upon request of the city, a copy of such invoice shall be attached to any reports requested or required by the city.
- (E) Each retail licensee doing business in the city shall keep and maintain the original invoice of each sale to such licensee or purchase by such licensee from a wholesaler of any alcoholic beverages for at least three years after the date of such purchase and shall maintain records to

show the sales of alcoholic beverages and any other records required by the city. The city, or its duly authorized representative, shall have the right to inspect the records of each licensee and make a complete audit of the records of each licensee at any time. Failure of a licensee to properly maintain records showing receipt of alcoholic beverages, payment therefor, and payment of the taxes due thereon to the appropriate wholesaler, and records which clearly show the sales, the amount of sales, and the types of sales of each licensee, may, at the discretion of the governing body, after a hearing as provided by this chapter, result in the revocation or suspension of such license.

- (F) In conjunction with any application for license, or in conjunction with any license which has been issued under the terms of this chapter, or in conjunction with the revocation, suspension, or cancellation of any license, or in conjunction with any of the hearings contemplated by this chapter, or in conjunction with the payment or nonpayment of any excise tax levied or to be collected under this chapter, the governing body shall have the right to subpoena all or any part of the records, including but not limited to the books, documents, reports, or invoices of any licensee for the purpose of auditing the records of such licensee, securing compliance of such licensee with the provisions of this chapter, or proving or disproving violation of any part of this chapter by any licensee, or to show payment or nonpayment of any taxes, fees, charges, or the like due under this chapter.

Sec. 6-103 - Security cameras required.

- (A) Required. Any licensee which sells distilled spirits for off premises consumption is required to install and maintain a continuous recording security camera system.
- (B) Camera locations. Said required security camera system shall include cameras located at each exit door of the establishment so as to capture images of all ingress and egress therefrom with additional cameras located so as to capture all activity at each point of customer transaction including, but not limited to, cash registers and teller machines.
- (C) Capability requirements. Said required security camera system shall be capable of producing an identifiable and retrievable image with minimum resolution of six hundred forty (640) by four hundred eighty (480) lines on film, tape, CD, DVD, or other removable storage device in a format that can be made a permanent record and enlarged through projection or other means.
- (D) Retention. All recordings and data captured by the security system shall be retained by the licensee for a period of not less than thirty (30) days after such recording.
- (E) Maintenance and inspection. Such security camera system shall be maintained in complete and proper working order at all times. Such security camera system shall be subject to periodic inspection by the City of Butler Police Department. In the event of a crime, it shall be the responsibility of the licensee to produce a recording of the incident within twenty-four (24) hours. Such recording shall become the property of the City of Butler Police Department for use as evidence.

- (F) Affidavit. At the time that an applicant seeks the issuance of a license for sale of distilled spirits for consumption off premises, or a licensee seeks renewal of such license, said applicant or licensee shall execute an affidavit stating that the business will have, in the case of an applicant, and has, in the case of a renewal, an operating and functioning security camera system that complies with the requirements set forth hereinbefore. Such affidavit form shall be provided by the City of Butler.
- (G) Violations and penalties. Violation of any provision of this section shall constitute an offense hereunder and be punished as follows:
- (1) Upon conviction of a first violation/offense, the defendant shall be subject to a fine of not more than two hundred (\$200.00) and the court may impose a suspension of all alcoholic beverage licenses issued by the City of Butler for a period not to exceed thirty (30) days.
 - (2) Upon a second conviction of a violation of any provision herein within twelve (12) months of an initial conviction hereunder, the defendant shall be subject to a fine of not more than three hundred fifty dollars (\$350.00) and a mandatory suspension of all alcoholic beverage licenses issued by the City the Butler for a period of not less than thirty (30) days and not exceeding sixty (60) days.

Secs. 6-104—6-120. - Reserved.

DIVISION 2. - EMPLOYEES

Sec. 6-121. - Minimum age.

- (A) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for alcoholic beverages. Permitting violations of this section by the licensee, or repeated violations, shall constitute grounds for suspension, revocation or refusal to renew the license or other action with regard to such license.
- (B) This section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, breweries, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.

Sec. 6-122. - Employment of persons convicted of certain crimes.

No licensee shall employ in any premises for the sale of alcoholic beverages any person, in any capacity whatsoever, who has been convicted in this state or in any other state, or in the United States, or in any other country, within ten years immediately prior to the application for employment, of soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses, or other charges relating to the manufacture or sale of intoxicating liquors, or any crime involving moral turpitude. Permitting

violations of this section by the licensee, or repeated violations, shall constitute grounds for suspension, revocation or refusal to renew the license or other action with regard to such license.

Secs. 6-123—6-140. - Reserved.

DIVISION 3. - CONSUMPTION AND DELIVERY OF ALCOHOLIC BEVERAGES

Sec. 6-141. - Consumption by licensee or employees.

It shall be unlawful for the licensee or any employee of a licensee for the sale of alcoholic beverages to drink any alcoholic beverages while at such licensed location or to be present at such location in an intoxicated condition. Permitting violations of this section by the licensee, or repeated violations, shall constitute grounds for suspension, revocation or refusal to renew the license or other action with regard to the license.

Sec. 6-142. - Consumption on premises of package stores.

It shall be unlawful for anyone to open or consume any alcoholic beverage upon any premises for which a license to sell any retail package alcoholic beverage is issued.

Sec. 6-143. - Removal of alcoholic beverages in open containers from licensed premises.

- (A) No person licensed to sell alcoholic beverages by package sale or for consumption on the premises, or any employee or agent of such licensee, shall permit any person to remove from such premises any alcoholic beverage in any open container.
- (B) All premises licensed for the sale of alcoholic beverage by package sales or consumption on the premises shall post a notice at each exit stating "NO BEER, LIQUOR, OR WINE MAY BE CARRIED IN AN OPEN CONTAINER OUT OF THIS BUILDING."

Sec. 6-144. - Drive-in window or curb service.

Curb service or other sale of distilled spirits outside the building licensed to sell is hereby expressly prohibited. Notwithstanding the foregoing and subject to any zoning restrictions governing ingress, egress, and setback requirements, it shall be lawful to sell or dispense distilled spirits from drive-in or service windows.

Sec. 6-145. - Delivery of distilled spirits off of licensed premises.

It shall be unlawful for any licensee under this chapter to make deliveries of any distilled spirits by the package beyond the boundaries of the premises covered by the license.

Secs. 6-146—6-170. - Reserved.

ARTICLE IV. - EXCISE TAX

Sec. 6-171. - Tax levied.

- (A) In addition to all other taxes or license fees heretofore or hereafter imposed upon all alcoholic beverage licensees engaged in the city in the business of selling alcoholic beverages, there is hereby imposed and levied upon all such dealers and licensees within the city an excise tax, to be computed and collected as set forth in this article.

- (B) The excise tax levied under this section shall be the maximum amount permitted by state law under Title 3 of the Official Code of Georgia, such amount presently being the amount prescribed by the governing body based upon volume as the tax pertains to malt beverages, wine, and distilled spirits, and by the drink as the tax pertains to distilled spirits. A schedule of such excise tax is maintained on file with the city administrator.

Sec. 6-172. - Collection by wholesale dealers.

- (A) *Duties of wholesale dealers; collection and remittance to city.* The excise tax imposed by this article shall be computed and payable monthly. Each wholesale dealer selling, shipping or delivering alcoholic beverages by the package to any alcoholic beverage licensee in the city shall, as a condition of the privilege of conducting such business in the city, be subject to the following:
- (1) Each wholesaler shall keep and maintain true and correct records of all sales, shipments or deliveries of alcoholic beverages by the package to each licensee in the city, such records to be preserved for a period of not less than three years and to be made available on request for inspection by any duly authorized representative of the city.
 - (2) Each wholesaler shall collect from each licensee in the city, at time of delivery of alcoholic beverages, the amount of tax due under the terms of this article and hold such amount in trust for the city until such tax is remitted to the city as provided in this article.
 - (3) On or before the tenth day of each calendar month, each wholesaler shall make a verified and comprehensive report to the city, which shall correctly show and reflect all sales and deliveries of alcoholic beverages to or for licensees in the city for the calendar month immediately preceding the date of the report. The report shall show the name and address of each licensee, the quantities delivered to each licensee, the amount of excise tax collected under the terms of this section, and such other reasonable information as may be requested by the city. The report shall be accompanied by remittance payable to the city for all taxes collected or due, as shown on the report.
 - (4) The excise tax levied in this section is hereby levied upon the retailer licensed to do business in the city and it is the intent of this chapter to so levy this tax, but require the payment of the tax at the time of delivery by the retailer to the wholesaler, who shall have the responsibility of remitting the tax to the city on behalf of the retailer on or before the tenth day of each calendar month, as required in this section. If the tax due under this section is not paid on or before the tenth day of each calendar month, a ten percent penalty on the gross tax will be levied by the city against each defaulting retailing licensee for whom the tax is not paid on or before the tenth day of the month.
- (B) *Noncompliance by wholesale dealer or distributor.* If any wholesale dealer or distributor fails or refuses to make the reports required in this section, the city shall notify such dealer or distributor in writing. If the reports are not made and the taxes remitted within five days from the date of such notice, such wholesale dealer or distributor shall be prohibited from making any further deliveries in the city and the retail licensees served by such wholesale dealer or distributor for whom the taxes have not been paid shall be subject to having their license suspended or revoked as provided in this chapter.

- (C) *Unlawful retail sales.* It shall be a violation of this chapter for any person to sell at retail within the city any alcoholic beverage on which the taxes provided for in this article have not been paid.
- (D) *Unlawful deliveries.* It shall be unlawful and a violation of this chapter for any wholesale dealer or distributor, or other person, to deliver any alcoholic beverage to any retail dealer in the city without collecting, at the time of such delivery, the excise taxes provided for in this article.
- (E) *Penalties.* Any person violating any of the provisions of this article, or who shall assist any retail dealer in alcoholic beverages in the city to evade or avoid the payment of the taxes provided for in this article, shall be guilty of a violation of this section, and on conviction thereof in the municipal court shall be fined or sentenced as provided by the City of Butler Ordinances. Any such person so convicted shall also be subject to having such person's license suspended or revoked, if such person shall be a licensed dealer in alcoholic beverages.

SECTION II

This Ordinance shall become effective immediately following enactment by the Mayor and Council of the City of Butler, Georgia, the public health, safety, and welfare requiring it.

SECTION III

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV

It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional, or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ADOPTED, this the _____ day of _____, 2022.

 BARRY WHITLEY, MAYOR
 CITY OF BUTLER, GEORGIA

 ATTEST:
 VICKI WAINWRIGHT, CITY CLERK

Date of First Reading: _____

Date of First Public Hearing: _____

Date of Second Public Hearing: _____