

Chapter 4 - ALCOHOLIC BEVERAGES

ARTICLE I. - GENERAL PROVISIONS

Sec. 4-1. - 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:

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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 beverage, wine or fortified wine.

Brewpub means any bona fide food service establishment in which beer or malt beverages are manufactured or brewed subject to the barrel production limits and regulations under state law.

Brown bagging is the bringing of alcoholic beverages into business establishments licensed for the retail sale of beer, wine or distilled spirits by the drink for the purpose of drinking such alcoholic beverages at any such establishment.

Building code means and includes all building, plumbing and electrical codes and any other similar technical code of Macon-Bibb County.

Church means any permanent building where persons regularly assemble for religious worship.

College means only such state, local government, church or other colleges that teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines. For purposes of licensing and regulation, distilled spirits includes liquor, spirituous liquor, whiskey and fortified wine.

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 includes, but is not limited to, brandy.

[License means any license or permit issued under this Chapter, however denominated.](#)

[Licensee means any person holding any license or permit issued under this Chapter, however denominated.](#)

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 fourteen percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.

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

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

Minor means any person who has not attained the legal age as set by the state for the purchasing of alcoholic beverages.

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

Premises means the definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed. Premises shall also include the sidewalk serving area of sidewalk cafés permitted under the business regulations of this Code and an outside, open air or patio-type serving area on the private property of an establishment. Such outside, open air or patio-type serving

area must meet all planning and zoning commission requirements and adjoin or be connected to the main service building in such a manner as to prevent the movement of pedestrians or vehicular traffic between the outside serving area and the main service building.

Private club means a corporation organized and existing under the laws of the state actively in operation within the corporate limits of Macon-Bibb County, and having regularly paying monthly, quarterly or semiannual dues paying members.

Private residence means a house or dwelling wherein not less than one nor more than three families customarily reside and shall not include a mobile home, a boarding house where there are five or more boarders or roomers, or any residence which has been unoccupied for a period of six consecutive months immediately prior to the filing of an application. The term "private residence" shall not include any house or dwelling otherwise falling within the foregoing definition were such house or dwelling is regularly or customarily used for the purpose of carrying on any trade, enterprise, or business concern—whether lawful or unlawful, and regardless of whether the same is formally chartered or registered with any government, or any division thereof, for the transaction of business. This Chapter shall have no application to the possession or consumption of alcoholic beverages at any private residence: provided that no alcoholic beverages are being sold or offered for sale therein, and that any and all guests of such private residence are personally known by at least one person customarily residing in such private residence, and provided further that all such guests are present on the premises of such private residence at the invitation of, or by the consent of, at least one person customarily residing therein.

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Retail means retail sales packaged to go and not for consumption on the premises.

Sale means the provision of any quantity of alcoholic beverages in exchange for any consideration whatsoever. A "sale" need not require the direct exchange of money for alcoholic beverages. As used in this Chapter, the term "sale" and other forms of such word shall include, but not be limited to, the following:

- (1) the provision of any quantity of alcoholic beverages at any event or on any premises, whether for or without separate payment, if persons attending such event or entering such premises are generally charged any amount of money, or are otherwise solicited, asked, expected, or anticipated to provide any monetary or in-kind donation, to so attend or so enter;
- (2) the provision of any quantity of alcoholic beverages, along with any other items, meals, goods, or services, for a single or combined price, including the giving of alcoholic beverages free of charge to any person who purchases any other item, meal, good, or service;
- (3) the provision of any quantity of alcoholic beverages in such circumstances that the recipient of such alcoholic beverages are not charged a specific amount of money to purchase such alcoholic beverages, but are solicited, asked, expected, or anticipated to provide any kind of monetary or in-kind donation or gratuity to any organization or to any person mixing, serving, or pouring such alcoholic beverages; or
- (4) Any other artifice, scheme, method, or arrangement by which the provider of the alcoholic beverages gains any financial, in-kind, or material benefit, whether from some or all recipients of alcoholic beverages, while providing such alcoholic beverages to any person within the scope of a single transaction or series of related transactions.
- (5) As used in this Chapter, the term "sale" shall not include any gratuitous gift or offer of alcoholic beverages which is made generally available to any member of the public to whom alcoholic beverages are lawfully able to be sold or served, regardless of whether such member of the public has made or inquired about making any purchase, donation, or other offer of consideration of any kind. By way of example, and without limiting the foregoing, a retailer or event venue which allows any person to whom alcoholic beverages may lawfully be sold or served to receive, upon request, a quantity of alcoholic beverages free of charge, regardless of whether said recipients have made any purchase or payment or declared any intent to make any purchase or payment shall not be considered to have engaged in any "sale" within the scope of this Chapter.

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

Tax commissioner means the tax commissioner of the Macon-Bibb County.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

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 includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this [Section](#).

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([Ord. No. O-16-0047, §§ 1, 2, 6-7-2016](#))

Sec. 4-2. - Familiarity with [Chapter](#).

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It shall be the duty of each licensee to maintain a copy of this [Chapter](#) on the premises, and to instruct each employee as to the terms thereof; and each licensee and employee shall at all times be familiar with this [Chapter](#).

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Sec. 4-3. - Responsibility for acts of employees and others.

Licensees are charged with the responsibility hereunder for compliance with this [Chapter](#) by their officers, agents, servants and employees. Licensees are responsible for acts in violation of this [Chapter](#) performed by others if with the knowledge of the licensee.

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Sec. 4-4. - Removal of alcoholic beverage served for consumption on the premises prohibited.

No alcoholic beverage sold pursuant to a license for sales of wine and malt beverages for consumption on the premises, for sales of distilled spirits for consumption on the premises or for sales in connection with food service as provided in [Section 4-126](#), may be removed from the premises on which such alcoholic beverage is sold.

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Secs. 4-5—4-20. - Reserved.

ARTICLE II. - LICENSING

Sec. 4-21. - Required.

No alcoholic beverages shall be sold or manufactured in Macon-Bibb County except under a license issued pursuant to this [Article](#) by the commission.

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Sec. 4-22. - License categories.

(a) The alcoholic beverage licenses which may be issued under this [Chapter, and the fees for each respective annual license](#), are:

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(1) [Manufacturer of malt beverages, \\$2,500.00 per year;](#)

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(2) [Manufacturer of wine, \\$1,500.00 per year;](#)

(3) [Manufacturer of distilled spirits, \\$5,000.00 per year;](#)

(4) [Wholesaler of malt beverages, \\$1,000.00 per year;](#)

(5) [Wholesaler of wine, \\$800.00 per year;](#)

(6) [Wholesaler of distilled spirits, \\$3,750.00 per year;](#)

(7) [Wholesaler of malt beverages, wine, and distilled spirits by a wholesaler whose principal place of business is located outside of Macon-Bibb County, \\$100.00 per year;](#)

(8) [Retail sale of malt beverages for consumption on premises, \\$750.00 per year;](#)

- (9) Retail sale of malt beverages by the package to go, \$750.00 per year;
- (10) Retail sale of wine for consumption on premises, \$500.00 per year;
- (11) Retail sale of wine by the package to go, \$500.00 per year;
- (12) Retail sale of distilled spirits for consumption on premises, \$3,000.00 per year;
- (13) Retail sale of distilled spirits by the package to go, \$3,000.00 per year;
- (14) Alcoholic beverage caterer (includes malt beverages, wine, and distilled spirits), \$350.00 per year;
- (15) Brewpub, \$5,000.00 per year;
- (16) Malt beverages and wine brown-bagging permit (to a licensee with licenses for malt beverages and wine retail sales for consumption on premises), \$700.00 per year;
- (17) Malt Beverages, wine, and distilled spirits brown-bagging permit (to a licensee with licenses for malt beverage, wine, and distilled spirits retail sales for consumption on premises), \$1,000.00 per year;
- (18) Special event permit, \$50.00 per day of the event;
- (19) Special event permit where applicant is a non-profit organization; \$25.00 per day of the event;
- (20) Wine-tasting permit, \$500.00 per year;
- (21) Sunday sales permit; \$500.00 per year;
- (22) Home brew special event permit; \$50.00 per day of the event;
- (23) Temporary alcohol license; \$100.00 for duration of temporary license; and
- (24) Alcohol Handler's license; \$40.00 per year.

- (b) A separate application is required for each license category enumerated in subsection (a) of this Section; the commission of Macon-Bibb County or its designee will act upon each application separately.
- (c) No manufacturer, wholesaler or retailer licensed to sell packaged distilled spirits shall hold any consumption on the premises license for the same location, except as expressly authorized under Georgia law.
- (d) All businesses issued licenses under this Chapter must, within ninety (90) days after the issuance of a license, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this Section may make written request to the mayor for an extension of time not to exceed ninety (90) days, and the mayor at his discretion may grant or deny the request.
- (e) Any establishment holding a consumption-on-the-premises license for malt beverages and wine may purchase a permit so as to permit brown bagging on such licensed premises. Brown bagging shall be unlawful at all business establishments that do not obtain a brown bagging permit as provided for in this Section.
- (f) Any establishment holding a license for consumption-off-the-premises at catered functions shall purchase an event permit for each event where the licensee intends to distribute or sell alcoholic beverages by the drink, off the premises, and in connection with an authorized catered function. Provided however, the issuance of an event permit shall in no way be considered a substitute for the consent of the owner or operator of the off-premises location to distribute or sell alcoholic beverages at the off-premises location. An event permit is limited in scope to the category or categories of alcohol for which the establishment is already licensed. ~~§~~

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 (4) Retail package sales of distilled spirits; ¶
 (5) Retail sales of wine and malt beverages for consumption on the premises; ¶
 (6) Retail sales of distilled spirits for consumption on the premises; and ¶
 (7) Alcoholic beverage caterer. ¶
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(Ord. No. O-16-0047, § 3, 6-7-2016)

Sec. 4-23. - Applications for new license.

- (a) The provisions of this Code on general business licensing shall apply in addition to the provisions of this ~~Section~~.
- (b) All approved applications for new licenses under this ~~Chapter~~ shall be accompanied by a ~~\$400.00 application fee, as well as all applicable license fees, payable in cash, by certified check, or by credit or debit card. Upon approval, and prior to the issuance of any license, all applicable fees and business or occupation taxes provided for in this Code for the applicant shall be paid in full.~~
- (c) The application for a license of consumption-off-the-premises at catered functions shall include photostatic or other copies of all state and local licenses allowing for the operation of the applicant's business or relating to the sale of alcoholic beverages.
- (d) The application shall be made on a form provided by the County, and shall be accompanied by the following:
- (1) Proof of planning and zoning compliance;
 - (2) ~~A copy of the business information record, as maintained by the Georgia Secretary of State's Corporations Division, which is no more than ten days old, showing that the applicant is registered and authorized to transact business in the State of Georgia, and that such registration is current and in good standing; or, an affidavit identifying the type of business entity applying for a license under this Chapter and certifying that the entity is of a type that is not required to register with the Georgia Secretary of State in order to transact business in the State of Georgia;~~
 - (3) A ~~current lease or property deed demonstrating a right of possession to~~ the property upon which the premises are located;
 - (4) An ~~unexpired identification card issued by any U.S. state or the United States government, bearing a current photograph of the applicant;~~
 - (5) Fingerprints of the applicant, ~~or if the applicant is a legal entity, the applicant's agent, and any other person subject to the criminal history requirements of Sec. 4-26, to be taken by the Sheriff's Office; along with separate fees applicable for the background check of each person required under this subparagraph to be fingerprinted;~~
 - (6) ~~If the application is filed by any person or entity other than an individual acting as a sole proprietorship or a publicly-traded company, an affidavit identifying each person or legal entity with an interest greater than or equal to ten percent ownership of the applicant entity, either as owner, partner, stockholder, member, or otherwise, directly or indirectly, beneficial or absolute; as well as each person or legal entity with an interest greater than or equal to ten percent ownership of any entity, itself having greater than or equal to ten percent ownership of the applicant entity, either as owner, partner, stockholder, member, or otherwise, directly or indirectly, beneficial or absolute;~~
 - (7) ~~Proof that all persons who, upon issuance of the requested license, would be Alcohol Handlers, as defined in Sec. 4-501(b) or (c) possess valid licenses pursuant to Article XII of this Chapter;~~
 - (8) An affidavit from the engineering department stating that the establishment complies with the distance requirements contained in this ~~Chapter~~. The engineering department will charge a fee of one hundred fifty dollars (\$150.00) for this affidavit;
 - (9) A ~~surety bond issued by a bonding company licensed by the State of Georgia, and~~ conditioned upon the applicant and the applicant's employees at the licensed establishment complying with all laws, ordinances, rules and regulations of the commission governing the issuance and control of alcoholic beverage licenses and the bond shall remain in force as long as the license and its renewals are valid and subsisting and shall be for the following amounts:
 - a. One thousand dollars (\$1,000.00) for a retail or consumption on the premises spirituous liquor license; or

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b. Five hundred dollars (\$500.00) for a license to sell malt or vinous beverages, or both, at retail or for consumption on the premises; or

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c. One thousand five hundred dollars (\$1,500.00) for a license to sell spirituous liquor, as well as malt or vinous beverages, or both, at retail or for consumption on the premises; or

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d. One thousand five hundred dollars (\$1,500.00) for a brewpub license. (10) An affidavit from the publisher of the legal organ of Macon-Bibb County showing that the applicant has caused to be published in such legal organ, once a week for two (2) consecutive weeks, a notice showing the name of the applicant (or of the applicant is a legal entity, the applicant's agent), the name and trade name of the business entity (if any) for which the license is sought, the location for which the license is sought, the type of license applied for, and inviting the public to comment on the proposed license, in writing by submission to the department of the Macon-Bibb County government charged with receiving license applications under this Chapter, within fourteen days of the first date on which said advertisement is scheduled to be published, and which date shall be included in said advertisement.

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(e) The application shall also contain a form of oath providing that the information disclosed in the application is true and correct, and providing further that the applicant will abide by, observe and conduct his other business according to the rules and regulations prescribed by Macon-Bibb County, the acts of the general assembly, and all other applicable federal, state, and local laws. The oath shall be taken by the applicant and the agent in charge of the establishment if different from or additional to the applicant.

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(f) Any false statement or material misrepresentation in any application hereunder shall be grounds for the revocation of any license granted hereunder.

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(g) A transfer of location shall be allowed for any license under this Chapter provided the licensee files with the appropriate department the following on the new location:

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(1) Proof of planning and zoning compliance;

(2) Reserved

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(3) A current lease or property deed demonstrating a right of possession to the property upon which the new premises are located;

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(4) An affidavit from the engineering department stating that the establishment complies with the distance requirements contained in this Chapter. The engineering department will charge a fee of one hundred fifty dollars (\$150.00) for this affidavit;

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(5) A location transfer fee of \$400.00; and

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(6) An affidavit from the publisher of the legal organ of Macon-Bibb County showing that the transferor has caused to be published in such legal organ, once a week for two (2) consecutive weeks, a notice showing the name and address of the transferor, the location for which the license is sought, the type of license held, and inviting the public to comment on the proposed license, in writing by submission to the department of the Macon-Bibb County government charged with receiving license applications under this Chapter, within fourteen days of the first date on which said advertisement is scheduled to be published, and which date shall be included in said advertisement.

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(h) Any transfer allowed under this Section may be denied or revoked on the same basis as for an application or license under this Chapter.

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Sec. 4-24. - Residency required; agents.

(a) All applicants for licenses under this Chapter and all actual owners of establishments for which licenses are sought shall be bona fide residents of Macon-Bibb County at the time of the filing of the applications and shall remain bona fide residents of such Macon-Bibb County during all times that the licenses and renewals thereof are in effect, or shall name one (1) resident in Macon-Bibb County as the agent of the licensee, including the name, telephone number, address, and electronic mail address thereof.

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who shall be responsible for any matter relating to such license and who, at all such times, shall be a bona fide resident of Macon-Bibb County.

(b) All applications for licenses under this [Chapter](#) by a corporation [or other legal entity](#) shall name in the application one (1) resident in Macon-Bibb County as the agent of the [entity](#) to receive all communications, notices, services of process or other papers or documents, on behalf of the [entity](#) in connection with any matter arising out of or connected with the issuance, holding, revocation or other action with respect to any Macon-Bibb County license. The application shall give the mailing address of the [agent and electronic mail address of the agent](#) and the mailing to such [agent](#) at such address of any notice required to be given under this [Chapter](#) or any other law shall be sufficient notice to the [entity](#). If any person shall cease to be a resident of Macon-Bibb County, another person shall immediately be appointed, in writing, in his or her place, and written notice shall be given the clerk stating the name and address of the new agent.

[\(c\) Any person named as agent under this Section for any person or entity licensed under this Chapter or applying for any license under this Chapter shall be personally and independently responsible for ensuring that all statements submitted on any license application or renewal are true and correct, and for ensuring that all state and local laws governing the commercial manufacture, distribution, and sale of alcoholic beverages are followed.](#)

[\(d\) If any person or entity licensed under this Chapter shall be cited or charged with any violation of this Code relating to the commercial manufacture, distribution, or sale of alcoholic beverages, then the agent of such person or entity may also be charged with the offense of serving as an agent of a licensee in violation of the same provision of this Code. In such case, it shall be an element of the offense that the principal plead guilty or be convicted of the offense in question before the agent may be convicted, and the maximum penalty for such offense shall be same as the maximum penalty of that offense for which the principal is convicted, but shall not necessarily be lesser than or equal to the penalty actually imposed upon the principal.](#)

[\(e\) If at any time while an application for a license is pending, or after any license has been issued under this Chapter, a person named as agent under this Section becomes unwilling or unable to serve as agent for any reason \(including, without limitation, resignation, separation, death, disability, or incapacity\), the licensee shall have ten days in which to appoint a new agent, who must be a bona-fide resident of Macon-Bibb County, and to provide in writing all information required of agents as part of an application for a new license, including, without limitation, the name, address, and telephone number of said agent. The new agent shall also be fingerprinted by the Bibb County Sheriff's Office, and shall be responsible for paying any fees associated therewith. The failure to appoint a new agent within ten days of the date on which the previous agent actually stopped serving in the capacity as agent shall be grounds for revocation of any licenses issued under this Chapter.](#)

Sec. 4-25. - [Reserved](#)

Sec. 4-26. - Issuance of license to persons with prior convictions prohibited.

No license under this [Chapter](#) shall be issued, renewed or transferred to any person where any individual having an interest [greater than or equal to ten percent](#), either as owner, partner, principal stockholder, directly or indirectly, beneficial or absolute, [member, or agent](#) shall have been convicted or shall have taken a plea of nolo contendere within ten (10) years immediately prior to the filing of the application for any felony or conviction of two (2) or more misdemeanors of any state or of the United States or any local ordinance except traffic violations within two (2) years. The term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond in part or in whole when charged with a crime. [This Section shall not apply to stockholders of publicly traded companies.](#)

Sec. 4-27. - Denial of license application; issuance.

(a) Macon-Bibb County may deny a license under this [Chapter](#) on any of the following grounds:

(1) Failure to meet state requirements for state license;

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All applications shall be approved or disapproved by the Sheriff as a condition to action thereon and issuance of a license by Macon-Bibb County. If the Sheriff determines that the application is not in order, in view of the requirements of federal or state law or this Code and any Sheriff's Office investigation, Macon-Bibb County shall then notify the applicant of the reasons for not issuing the license to the applicant.

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- (2) Failure to pay required fees and taxes;
- (3) Failure to provide required valid information, documents and the like;
- (4) False or incomplete information in the application or attached documents;
- (5) [Reserved](#)
- (6) Improper residency of applicant, owner or registered agents;
- (7) Prior convictions as provided in this [Chapter](#); or
- (8) Failure to meet any other requirements in this [Chapter](#) for a license of the class applied for.

(b) Otherwise, Macon-Bibb County may issue any license provided for in this [Article](#).

Sec. 4-28. - Regulations.

All licenses issued under this [Chapter](#) shall be subject to the rules and regulations set forth in an act of the general assembly known as the Revenue Tax Act to Legalize and Control Alcoholic Beverages and Liquors (approved February 3, 1938) and those prescribed by the state department of revenue. In addition, all businesses, the applicant for the license, the agent in charge of the business, and the owner thereof shall observe and obey the following regulations prescribed by the mayor and commission as provided in this [Article](#).

Sec. 4-29. - Open to inspection.

Any establishment holding a license issued under this [Chapter](#) shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the Office of the Sheriff or any license inspector of Macon-Bibb County or to any person designated by the Sheriff or the Mayor. In addition, if the premises are being used after hours by employees or the owners or their agents, the premises may be inspected at this time by the designated persons in this [Section](#).

Sec. 4-30. - Open containers in unlicensed premises prohibited.

It shall be unlawful for any establishment or any person employed by such establishment to permit any bottle or other container of alcoholic beverages to be opened or consumed by any person on the premises upon which the place of business is conducted and licensed under the [Chapter](#) unless the establishment is licensed for consumption-on-the-premises of that particular classification of alcoholic beverage or has obtained a brown bagging permit under this [Chapter](#).

Secs. 4-31—4-34. - Reserved.

Sec. 4-35. - Character.

No person shall be granted an alcoholic beverage license unless the commission or its designee shall find that such person, ~~or where the applicant is a legal entity, the members, officers, directors, stockholders, partners, or other owners~~ of such ~~entity~~, are of good moral character; and in no event shall any license be granted to any person where any of the individuals, ~~or where the applicant is a legal entity, the members, officers, directors, stockholders, partners, or other owners of such entity~~, as the case may be, have, within ten years immediately prior to the filing of the application, entered a plea of guilty, a plea of nolo contendere, or shall have suffered any conviction of any crime involving moral turpitude or involving ~~any violation of the~~ alcohol control laws of ~~Macon-Bibb County~~, the State of Georgia, or the United States. Should any licensee, partner, officer, director or stockholder of a licensee corporation, after a license has been granted hereunder, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude or to a violation of any of the laws relating to alcohol, the license issued to such licensee shall stand revoked and cancelled.

Sec. 4-36. - Other criteria declared to be in the public interest.

In determining whether or not any license applied for hereunder shall be granted, in addition to all other provisions of this [Article](#), the following shall be considered in the public interest and welfare:

- (1) The applicant's reputation, character, and mental and physical capacity to conduct business.
- (2) Whether or not applicant has violated any law or regulation relating to any alcoholic beverage business for which he may have previously held a license or in which he may have had an interest.

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- (3) Any manner in which the applicant conducted the alcoholic beverage business under any prior license.
- (4) The distance of the premises on which the license is to be used from other premises or which a similar license has already been granted. In this connection, it is declared to be the policy of the commission that no license for the sale of distilled spirits, as authorized by this [Article](#), shall be granted to any applicant for any location which is within 1,500 feet of another location licensed for the sale of distilled spirits under the provisions of this [Article](#), provided however that renewals may be granted to any licensed establishments that were operating immediately prior to the commencement of the restructured government of Macon-Bibb County that are within 1,500 feet of another such location solely by virtue of changes in local government jurisdiction. The distance prescribed in this subsection shall be measured by the shortest line possible from the nearest point on the building housing the place of business for which the application is sought to the nearest point of the building housing the previously licensed place of business. These distance limitations shall not apply, however, to any hotel, motel, or similar establishment; to any bona fide private club generally recognized as such and having bona fide membership requirements; nor to any restaurant or other food service establishment which has, as its primary function, the serving of food, and the sale of alcoholic beverages for consumption on the premises is made in connection with such food service; and provided that the place of business sought to be licensed otherwise meets the requirements of this [Article](#). Licenses for the sale of packaged beer or wine at retail and not consumption on the premises are also excepted from such distance limitations.
- (5) Whether or not the applicant has previously had a license to sell alcoholic beverages of any description revoked. No person whose license has previously been revoked shall be issued a license except as provided in subsection 4-57(a).
- (6) The extent of the financial interest of the applicant in any wholesale alcoholic beverage business. It is declared to be the policy of the commission that no person who has any financial interest in any wholesale alcoholic beverage business shall also have any financial interest in any retail alcoholic beverage business, and no financial aid or assistance to any licensee hereunder from any wholesaler or manufacturer of alcoholic beverages shall be permitted, except as expressly authorized under Georgia law.
- (7) The suitability of the premises for the conduct of an alcoholic beverage business, including its location, highway traffic problems and the difficulty or absence thereof of policing by law enforcement agencies.
- (8) To the extent known by, discovered by, or revealed to the Bibb County Sheriff's Office or the Macon-Bibb County government, the occurrence of any event or events during the preceding calendar year, at or within 100 yards of the location for which a license is sought, whether related to each other or unrelated, and regardless of whether the events result in any criminal convictions, or the commission of any act or acts in any place by the licensee, its agent, or its owners or managers, which, in the aggregate, would pose any unreasonable risk to the public, upon consideration of the following:
- (A) Whether any such events constitute a crime under the laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances;
- (B) The fact or severity of any personal injuries or loss of life suffered in any such event, as well as the number of people injured or killed therein;
- (C) Whether any such events included:
- (i) the use or brandishing of any firearm or other weapon;
- (ii) the use, purchase, sale, or distribution of Controlled Substances, in violation of Chapter 13 of Title 16 of the Official Code of Georgia Annotated;
- (iii) gang activity;
- (iv) the commission of any Sexual Offenses, in violation of Chapter 6 of Title 16 of the Official Code of Georgia Annotated; or

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(v) unlawful Gambling, in violation of Article 2 of Chapter 12 or Title 16 of the Official Code of Georgia Annotated;

(vi) the violation of any laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances relating to the manufacture, distribution, sale, service, or consumption of alcohol; and

(D) The degree of knowledge, complicity, or involvement, and the actions of the applicant; or of the applicant's owners, agents, employees, customers, licensees, invitees, or trespassers, with respect to such events,

(E) Whether any such events, in isolation or in the aggregate, required an unusual commitment of police resources, as compared to other licensees similarly situated, including frequent police calls or reports, frequent calls to E-911 or police dispatch, or the dedication of an unusual quantity of public policing resources or effort to maintaining good order and security in the area of a licensed premises.

(9) The character and reputation of the employees or proposed employees of the licensee. In this connection, it is declared to be the policy of the commission that no person shall be employed by licensee to sell or serve or participate in the sale or service of alcoholic beverages until such licensee has been issued a letter by the Sheriff's Office, indicating that such proposed employee has no record or reputation for violation of the alcohol control laws of the United States or of the state, and that he has no record or reputation for law violation generally. No person, not listed in the application filed by the licensee, shall be employed in connection with the alcoholic beverage business of the licensee until there shall have been conformity with this Section, and the commission or its designee reserves the right to require that any employee or proposed employee shall be fingerprinted by the Sheriff's Office and an exhaustive search made with respect to any possible criminal record.

(10) The effect that a license has, or is reasonably expected to have, on the values of nearby properties, or the uses thereof,

(Ord. No. O-14-0041, § 1, 7-15-2014.)

Sec. 4-37. - Duty to report changes.

Whenever there shall be a change in any of the facts reported to the commission or its designee in the application for a license after such license has been granted, it shall be the duty of the licensee, within three days after such change, to report the same to the Department of Business Development, or its successor department, in writing. If the change concerns any change to the location at which alcoholic beverages are sold pursuant to any license issued under this Chapter; the identity of the agent; the identity of the licensee; or the addition of any categories of activities regulated under this Chapter which are to be conducted at the licensed premises, then a new license application shall instead be submitted reflecting the changes. In such cases, a new application fee, and if appropriate, fingerprinting fees, shall be collected, but the requirements relating to advertising the application in the legal organ of the county or to paying the annual license fee shall be waived.

Sec. 4-38. - Compliance with laws.

(a) In addition to the provisions of this Article, licensees are also charged with responsibility for adhering to any other provisions of this Code, as well as the statutes and laws of the state and of the United States relating to the operation of their businesses.

(b) All applicants for licenses (in the case of pending applications) and all licensees (in the case of issued licenses) shall forthwith report to the commission or its designee any allegations of a violation of any state law or regulation or local ordinance or regulation when such allegations are made by the state department of revenue, a law enforcement officer, tax commissioner or a prosecuting attorney in this state which charges the applicant or the licensee, as the case may be, with the violation of any law or regulation which could or would, in the event of a finding of guilt, result in a revocation of such license or a denial of an application for such license. Similarly, an applicant or a licensee shall report to the commission or its designee all findings of such violations by any administrative agency, the tax commissioner or court which under this Article could or would result in a revocation of a license. Failure

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to make reports required by this [Section](#) shall itself be grounds for revocation of or the denial of an application for a license as the commission or its designee shall determine.

Sec. 4-39. - Applicant subject to the terms of [Article](#).

An applicant by filing an application for an alcoholic beverage license submits to all of the terms of this [Article](#), and agrees that he or she will furnish such evidence, oral or written, as the commission or its designee shall find to be reasonably necessary to the determination of the application, and such applicant further agrees by the filing of such application that if a license is issued thereon, he will comply with the terms of this [Article](#).

Sec. 4-40. - Security cameras.

(a) Any establishment licensed to sell any alcoholic beverage, packaged to go, is hereby required to install security cameras, [which must, at a minimum, be of sufficient quantity, quality, and positioning so as to capture the face and clothing of persons entering into said establishment through any public entrance thereof; or making any purchase from said establishment.](#)

(b) Such cameras meeting the requirements of this [Section](#) must be capable of producing a retrievable image on film or tape that can be made a permanent record and that can be enlarged through projection or other means. Cameras meeting the requirements of this [Section](#) shall be maintained in proper working order at all times and shall be subject to periodic inspection by the Sheriff.

~~Secs. 4-41—4-50. - Reserved.~~

Sec. 4-51. - Investigations.

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

~~Sec. 4-52-4-55. - Reserved.~~

Sec. 4-56. - Duration and renewal of license; transfers.

(a) [All licenses issued under this Chapter shall expire at 11:59:59 P.M. on December 31st of each calendar year, unless otherwise expressly stated. There shall be no "grace period" to allow for the operation of any licensee under a license for a prior year while awaiting the issuance of a renewal license for the succeeding year, except as provided in this Section. No licensee shall have any vested right to the renewal of any local license.](#)

(b) No licenses under this [Chapter](#) may be renewed if the licensee ~~would~~ be denied a new license under this [Chapter](#).

(c) [Licensees and unlicensed applicants may apply to obtain any license under this Chapter for the succeeding calendar year beginning September 1st of any calendar year. Unlicensed applicants so applying shall specify whether they are seeking licensure for the current or succeeding calendar year, or both, and may apply for all licenses so sought for both the current and succeeding calendar years by submitting a single application, and paying all fees as though a license application and renewal application had been separately submitted. In the event that a licensee submits a complete license renewal application for a given location, including all fees associated therewith as well as completing an annual fingerprint background check of all persons required by this Chapter to obtain a fingerprint background check for the issuance of a new license, and such application is accepted as complete, by December 31st of any calendar year, then the expiration of that licensee's licenses issued under this Chapter for such location shall be tolled until the licensee's renewal application is finally adjudicated. Upon the expiration of any alcoholic beverage license by its terms, licensees shall be required to apply as herein provided for new licenses; provided, however, that if sixty or fewer days have passed since the licensee's most recent license expired, then the requirement to advertise under the terms of \[Section 4-23\\(6\\)\]\(#\), is waived.](#)

(d) Alcoholic beverage licenses issued under this [Article](#) shall not be transferable or assignable to new owners, but where there is a change in the ownership of a business, the new owner or owners shall

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~~Deleted:~~ (c) - Any establishment governed by subsection (a) having two (2) or more employees on duty at all times in the area where cash registers are located during hours of operation are hereby exempted from the provision of this section.

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Any alcoholic beverage license issued under this article may be revoked or suspended by the commission or its designee for cause shown, after a hearing of which at least three days' written notice shall be given to the licensee. Such notice shall specify the time, place and purpose of the hearing, and a statement of the charges upon which such hearing shall be held. At such hearing, the licensee shall have the right to appear in person and by attorney, and both Macon-Bibb County and the licensee shall have the right to present evidence under oath, introduce documentary evidence, cross-examine witnesses and generally present evidence of violation of this chapter or absence thereof. Such hearing may be conducted either by the commission or by one of its committees or by its designee. If the matter of the hearing is referred to a committee, the committee shall make its recommendations to the commission or its designee which shall act thereon

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file an application as for a new license as provided by this [Article](#). Changes of business interests from one party at interest named in the original application to another party at interest named in the original application and changes from one employee or manager of a [private](#) club to his successor shall not be deemed a transfer of a license. In each instance, however, the licensee shall notify the tax commissioner in writing of such change and make a complete disclosure of all of the facts in connection therewith, such notification to be made within three days from the date of such change.

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Sec. 4-57. - No new license to be issued after revocation.

(a) When a license has been revoked under the provisions of this [Chapter](#), no application for a new alcoholic beverage license for the same location will be received for a period of 12 months and no application for a new license from the licensee involved shall be received for a period of 24 months.

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(b) It shall be unlawful for any person to have or permit the possession of an opened container containing alcoholic beverages of any sort on the premises of a licensee whose license to sell alcoholic beverages has been ~~revoked~~. The phrase "opened container" shall include not only containers which have no caps, but those containers where the same has been uncapped whether or not the cap has been replaced.

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Secs. 4-58. - [Issuance of temporary license while application pending.](#)

[At the time of application, or any time prior to the final adjudication of any application submitted under this Chapter, any applicant may obtain a temporary license for the manufacture or sale of alcoholic beverages pursuant to the terms of this Section.](#)

[\(a\) Any person or entity completing the following may be issued a temporary alcohol license:](#)

[\(1\) The person or entity must have submitted a complete application for one or more annual alcohol licenses, pursuant to this Chapter, and paid all fees therefor;](#)

[\(2\) The applicant or its agent must successfully complete a fingerprint background check, SAVE Verification, and meet all criminal history requirements imposed by this Chapter;](#)

[\(3\) The location to be licensed must be approved by the Macon-Bibb County Engineer for compliance with all distance requirements imposed under this Chapter;](#)

[\(4\) The applicant must submit a written request for a temporary alcohol license, and pay an additional, non-refundable fee therefor; and](#)

[\(5\) No temporary license will issue to any applicant if the applicant, the agent, or any business operating at the location to be licensed has been the subject of any adverse action against any license previously issued under this Chapter, within the past two years.](#)

[\(b\) Upon completing all requirements set out in paragraph \(a\) of this Section, the applicant shall be entitled to immediately receive a temporary alcohol license, which license shall allow the applicant to conduct all business activities which the applicant would be authorized to conduct in the event that the pending application is granted in full, and without conditions. The department issuing the temporary license shall notify the Sheriff's Office of the fact of issuance at the time of issuance.](#)

[\(c\) All temporary licenses issued pursuant to this Section shall be clearly and conspicuously marked as such.](#)

[\(d\) All temporary licenses issued under this Section shall expire by operation of law on the day following the date on which the corresponding application for annual licensure is finally adjudicated. For purposes of this code Section, an application is "finally adjudicated" on the day that the annual license is granted by any judicial or quasi-judicial body, or, if the corresponding application for annual licensure is denied, upon the expiration of any period allowed by law to obtain review by a superior judiciary. Each temporary licensee is under a duty to know at all times whether its license application has been finally adjudicated, and it shall be considered a violation of this Section for any temporary licensee to operate under an expired temporary license.](#)

[\(e\) The issuance of a temporary license shall have no effect on the consideration of a corresponding annual license application, and shall not be construed to create any expectation that an annual license will be issued.](#)

[\(f\) All licensees operating pursuant to a temporary license are subject to all rules and regulations set out in this Code in the same manner and to the same extent as licensees operating pursuant to an annual license.](#)

Any events occurring prior to the final issuance of an annual alcohol license may be considered as evidence in support of taking adverse action on the licensee's pending annual license application, including, but not limited to, any adverse change in conditions at or near the licensed premises; or any citation for violations of any ordinance or statute relating to the sales or consumption of alcohol on a premises, or the operations of a licensed premises.

- (g) Temporary licensees shall have no vested interest in their temporary licenses. For any licensee operating pursuant to a temporary license issued under this Section, if such licensee, or such licensee's agent or employee, is cited or charged with violating any statute or ordinance relating to the manufacture, sales, service, or consumption of alcoholic beverages, then all temporary licenses issued pursuant to this Section shall be immediately and summarily revoked at the time of citation or charging, and such licensee shall immediately thereafter suspend all business activities which were previously being conducted pursuant to such temporary license.
- (h) If, at any point in the process of evaluating the annual license application that corresponds with a temporary license issued pursuant to this subsection, it becomes apparent that the applicant likely does not meet one or more of the material requirements for annual licensure, then the temporary license shall be subject to immediate and summary revocation, without advanced notice or additional process.

Secs. 4-59. – Licensure of Golf Pro at Bowden Golf Course.

Notwithstanding any other provisions of this Code, any person serving as a Golf Pro at Bowden Golf Course, under a contract with Macon-Bibb County for the provision of concessionaire services at the Bowden Golf Course Pro Shop shall be entitled to apply for a license for the sale of malt beverages, wine, and distilled spirits for consumption on premises, as well as a brown bagging permit. For purposes of this Chapter, any license issued pursuant to this Section shall be valid for the entire premises known and operated as "Bowden Golf Course." This Section shall not operate to relieve any person applying for a license or licensed pursuant to this Section from any other requirements or applicable laws or ordinances relating to the sale or service of alcoholic beverages.

Sec. 4-60—4-70. - Reserved.

ARTICLE III. - ADULT ENTERTAINMENT REGULATIONS

Sec. 4-71. - Obscene, lewd or indecent entertainment on premises where alcoholic beverages are offered for sale.

- (a) *Findings; public purpose.* Based on the demonstrated experience of other urban counties and municipalities, including but not limited to Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Orange County, Florida; Indianapolis, Indiana; Los Angeles, California; Beaumont, Texas; Phoenix, Arizona; St. Paul, Minnesota; and Austin, Texas, which experience is found to be relevant to the problems that face Macon-Bibb County, Georgia and based on the documentary evidence and oral testimony presented at the public safety committee meeting of the precursor governments to Macon-Bibb County by citizens, a number of whom are familiar with conditions resulting in other localities, and experts, commission takes note of the notorious and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, which do not vary greatly among the various communities within our country, particularly the problems of crime, blight, and deterioration which are brought about by alcohol and live nudity.

It is the finding of the board that public nudity (either partial or total) under circumstances related to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "adult entertainment" in conjunction with the sale of alcoholic beverages, begets criminal behavior and tends to create undesirable community conditions.

Among the acts of criminal behavior found to be associated with nudity and alcohol are disorderly conduct, prostitution, public indecency and drug trafficking. Among the undesirable community conditions identified with the concentration of adult entertainment are depreciation of property values in neighborhoods surrounding nude bars or adult entertainment establishments where alcoholic beverages are sold, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burdens on the judicial system as a consequence of the criminal behavior hereinabove described, and

acceleration of community blight by the concentration of adult entertainment establishments in particular areas.

Other negative effects which are found by the commission are the apparent connection of these establishments to organized crime and illegal drug sales; the potential spread of communicable diseases to law enforcement personnel who answer calls at adult establishments and to patrons of such establishments; and the potential proliferation of adult entertainment establishments after the initial siting of an adult entertainment establishment in a particular neighborhood.

Macon-Bibb County therefore finds that it is in the best interest of the health, welfare, safety and morals and preservation of its businesses, neighborhoods, and of churches, schools, and parks to prevent the adverse impact of adult entertainment establishments. Therefore, the board finds that the prohibition of live nude conduct in establishments licensed to serve alcohol for consumption on the premises is in the public welfare by furthering legitimate government interests, such as reducing criminal activity, protection against property devaluation and deterioration, and eliminating undesirable community conditions normally associated with establishments which serve alcohol and allow and/or encourage nudity, and that such prohibition will not infringe upon the protected constitutional rights of freedom of speech. To that end, this [Section](#) is hereby adopted.

(b) *Definitions.* As used in this [Section](#), the following words shall have the meaning as set forth below unless otherwise required by context:

- (1) *Alcoholic beverages* means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as more specifically defined in [Section](#) 4-1 of this Code.
- (2) *Business establishment* means a business within the Macon-Bibb County where alcoholic beverages are offered for sale for consumption on the premises pursuant to a license issued by the governing body.
- (3) *Licensee* means any person to whom a license for sale for consumption on the premises of alcoholic beverages has been issued by the governing body, including the officers and agents of the licensee.
- (4) *License* means a license for sale for consumption on the premises of alcoholic beverages issued by the governing body.
- (5) *Live* means any activity or entertainment which is carried on by actual living persons in the physical presence of the patrons.
- (6) *Live entertainment* means entertainment for the benefit of patrons which is carried on in the actual physical presence of such patrons, including, but not limited to dancing.
- (7) *Mainstream performance house* means a theater, concert hall, auditorium or similar establishment which regularly features live performances such as plays or concerts which are not distinguished or characterized by an emphasis on the depiction, description or display or the featuring of specified anatomical areas or specified sexual activities and where such depiction, if any, is only incidental to the primary purpose of any performance.
- (8) *Person* means a human being.
- (9) *Premises* means the definite closed or partitioned establishment, whether room, shop or building wherein alcoholic beverages are sold or consumed, including the sidewalk serving area or outside, open air or patio-type serving area on the private property of an establishment, as defined in [Section](#) 4-1 of this Code.
- (10) *Specified anatomical areas* means any of the following:
 - a. Less than completely and opaquely covered human genitals or pubic region; cleft of the buttocks; or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation thereof. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage

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of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed.

b. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

(11) *Specified sexual activities* means and includes any of the following:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

c. Masturbation, actual or simulated;

d. The displaying of the male or female pubic hair, anus, vulva or genitals; or

e. Excretory functions as part of or in connection with any of the activities set forth in subsections a. through d.

(c) *Conduct prohibited.* The following types of entertainment, attire and conduct are prohibited upon any premises licensed to sell, serve or dispense alcoholic beverages for consumption on the premises within Macon-Bibb County:

(1) The employment or use of any person live, in any capacity, in the sale or service of alcoholic beverages or food while such person is unclothed or in such attire, costume or clothing, as to expose any portion of his or her specified anatomical areas.

(2) Live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas or where such person performs acts of specified sexual activities or acts which simulate specified sexual activity, as defined herein.

(3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where live patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct proscribed in subsections (1) and (2).

(4) Nothing contained in this [Section](#) shall apply to the premises of any mainstream performance house or museum which derives less than twenty (20) percent of its gross annual income from the sale of alcoholic beverages.

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(d) *Penalties.*

(1) It shall be unlawful for any person to perform any acts prohibited in subsection (c) and any such conduct will be a violation of this Code and shall be punishable in the municipal court of Macon-Bibb County as provided under this Code.

(2) It shall be unlawful for a licensee to permit any conduct prohibited in subsection (c) which he knows or has reasonable cause to know is taking place on the premises. Any such conduct by a licensee shall be a violation of this Code and shall be punishable in the municipal court as provided under this Code. Also, upon conviction, a licensee may have his license revoked as provided in this Code.

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Secs. 4-72—4-90. - Reserved.

ARTICLE IV. - RETAIL PACKAGE SALES OF DISTILLED SPIRITS

Sec. 4-91. - Limitation on number of licenses.

(a) The number of licenses for retail package sales of distilled spirits which may be issued pursuant to the provisions of this [Chapter](#) and which may be in operation within the limits of Macon-Bibb County therein at any one time shall be based on and shall be limited to one license for each 2,800 or major fraction thereof of population in such area according to the latest United States Decennial Digest.

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(b) The maximum number of retail distilled spirits licenses which may be issued and which may be in operation in Macon-Bibb County as is now provided shall in the future be issued or approved for transfer in location in such a manner that the number of licenses in each of the nine (9) commission

districts of Macon-Bibb County shall be based on one (1) licensee for each two thousand eight hundred (2,800) or major fraction thereof of population in each commission district, according to the latest United States decennial census except as provided in subsection (c). In order to equitably administer this provision no new license shall be issued or existing license approved for transfer if located across a commission district line in the future which causes the total number of licenses in any one (1) commission to exceed a ratio of one (1) license for each two thousand eight hundred (2,800) or major fraction thereof of population in each district according to the latest census. However, in no event shall the total number of licenses issued in Macon-Bibb County exceed the maximum number provided for in subsection (a).

- (c) Valid licenses for retail package sales of distilled spirits active immediately preceding the commencement of the government of Macon-Bibb County issued by either Bibb County or the City of Macon may be renewed in accordance with this Chapter and subsequently thereafter, assuming all other applicable legal conditions are met, notwithstanding the limits of subsection (b).
- (d) New complete applications for licenses for retail package sales of distilled spirits shall be given priority in the order in which they are received. In the event that there are multiple new simultaneously submitted valid applications for retail package sales of distilled spirits within a particular commission district such that if all were granted the total number of licensed establishments would exceed the limits imposed by subsection (b), priority shall be granted first to renewing valid actively licensed establishments and then to new applicants in priority based on descending order beginning with the application whose proposed premises is the greater distance from the nearest other existing establishment within the same commission district. Nothing in this subsection shall be construed to allow new applications to be granted in such a way as to exceed the limits of subsection (b).
- (e) It is the policy of the commission of Macon-Bibb County that licensed establishments for the retail package sale of distilled spirits be regulated in such a way as to avoid their over-accumulation within any one commission district and within Macon-Bibb County as a whole.
- (f) The limitations imposed by this [Section](#) shall be in addition to the distance limitations imposed by Section 4-36.

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Sec. 4-92. - Reserved.

Sec. 4-93. - Mobile home, tourist court or establishment operating self-service motor fuel dispensing pumps.

- (a) No license shall be issued for the operation of any distilled spirits business on the premises of a mobile home court or tourist court.
- (b) No license shall be issued for the operation of any distilled spirits business on the premises of any establishment licensed and operating self-service motor fuel dispensing pumps.

Sec. 4-94. - When sales permitted.

- (a) It shall be unlawful for any licensee or person employed by a licensee for retail package sales of distilled spirits, to sell, offer for sale, transfer, or offer to transfer to others, any distilled spirits at any time on Sunday before the hour of 12:30 p.m. or after the hour of 11:30 p.m. or at any time before the hour of 9:00 a.m. or after the hour of 9:00 p.m. on Monday, Tuesday, Wednesday or Thursday, and before the hour of 9:00 a.m. and after the hour of 10:30 p.m. on Friday and Saturday of each week; and it shall be unlawful for any person to purchase, receive, or offer to receive from such a licensee, or a person employed by such a licensee, any distilled spirits at any time on Sunday before the hour of 12:30 p.m. or after the hour of 11:30 p.m. or before the hour of 9:00 a.m. or after the hour of 9:00 p.m. on Monday, Tuesday, Wednesday or Thursday, and before the hour of 9:00 a.m. and after the hour of 10:30 p.m. on Friday and Saturday of each week.
- (b) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on elections days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Sec. 4-95. - Price tags and labels.

Licenses shall plainly indicate the price of all distilled spirits exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below as such containers are placed. It shall be unlawful for any person to have in his possession, custody or control any distilled spirits for retail sale unless the container shall have firmly affixed thereto a label on which there is stated in plain words or figures, the true alcoholic content by volume of the alcoholic beverage.

Sec. 4-96. - Interest in other business prohibited.

No person holding a license for retail package sales of distilled spirits hereunder shall have or own any interest, direct or indirect, in any other such place of business, nor shall any person become a stockholder in any other such place of business location licensed hereunder, each connection as stockholder, officer, owner, partner, director or otherwise being deemed an interest for the purposes of this [Section](#); provided, however, that an interest which an executor, administrator or trustee of the estate of a deceased person holds in his or her representative capacity shall not be deemed such an interest as is prohibited by this [Section](#). No person shall be issued a license hereunder where the applicant, or the spouse of the applicant (in the case of an individual), or where a partner, or the spouse of a partner (in the case of a partnership), or where any officer, director or stockholder, or the spouse of any officer, director or stockholder (in the case of a corporate applicant) holds a license for the sale of distilled spirits issued by any governing authority whatsoever. No person shall control or assume to control more than one business of the type licensed hereunder (whether the license is issued by Macon-Bibb County or any other authority); nor shall any licensee permit any such control or assumption of control.

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Sec. 4-97. - Distances from certain uses.

No license shall be issued under this [Article](#) where the location of a business is within 100 yards of any of the following: a church, an alcoholic treatment center, or a public library, or a Macon-Bibb County Housing Authority property. No license shall be issued under this [Article](#) where the location of a business is within 200 yards of any of the following: a school ground, school building, educational building, or college campus. The distance prescribed in this [Section](#) shall be measured by the shortest straight line possible between the nearest point on the building housing the place of business to the nearest point on the building housing such church, alcoholic treatment center, library or branch, school building, or educational building, or to the nearest point on the school ground, college campus, or Macon-Bibb County Housing Authority Property.

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([Ord. No. O-15-0031, § 1, 7-21-2015](#))

Sec. 4-98. - Posting of license number.

Every licensee shall have printed on the front of the licensed premises the name of the licensee, together with the inscription:

"Macon-Bibb County Retail Package Sales of Distilled Spirits License No. _____ "

in letters not less than four (4) inches in height.

Sec. 4-99. - Posting of signs prohibiting sales to minors.

The holder of a retail distilled spirits license shall post in a conspicuous place in the licensed premises a sign printed in letters at least four (4) inches high reading:

Sale of Alcoholic Beverages to Minors Prohibited.

Sec. 4-100. - Limitation on the sale or transfer of business and license.

It shall be unlawful and shall call for immediate revocation of all licenses involved, both of seller and purchaser, for any retail distilled spirits licensee to purchase the business or license of any other such licensee and attempt to operate the purchased business in addition to the business operated by the purchaser. If a bona fide sale of any license or business under this [Article](#) to persons other than other such licensed dealers, full disclosure of the persons involved, the purchase price, and any other information as is required by this Code for a new license shall be filed with the commission or its designee as a condition to any sale. In addition to the revocation of the license of any person violating the provisions of this [Section](#), that person shall be subject to punishment in the municipal court as for other violations of this Code.

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Secs. 4-101—4-120. - Reserved.

ARTICLE V. - RETAIL PACKAGE SALES OF WINE AND MALT BEVERAGES AND RETAIL SALES OF WINE AND ANY MALT BEVERAGES FOR CONSUMPTION ON THE PREMISES

Sec. 4-121. - Zoning.

No license for retail sales of wine and malt beverages shall be issued unless the applicant's place of business is located within an area that is zoned by the Macon-Bibb County planning and zoning commission as allowing such use as a permitted or conditional use, including but not limited to: a C-1 neighborhood commercial district, a C-2 or C-3 (CBD) general commercial district or a C-4 highway commercial district as the districts may now or hereafter be constituted by the planning and zoning commission. A license for retail sales of wine and malt beverages may be issued to an applicant whose place of business is located in an A-agricultural district provided that the licensee shall be authorized to sell packaged beer or wine only for consumption off the premises where sold and provided the applicant is the holder of a currently valid permit from the planning and zoning commission issued pursuant to the provisions of the comprehensive land development resolution for the location for which the license is sought.

Sec. 4-122. - Distances from certain uses.

- (a) No license for retail sales of wine and malt beverages packaged to go shall be issued under this [Article](#) where the location of the business is within 100 yards of any of the following: a school ground, school building, or college campus, an alcoholic treatment center, or a public library or any branch thereof or a Macon-Bibb County Housing Authority property. The distance prescribed in this [Section](#) shall be measured ~~by the shortest straight line possible between~~ the nearest ~~point on~~ the building housing the place of business to the nearest ~~point on the building housing such library or branch, school, or alcoholic treatment center,~~ or to the nearest ~~point on the school ground, college campus, or Macon-Bibb County Housing Authority Property.~~
- (b) No license for retail sales of wine and malt beverages for consumption on the premises shall be issued under this [Article](#) where the location of the business is within 100 yards of a state or county owned and operated alcohol treatment center or a housing authority property as defined in O.C.G.A. § 3-3-21.
- (c) When a license is issued for a location which conforms to the provisions of subsection (a) of this [Section](#) at the time of issuance, licenses may be continued to be issued or renewed for the same location thereafter, notwithstanding the fact that adjacent or nearby property is subsequently devoted to a use which would have precluded issuance of a license in the first instance.
- (d) Subsection (a) shall not prohibit grocery stores licensed for the sale of only wine and malt beverages for consumption off the premises from selling wine and malt beverages within 100 yards of any college campus.

([Ord. No. O-15-0002, § 1, 16-2015](#) ; [Ord. No. O-15-0031, § 2, 7-21-2015](#))

Sec. 4-123. - Where sales permitted.

The point of sale for packaged malt beverages or wine not to be consumed on the premises shall be compactly placed in the rear portion of the place of business which is defined as being the portion of the sales area in the place of business furthest away from the main entrance. In no event shall displays of malt beverages or wine be permitted upon the front or in the windows of places of business.

Sec. 4-124. - Rules adopted.

- (a) Retail sales of wine and malt beverages fall into one of two categories:
 - (1) Retail package sales of wine and malt beverages.
 - (2) Retail sales of wine and malt beverages for consumption on the premises.
- (b) An applicant for a license for retail sales of wine and malt beverages shall specify in his or her application for a license whether he or she wishes to engage in package sales of wine and malt beverages or sales of wine and malt beverages for consumption on the premises. All licensees shall comply strictly with the varying rules and regulations relating to types of sales of malt beverages and wine hereinafter expressed. Where an applicant desires to sell packaged malt beverages and wine and for consumption on the premises, he or she shall file two applications. The commission or its

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designee will act upon each application separately. No person shall sell beer or wine or both either packaged or for consumption on the premises unless the application for such sale has been granted by the commission or its designee.

Sec. 4-125. - Hours of sales; [hours of operations](#); [hours of brown-bagging](#); sales on election days; Sunday sales.

- (a) No licensee shall sell or offer for sale any [alcoholic beverages](#) at any time on Sunday before the hour of 12:30 p.m. or after the hour of 11:30 p.m., nor between the hours of 2:00 a.m. and 6:00 a.m. on other days of the week.
- (b) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of malt beverages and wine shall be permitted on election days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell malt beverages and wine within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.
- (c) The provisions of subsection (a), insofar as they prohibit sales between midnight on Saturday and 2:00 a.m. on Sunday, shall not apply to sales or consumption on the premises by licensees who qualify under the provisions of [Section 4-143](#) to sell distilled spirits for consumption on the premises. In such case, the hours of subsection (c) of [Section 4-143](#) will control as to hours of sale of wine and malt beverages.

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Sec. 4-126. - Sales in connection with food service.

Notwithstanding any of the foregoing provisions, a license for retail sales of wine and malt beverage may be issued to any hotel, motel, or similar establishment, to any bona fide private club generally recognized as such and having bona fide membership requirements, or to any bona fide restaurant or other bona fide food service establishment, regardless of the distance between any such place and a church, library, branch, school ground or college campus, where such place petitions to sell malt beverages or wine only in connection with sales of food therein.

Sec. 4-127. - Wine tasting.

- (a) A wine-tasting permit for purposes of this [Section](#) shall be [available only to licensees, possessing or applicants applying for a license under this Chapter](#), for the retail sale of wine by the package. [No retailer engaged in the business of selling wine by the package shall offer tastings, samples, or free glasses of wine for consumption on premises unless they possess a wine-tasting permit. No such permit shall be required for businesses licensed to sell wine for consumption on premises, or which provide wine exclusively in a manner which does not constitute a "sale," within the scope of this Chapter.](#)
- (b) No wine tasting shall be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken container. Any wine tasting occurring on the premises of a business possessing a license to sell wine by the package shall be limited to an area that is separated from the retail area of the premises by walls or other partitions that prohibit pedestrian traffic through the wine tasting area.
- (c) An eligible licensee may petition Macon-Bibb County for a wine-tasting permit provided it meets all requirements of the alcohol beverage ordinance and presently maintains a valid license for the sale of wine by the package issued by Macon-Bibb County. A wine-tasting permit shall allow the permittee to offer or sell wine samples in connection with an instructional or educational promotion. A wine-tasting permit is intended to allow such activity on a limited basis and shall not be a part of the core operations of such establishment or occur on a daily basis.
- (d) A wine-tasting permittee shall be subject to all laws, rules and regulations of Macon-Bibb County and state, including rule 560-2-5-.05 of the state department of revenue, alcohol and tobacco division, and shall be subject to permit revocation for violation thereof.
- (e) Said wine-tasting permit need only be applied for once and shall automatically renew when said license to sell wine by the package is renewed. Provided, however, that Macon-Bibb County may revoke such wine-tasting permit and/or impose such conditions on its operation at the commission or its designee's discretion for violation of this Code or in furtherance of the health, safety and welfare of the local government's inhabitants.

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(f) Wine tastings shall only be conducted during the hours established for the sale of alcoholic beverages consumed on premises as established in this [Chapter](#).

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(g) Holders of a wine-tasting permit shall not allow any person to take an open container of alcoholic beverages from the designated wine-tasting area or from the licensed premises.

Sec. 4-128. - Growlers.

The sale of growlers in compliance with this ordinance is authorized for establishments licensed under ordinance [Section 4-124\(a\)\(1\)](#) for the retail package sales of wine and malt beverages, [including holders of a brewpub license](#). The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this ordinance. The term "growler" means a glass bottle not to exceed sixty-four ounces (64 oz.) that is filled by a licensee or employee of the licensed establishment with beer from a keg. [Unless a licensee has a brewpub license, growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Brewpub licensees may also fill growlers with malt beverages manufactured on the licensed premises.](#) Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. Samples of tap beers may be made available if the licensee is providing growlers in compliance with this ordinance, but shall not exceed one ounce (1 oz.) nor shall any one (1) individual be offered more than three (3) samples within a twenty-four hour (24 hr.) period. An establishment duly licensed for the sale of growlers may also be authorized to sell [other forms of alcoholic beverages, including for consumption on premises, so long as it is properly licensed to do so.](#)

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([Ord. No. O-14-0042, § 1, 8-5-2014](#))

Secs. 4-129—4-140. - Reserved.

ARTICLE VI. - RETAIL SALES OF DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES

Sec. 4-141. - Zoning district.

No license for retail sales of distilled spirits for consumption on the premises shall be issued unless the applicant's place of business is within the district in which, under the rules and regulations of the Macon-Bibb County Planning and Zoning Commission, the sale of distilled spirits would otherwise be allowed either as a permitted or as a conditional use.

Sec. 4-142. - Distances from certain uses; when distances not applicable.

No license for the retail sales of distilled spirits for consumption on the premises shall be issued where the location of the business is 100 yards of a state or county owned and operated alcohol treatment center or a housing authority property as defined in O.C.G.A. § 3-3-21.

([Ord. No. O-15-0011, § 1, 3-3-2015](#) ; [Ord. No. O-15-0031, § 3, 7-21-2015](#))

Sec. 4-143. - When sales permitted.

(a) *Hours; holidays.* No person shall engage in the sale of distilled spirits for consumption on the premises between the hours of 2:00 a.m. on Sunday and 6:00 a.m. the following Monday and between 2:00 a.m. and 6:00 a.m. on other days of the week; not at any time on Christmas Day, or when sales are prohibited by state law. Sales outside the designated hours are prohibited.

(b) *Election days.* Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of distilled spirits for consumption on the premises shall be permitted on election days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell distilled spirits for consumption on the premises within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

(c) *Sunday sales.* Notwithstanding the provisions of subsection (a), any licensee authorized by this [Article](#) to sell distilled spirits for consumption on the premises which derives at least 50 percent of its total annual gross sales from the sale of prepared meals at the licensed premises, and any such licensee operating an establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging may apply for a Sunday sales permit which, if granted, will

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authorize the licensee to sell and serve distilled spirits for consumption on the premises on Sundays from 12:30 p.m. until 12:00 midnight, local time, under the following conditions:

- (1) No license will be granted to an establishment which has not been licensed to sell distilled spirits by the drink for consumption on the premises for six consecutive months immediately preceding the filing of the application. However, this requirement shall not apply to an applicant that has demonstrated to the satisfaction of the tax commission its ability to comply with the conditions of a Sunday sales permit by having a proven record of operating, in another location or locations, an establishment that has been operated in a manner substantially similar to the establishment for which the Sunday sales permit is sought. Such an applicant shall further be required to post a bond in the penal sum of \$5,000.00, which bond shall be subject to forfeiture by the tax commissioner should applicant fail to comply with the terms of this [Section](#) during the first six months of operation.
- (2) No application will be approved for any applicant unless the applicant holds a currently valid certificate of zoning compliance issued by the Macon-Bibb County Planning and Zoning Commission.
- (3) Sales of distilled spirits for consumption off the premises or for consumption outside the hours of permitted operation shall constitute a violation of the conditions of the grant of the license.
- (4) Licenses will be granted only to those applicants who own or operate a bona fide full-service restaurant which is defined as one which is licensed to sell alcoholic beverages, distilled spirits, malt beverages or wines for consumption on the premises under this Code; where meals are served with substantial entrees selected by the patron from a full menu are served; which has adequate facilities and sufficient employees for cooking or preparing and serving such meals for consumption at tables and dining rooms on the premises; which derives at least 50 percent of its gross sales from the sale of such meals prepared, served, and consumed on the premises or which otherwise qualifies by the rental of rooms; and where the kitchens, dining rooms and related service facilities have been approved by the Macon-Bibb County Health Department and that department has issued a permit.
- (5) At the time of the application, the applicant shall submit to the commission or its designee a certification by a certified public accountant that the applicant meets the requirements set out in this subsection. The certification shall be based upon an actual review of the applicant's total gross sales for the licensed location during the 12 months preceding which ends on the last day on the month immediately preceding the filing of the application for permit under this [Section](#). If the applicant has been in business for more than 6 months, but less than 12 months, then such certification shall be for the time the applicant has been in business, annualized. If at the time of the application the applicant has not received the required certification due to time constraints or other circumstances, then pending receipt of such certification, the applicant may submit other documentation satisfactory to the commission or its designee that the applicant meets the requirements of this subsection.
- (6) The commission or its designee is authorized to conduct an inspection of the books of the applicant for the purpose of verifying the facts set forth in this certificate.
- (7) Upon determination by the commission or its designee that the applicant has met the requirements of this subsection, he or she shall forward the application to the tax commissioner who shall then issue the permit if the applicant is otherwise qualified, which shall be permanently and prominently displayed by the licensee in his place of business.
- (8) When the tax commissioner has issued the license under the provisions hereof, he shall cause appropriate notification to be made to the office of the sheriff of the issuance of the license.
- (9) Licenses issued under the provisions of this subsection shall be valid from the date of issue through December 31st, next ensuing unless sooner [revoked](#).
- (10) No more than 60 days prior to the expiration of the license, the licensee desiring to renew the permit shall file a new application therefor and furnish current information in like fashion as a new application.

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- (11) The commission or its designee may at any time cause an interim reverification of eligibility prior to the expiration of a Sunday sales permit and if the licensee is found, as a result of such inquiry, to be no longer qualified under the provisions of this [Section](#) to hold a Sunday sales permit, the permit shall be revoked.
- (12) If the basic license of the licensee to sell distilled spirits for consumption on the premises is ~~revoked~~, the permit for Sunday sales shall automatically be ~~revoked as well~~.
- (13) If any licensee shall be determined to have furnished materially false information in the application for a Sunday sales permit or in the application for a license to sell distilled spirits by the drink for consumption on the premises, ~~such actions shall be grounds for revocation of the licensee's Sunday sales permit or of any or all other licenses issued under this Chapter, pursuant to the procedures set out in Article XI of this Chapter~~.
- (14) ~~Reserved~~.
- (15) Licensees shall be held accountable for compliance with the conditions, terms and restrictions of this subsection and shall likewise be responsible for the maintenance of order in and about the license premises. Licensees shall, in addition, ensure that customers do not engage in loud, boisterous, and noisome conduct amounting to a nuisance outside the building located on the licensed premises. Licensee shall likewise maintain adequate accounting records kept, if possible, in accordance with generally accepted accounting principles, but in any event, sufficient to enable the commission, or its designee, to determine with accuracy the relative percentage of sales of food and rooms.
- (16) The provisions of [Section 4-121 through 4-126](#), and [Sections 4-141 and 4-142](#) are incorporated herein.
- (17) The provisions of [Section 4-56](#) relating to the time which must elapse from the date of revocation of a license until a new one can be issued are incorporated herein by reference.
- (18) No ~~permit~~ for Sunday sales of alcoholic beverages will be issued hereunder or remain in effect unless the licensee also holds a currently valid license for retail sales of wine and beer consumed on the premises or a currently valid license for the retail sale of distilled spirits for consumption on the premises, either or both, and the revocation of any such license shall automatically result in a revocation of any ~~permit~~ for Sunday sales.

Sec. 4-144. - Times and hours for sale, purchase, drinking, etc. exceptions in years when January first falls on Monday.

- (a) Notwithstanding any other ordinance or provision to the contrary, whenever January first of any year falls on a Monday, it shall not be unlawful for the licensee or his employee, authorized to sell beer, malt beverages, wine, and distilled spirits by the drink, to sell and transfer same between the hours of 12:01 a.m. and 2:00 a.m. on such Monday morning, nor shall it be unlawful for any adult person to purchase and receive from such a licensee, or person employed by such a licensee, such alcoholic beverages between such hours.
- (b) Notwithstanding any other ordinance or provision to the contrary, whenever January first of any year falls on a Monday, it shall not be unlawful for any person licensed for retail sale of beer, wine, or distilled spirits by the drink, to permit opened containers or bottles containing beer, wine, or other alcoholic beverages, on the licensed premises at any time between 7:00 p.m. on the previous Sunday evening and 2:00 a.m. on such Monday morning, nor shall it be unlawful for any adult person to have such an opened container containing such substances in such place of business during such hours.
- (c) Notwithstanding any other ordinance or provision to the contrary, whenever January first in any year falls on a Monday, it shall not be unlawful for any owner of a place of business licensed for the retail sale of beer, wine and distilled spirits by the drink to permit any adult person to drink any whiskey, wine, beer or other alcoholic beverages upon the business premises between the hours of 7:00 p.m. on the previous Sunday and 2:00 a.m. on such Monday morning, nor shall it be unlawful for any adult person to drink any whiskey, wine, beer or other alcoholic beverages in such business establishments between such hours.

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- (d) Notwithstanding any other ordinance or provision to the contrary, whenever January first of any year falls on a Monday, the practice commonly known as "brown bagging," that is, the bringing of liquor by patrons to business establishments licensed for the retail sale of beer, wine and distilled spirits by the drink for the purpose of drinking such liquor at any such establishments, shall not be unlawful between the hours of 7:00 p.m. on the previous Sunday evening and 12:01 a.m. on such Monday morning.
- (e) Notwithstanding any other ordinance or provisions to the contrary, whenever January first of any year falls on a Monday, the sale and consumption of alcoholic beverages at the coliseum and auditorium is hereby authorized between the hours of 12:30 p.m. on New Year's Eve and 2:00 a.m. on January first.

Secs. 4-145. — [Hours of Operation of Licensed Premises.](#)

[No person or entity licensed under this Chapter for the sale of alcoholic beverages for consumption on premises shall be open for business at any licensed location between the hours of 3:00 A.M. and 6:00 A.M. on any day.](#)

[Secs. 4-146](#)—4-160. - Reserved.

ARTICLE VII. - EXCISE TAXES

DIVISION 1. - BOOKS AND RECORDS

Sec. 4-161. - Inspection and audit of books and records.

The books and records of all wholesalers selling or delivering any wine, malt beverages and packaged distilled spirits to retailers made subject to this tax and the books and records of all retailers made subject to this tax shall be open for inspection and audit by the agents of Macon-Bibb County, to ensure compliance herewith and it shall be unlawful for any person to deny any authorized agent of Macon-Bibb County reasonable access to such books and records. Such books and records shall, for wholesalers, contain information showing deliveries of any of such beverages to persons upon whom the tax hereby assessed and levied is imposed separately, and the monthly reports of such wholesalers shall show, separately, deliveries made to each retailer, separately, so that sales of any of the beverages described in this [Section](#) may be identified with respect to each retailer upon whom the tax is imposed by this [Section](#).

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Secs. 4-162—4-180. - Reserved.

DIVISION 2. - MALT BEVERAGES

Sec. 4-181. - Levy.

There is hereby imposed upon and levied against every licensed wholesale dealer in malt beverages an excise tax, in addition to the excise taxes presently levied by the state as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons.
- (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and proportionate tax at the same rate on all fractional parts of 12 ounces.

Sec. 4-182. - Payment.

The excise tax levied in this division and imposed upon licensed wholesalers is levied and imposed with respect to malt beverages sold or distributed by such wholesalers in Macon-Bibb County to retailers doing business outside the corporate limits of municipalities in said Macon-Bibb County. The excise tax provided for in this division shall be paid by such licensed wholesale dealers to Macon-Bibb County on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of by such licensed wholesale dealer. Every licensee responsible for the payment of the excise tax imposed by this [Section](#) shall file a monthly report itemizing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, for the month. Each wholesale licensee shall report and remit to Macon-Bibb County, on the tenth of the month next succeeding the calendar month in which such beer and malt beverages are sold or disposed of, the tax imposed by this division.

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Secs. 4-183—4-200. - Reserved.

DIVISION 3. - PACKAGED DISTILLED SPIRITS

Sec. 4-201. - Levy.

There is hereby levied upon every dealer at retail of packaged distilled spirits a tax of \$0.22 per liter of distilled spirits, and a proportionate tax at the same rate on all fractional parts of a liter delivered by wholesalers to retailers whose place of business is located within the limits of Macon-Bibb County outside the corporate limits of municipalities therein.

Sec. 4-202. - Payment.

- (a) The taxes levied pursuant to this division shall be paid by the retailers upon whom such tax is levied to wholesalers at the time of delivery of the packaged distilled spirits to the retailer. It shall be the duty of each such retailer to pay and it shall be the duty of each wholesaler to collect the tax hereby levied, and wholesalers shall remit such taxes to Macon-Bibb County on or before the tenth of the month for all of such taxes paid by such retailers and collected by such wholesalers during the preceding calendar month.
- (b) It shall be unlawful for any retail seller of packaged distilled spirits to receive and retain any beverages unless he shall have paid the tax levied in this division. It shall likewise be unlawful for any wholesaler of packaged distilled spirits to deliver any such beverage to any retailer thereof unless he shall concurrently with such delivery, collect the tax imposed hereby. It shall be unlawful for any wholesaler of such beverages to fail to remit, when due, the taxes levied hereby and collected by any such wholesaler. It shall likewise be unlawful for any person engaged as a retailer of such beverages to receive any of the same from another retailer of such beverages, unless the tax imposed and levied in this division has been paid. It shall further be unlawful for any retailer of such beverages from another retail store, whether such other store shall be owned by the receiving retailer or not, and irrespective of the location of such other store, unless the tax imposed in this division shall have been paid.

Secs. 4-203—4-210. - Reserved.

DIVISION 4. - WINE

Sec. 4-211. - Levy.

Retail dealers in wine shall pay a tax of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter on all wine delivered by wholesalers to retailers whose place of business is located within the limits of Macon-Bibb County outside the corporate limits of municipalities therein. Such a tax is hereby levied upon each such retailer. The payment of such tax is made a condition precedent to the sale of wine, and no person shall sell any wine without paying the tax hereby levied.

Sec. 4-212. - Payment.

The tax hereby levied upon dealers at retail in wine shall be paid and collected in the same manner as the tax levied upon retail dealers of packaged distilled spirits as prescribed in [Section 4-202](#), the terms of which are incorporated in this division and made a part of this [Section](#) for all purposes.

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ARTICLE VIII. - ALCOHOLIC BEVERAGE CATERER

Sec. 4-213. - Definitions.

For the purposes of this [Article](#), the following words, terms and phrases shall have the meanings ascribed to them:

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Authorized catered function means an authorized catered function as that term is defined and used in O.C.G.A. § 3-11-2 et seq.

Drink means any distilled spirits beverage served for consumption on the premises, which may or may not be diluted by any other liquid.

Food caterer means any person who prepares and/or serves food at any remote location, including, but not limited to, wedding receptions, graduations, anniversaries, or other functions by whatever name called, and who has a valid permit issued by the health department under the terms of this Code to do so.

Licensed alcoholic beverage caterer shall mean any retail dealer who has been licensed pursuant to the provisions of this [Chapter](#) and O.C.G.A. § 3-11-2.

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Licensee shall mean the person to whom a license is issued, or in the case of a partnership or corporation, all partners, officers, and directors of such partnership or corporation.

Purchase price means the consideration received for the sale of alcoholic beverages by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction there from whatsoever.

Purchaser means any person who orders and gives present or future consideration for any alcoholic beverage by the drink.

Special event means a group activity including, but not limited to, a performance, meeting, assembly, contest, exhibit, ceremony, parade, athletic competition, reading, or picnic involving more than 20 people or a group activity involving less than 20 people for which specific space is requested to be reserved, as well as an authorized catered function, as defined above.

Sec. 4-214. - Authority to sell; license required; separate application required for each place of business.

Alcoholic beverage caterers may operate in Macon-Bibb County only under a license granted by Macon-Bibb County on the terms and conditions provided in this [Article](#). Wine, beer and malt beverages and distilled spirits shall not be distributed, sold, or possessed for the purpose of sale without a license granted by Macon-Bibb County. A separate application must be made and a separate alcoholic beverage caterer license must be obtained for each place of business.

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Sec. 4-215. - Eligibility for license; application; fee.

- (a) Any holder of a Macon-Bibb County license authorizing the licensee to sell beer, malt beverages, or wine by the drink for consumption on the premises may apply for an off premises license as an alcoholic beverage caterer to sell or distribute beer, malt beverages, or wine by the drink off premises and in connection with an authorized catered function or special event, and at the location of that authorized catered function or special event.
- (b) Any holder of a Macon-Bibb County license authorizing the licensee to sell beer, malt beverages, or wine by the package for consumption off the premises may apply for an off premises license as an alcoholic beverage caterer to sell or distribute beer, malt beverages, or wine by the drink off premises and in connection with an authorized catered function or special event, and at the location of that authorized catered function or special event.
- (c) Any holder of a Macon-Bibb County license authorizing the licensee to sell distilled spirits by the drink for consumption on the premises may apply for an off premises license as an alcoholic beverage caterer to sell or distribute distilled spirits by the drink off premises and in connection with an authorized catered function or special event, and at the location of that authorized catered function or special event.
- (d) Any holder of a Macon-Bibb County license authorizing the licensee to sell distilled spirits by the package for consumption off the premises may apply for an off premises license as an alcoholic beverage caterer to sell or distribute beer, malt beverages, or wine by the drink off premises and in connection with an authorized catered function or special event, and at the location of that authorized catered function or special event.
- (e) Each application for a license as an alcoholic beverage caterer shall be accompanied by a certified check for the full amount of the license fee.

Sec. 4-216. - Event permits; alcoholic beverage license required.

- (a) Any alcoholic beverage caterer who possesses a valid license from Macon-Bibb County or another county or municipality in the state and possesses a valid license from the state to sell malt beverages, wine, or distilled spirits by the drink or by the package at a fixed location within Macon-Bibb County may be issued by Macon-Bibb County an event permit authorizing such sales off premises and in connection with an authorized catered event or function or special event, and at the location of that authorized catered function or special event.
- (b) A licensed alcoholic beverage caterer may sell only that beverage which is authorized by the alcoholic beverage license in effect. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, only malt beverages can be sold by the alcoholic beverage caterer at an authorized catered event or function or special event.

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- (1) –Alcoholic beverage caterers selling wine to be consumed on the premises of and at the location of the authorized catered function or special event, \$200.00 per year. ¶
- (2) –Alcoholic beverage caterers selling beer and malt beverages to be consumed on the premises of and at the location of the authorized catered function or special event, \$200.00 per year. ¶
- (3) –Alcoholic beverage caterers selling distilled spirits to be consumed on the premises of and at the location of the authorized catered function or special event, \$250.00 per year. ¶
- (4) –A combination license for alcoholic beverage caterers selling wine and beer and malt beverages to be consumed on the premises of and at the location of the authorized catered function or special event, \$300.00 per year. ¶
- (5) –A combination license for alcoholic beverage caterers selling wine, beer and malt beverages and distilled spirits to be consumed on the premises of and at the location of the authorized catered function or special event, \$350.00 per year.

(c) Any food caterer, as defined herein, operating within Macon-Bibb County shall apply for an alcoholic beverage caterer's license in order to distribute or sell any distilled spirits, beer, malt beverages or wine off the premises of the food caterer's business. This does not affect any requirements that the food caterer have a license to sell alcoholic beverages on the premises of the food caterer's business.

(d) An alcoholic beverage caterer shall submit an application for an off premises event permit ~~pursuant to Article XI of this Chapter~~. The license may be applied for at the same time as the appropriate alcoholic beverages license(s).

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(e) It is unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises and in connection with an authorized catered event or function or special event without first having obtained a license as provided herein.

Sec. 4-217. - Event permit required; application and fee; expiration.

(a) Exclusive of the license required herein, each alcoholic beverage caterer wishing to sell or distribute distilled spirits, beer, malt beverages, or wine at an authorized catered event or function or special event within Macon-Bibb County must apply for an event permit ~~pursuant to Article XI of this Chapter~~. The application for the event permit shall include the name of the caterer and the alcoholic beverage caterer's license number; the date, location, time and name of the event; and the quantity of alcoholic beverages to be transported from the licensee's primary location to the location of the authorized catered event or function or special event.

(b) When an alcoholic beverage caterer is domiciled outside Macon-Bibb County and is currently licensed by the local government authority in which it is domiciled as an alcoholic beverage caterer, a Macon-Bibb County license shall not be required in order for the alcoholic beverage caterer to distribute or sell distilled spirits, malt beverages, or wine at an authorized catered function or special event inside Macon-Bibb County. However, such alcoholic beverage caterers, shall be ~~required to obtain a special event permit for each catered event within Macon-Bibb County at which such alcoholic beverage caterer will sell alcoholic beverages~~. Each application for a ~~special~~ event permit ~~by~~ an alcoholic beverage caterer shall be accompanied by a certified check for the full amount of the event permit fee. In addition, taxes shall be levied on the total quantity of alcoholic beverages brought into Macon-Bibb County by the caterer and they shall be levied and paid in full with the application for an event permit. A copy of the license issued by the local government authority where the alcoholic beverage caterer is domiciled shall be attached to the event application.

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(c) ~~Those caterers located within the territorial boundaries of Macon-Bibb County shall be required to obtain an annual alcoholic beverage caterer's permit, as well as a special event permit for each event within Macon-Bibb County at which such alcoholic beverage caterer will sell alcoholic beverage~~. Each application for an event permit as an alcoholic beverage caterer shall be accompanied by a certified check for the full amount of the event permit fee.

(d) The original event permit shall be kept in the vehicle at all times while transporting the alcoholic beverages to the authorized catered event or function or "special event;" it also shall be maintained at the site of the catered event and available for inspection at the event or function during the duration of such event or authorized catered function or special event.

(e) It is unlawful for a licensed alcoholic beverage caterer to distribute or sell alcoholic beverages off premises, except as authorized by the event permit.

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(f) The event permit will be valid for the ~~dates~~ of the authorized catered event or authorized catered function or special event or as approved by Macon-Bibb County, ~~and for three days before such dates; provided, however, that alcohol may be acquired during the three days before the first date of the special event, but packages or bottles may not be opened, nor any alcoholic beverages sold, prior to the date of the event as stated on the application~~. After expiration of the event, the alcoholic beverage caterer shall apply for a new event permit in the same manner as the original event permit.

Deleted: Sec. 4-218. - Duration and renewal of license. ¶
Any license issued hereunder shall automatically expire on December 31st of the year of issuance. Each licensee shall make an application for a new license for the succeeding calendar year as provided herein for new licenses; provided, however that advertisement of the application is waived in accordance with section 4-23, and provided, further, that nothing herein contained shall be deemed to prohibit a licensee from applying for a new license for the succeeding calendar year within a period of 60 days next prior to the date of expiration of his current license.

Sec. 4-219. - Restrictions.

(a) No person under the age of 21 shall be employed by a licensed alcoholic beverage caterer, who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages as prohibited by O.C.G.A. § 3-3-23.

Section Break (Continuous)

- (b) No alcoholic beverage caterer may distribute or sell alcoholic beverages during any hours prohibited in the state or Macon-Bibb County or on any days prohibited in the state or Macon-Bibb County.

Secs. 4-220—4-299. - Reserved.

ARTICLE IX. - BREWPUB¹¹

Footnotes:

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Editor's note— [Ord. No. O-16-0047, § 4, adopted June 7, 2016](#), set out provisions for use herein as art. IX, and renumbered existing art. IX as art. X. See editor's note at art. IX for more information.

Sec. 4-300. - Brewpub license.

- (a) [For purposes of this Chapter, the terms "brewpub" and "eating establishment" shall have the same definitions as provided in O.C.G.A. § 3-1-2. No person or entity shall be eligible to obtain a brewpub license unless that person certifies in writing that the premises to be licensed will operate as an eating establishment. Any brewpub license shall be subject to revocation if, at any time, the licensed premises ceases operating as an eating establishment.](#)
- (b) [The percentage of gross food and beverage sales shall be calculated and verified as follows:](#)
- (1) [For brewpub licensees which have been in operation for three months or less, no verification of the respective percentages of food and beverage sales shall be required.](#)
 - (2) [Within thirty days of completing three months in operation, brewpub licensees shall submit a return to the Office of Business Development, or its successor office, showing its gross sales for said three-month period, and demonstrating that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items, as set out in O.C.G.A. § 3-1-2.](#)
 - (3) [Within thirty days of completing six months in operation, brewpub licensees shall submit a return to the Office of Business Development, or its successor office, showing its gross sales for said six-month period, and demonstrating that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items, as set out in O.C.G.A. § 3-1-2.](#)
 - (4) [Brewpub licensees that have been in operation for more than seven months as of the date in which the licensee applies to renew its licenses under this Chapter for the succeeding calendar year shall submit a return, as part of its renewal application, showing its gross sales for the twelve complete calendar months immediately preceding the date of application; or, for each complete calendar month of operations preceding the date of application in which the licensee has been in operation, and demonstrating that its sales of prepared meals or food equal or exceed fifty percent of all gross sales of food and beverage items over the period covered by such return, as set out in O.C.G.A. § 3-1-2.](#)
 - (5) [The Office of Business Development, or its successor office, shall be authorized to prepare a return form upon which calculations of percentages of gross food and beverage sales shall be presented; and such office shall further be authorized to require that all such returns be submitted on the prepared form.](#)
- (c) [Any licensee holding a brewpub license shall be authorized to do the following:](#)
- (1) [Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale;](#)
 - (2) [Operate an eating establishment that shall be the sole retail outlet for such malt beverages, and which eating establishment may sell such malt beverages by the drink for consumption on premises, or by the package for consumption off premises;](#)
 - (3) [Provided that the licensee offers for sale for consumption on premises at least one variety of commercially available canned or bottled malt beverage that is manufactured off-premises and purchased from a licensed wholesaler, exercise all rights afforded to holders of licenses](#)

to sell malt beverages, wine, or distilled spirits for consumption by the drink on premises, and exercise all rights afforded to holders of licenses to sell malt beverages or wine by the package for consumption off premises;

(4) Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale; and

(5) Notwithstanding any other provision of this Chapter, sell growlers of malt beverages manufactured on the licensed premises directly to consumers, and sell growlers of malt beverages produced by other manufacturers directly to consumers, provided that the products of other manufacturers are purchased from a licensed wholesaler.

(d) No person or entity may hold a brewpub license and a license for the sale of distilled spirits by the package for consumption off premises at the same time.

(e) Brewpub licensees may separately obtain and hold licenses for alcoholic beverage caterer; brown-bagging; catered or special event permit; wine-tasting permit; or Sunday sales permit, provided they meet all applicable qualifications for each such license applied for.

([Ord. No. O-16-0047, § 4, 6-7-2016](#))

Secs. 4-301—4-309. - Reserved.
ARTICLE X. - MISCELLANEOUS^[2]

Footnotes:
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Editor's note— [Ord. No. O-16-0047, § 4, adopted June 7, 2016](#), set out provisions for use herein as art. IX, § 4-300 and renumbered existing art. IX as art. X. At the editor's discretion the section numbering was also amended from §§ 4-300—4-307 to §§ 4-310—4-317, to prevent duplicate numbering.

Sec. 4-310. - Alcoholic beverages in the Centreplex.

- (a) Except as provided in this [Section](#), it shall be unlawful for any person to possess or consume any alcoholic beverages in the auditorium/coliseum/convention center (Centreplex). This prohibition shall not apply when alcoholic beverages are sold or furnished by the Centreplex or when a non-profit organization, pursuant to a lease agreement, wishes to furnish alcoholic beverages free of any type of charge to participants in the event for which the space is leased or to allow such participants to furnish their own alcoholic beverages.
- (b) The sale and consumption on the premises of alcoholic beverages at the Centreplex on Sunday between the hours of 12:30 p.m. and midnight is hereby authorized; provided, however, this authorization shall be in addition to and not in lieu of the authorization required in subsection (a).

([Ord. No. O-16-0047, § 4, 6-7-2016](#))

Sec. 4-311. - Sale and consumption on the premises of beer and malt beverages at Luther Williams Field on Sunday.

The sale and consumption on the premises of beer and malt beverages at Luther Williams Field on Sunday between the hours of 12:30 p.m. and midnight is hereby authorized. Nothing in this [Section](#) shall prohibit the sale or consumption on the premises of beer or malt beverages at Luther Williams Field at any other time.

([Ord. No. O-16-0047, § 4, 6-7-2016](#))

Deleted: A brewpub license shall only issue in conjunction with a license under ordinance Section 4-124(a)(2) for the retail sales of wine and any malt beverages for consumption on the premises and authorizes the holder to: ¶

(a) ~~Manufacture on the licensed premises not more than 10,000 barrels of malt beverages in a calendar year solely for retail sale directly to consumers; ¶~~

(b) ~~Operate a bona fide food service establishment which may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler; ¶~~

(c) ~~Notwithstanding any other provision of this paragraph, sell up to a maximum of 5,000 barrels annually of malt beverages manufactured on the premises to licensed wholesalers; and ¶~~

(d) ~~Notwithstanding any other provision of this chapter, sell growlers of malt beverages manufactured on the licensed premises directly to consumers, and sell growlers of wine and malt-beverages produced by other manufacturers, provided that the products of other manufacturers are purchased from a licensed wholesaler. ¶~~

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Sec. 4-312. - Brown bagging.

Every establishment obtaining a brown bagging permit and allowing brown bagging at such establishment shall be subject to the following rules and regulations:

- (1) No bottle or other container of distilled spirits shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time. Possession of such bottle or container of distilled spirits shall be prima facie evidence of the violation of this provision. Bottles or other containers of distilled spirits must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting brown bagging.
- (2) The above regulation shall not apply during legal hours for sale to those establishments holding brown bagging permits which also hold a distilled spirits consumption-on-the-premises license.
- (3) Establishments holding brown bagging permits shall not deny or restrict the privilege of brown bagging by patrons or impose any admission charge, cover charge or minimum charge on brown bagging patrons that is not also imposed upon all other patrons during the legal hours for sale and consumption of alcoholic beverages.

([Ord. No. O-16-0047, § 4. 6-7-2016](#))

Sec. 4-313. - Possession of alcoholic beverages in certain areas prohibited; exceptions.

- (a) It shall be unlawful for any person, to drink or have in his possession an open container of alcoholic beverage within the property boundary lines of any retail establishment licensed to sell alcoholic beverages only packaged to go and not for consumption on the premises, or within 200 feet of the entrance of any such licensed establishment, whichever is less.
- (b) Unless otherwise excepted in subsection (c), it shall be unlawful for any person to drink or have in his or her possession an open container of alcoholic beverage on any public street, highway, alley, sidewalk, park or picnic area.
- (c) Subsection (b) shall not apply to:
 - (1) Persons in vehicles on any public street, highway, or alley within Macon-Bibb County;
 - (2) Sidewalk cafes licensed under the business regulations of this Code;
 - (3) Any function held within Macon-Bibb County which is sponsored by a bona fide non-profit civic organization holding a [license](#), to sell alcoholic beverages issued [pursuant to this Chapter](#); or
 - (4) Any other function held within Macon-Bibb County if written permission is granted by the mayor and alcoholic beverages are only to be given away and not sold.
 - (5) Functions held within certain areas of the downtown business area every Friday of each month between the hours of 4:00 p.m. and 10:00 p.m. and sponsored by a bona fide non-profit civic organization, but only where alcohol is obtained from a participating business and is contained in and consumed from an approved container and where the person consuming or possessing such alcohol is wearing an approved wristband.
 - a. For purposes of this subpart, the "downtown business area" is defined as that area enclosed by Martin Luther King, Jr. Blvd., from Walnut Street to Fifth Street; Fifth Street, from Martin Luther King, Jr. Blvd. To Poplar Street; Poplar Street, from Fifth Street to First Street; First Street, from Poplar Street to Walnut Street; Walnut Street, from First Street to Martin Luther King, Jr. Blvd., inclusively.
 - b. For purposes of this subpart, "participating businesses" shall be those businesses located in the downtown business area choosing to participate in each Friday event, who are licensed to sell alcoholic beverages on the premises and who comply with the guidelines of the sponsoring civic organization for each Friday event.
 - c. For purposes of this subpart, "approved container" and an "approved wristband" shall be a uniformly colored and designated plastic cup and wristband, respectively, each approved by

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the sponsoring organization and obtained from a participating business on the day of each Friday event.

- d. Any participating business that allows patrons to exit their premises with an alcoholic beverage purchased from their establishment not contained in an approved container and not wearing an approved wristband shall be in violation of this [Section](#).
- (6) Functions held within certain areas of the downtown business area or within other "designated commercial areas" as approved by the commission, during hours approved by resolution, but not later than 2:00 a.m., and under other conditions imposed by the commission, if any, and sponsored by a bona fide, non-profit, civic organization or association, but only where alcoholic beverages are obtained from a participating business and are contained in, and consumed from, approved containers, and where the person consuming or possessing such alcoholic beverage is wearing an approved wristband.
- a. For purposes of this subpart, the "downtown business area" is defined as that area enclosed by Martin Luther King, Jr. Blvd., from Walnut Street to Fifth Street; Fifth Street, from Martin Luther King, Jr. Blvd. to Poplar Street; Poplar Street, from Fifth Street to First Street; First Street, from Poplar Street to Walnut Street; Walnut Street, from First Street to Martin Luther King, Jr. Blvd., inclusively.
 - b. For purposes of this subpart, "participating businesses" shall be those businesses located in the downtown business area or in other designated commercial areas, choosing to participate in the designated event or other specified events, that are licensed to sell alcoholic beverages on the premises and that comply with the guidelines of the sponsoring civic organization.
 - c. For purposes of this subpart, "approved container" and an "approved wristband" shall be a uniformly colored and designated plastic cup/mug and wristband, respectively, each approved by the sponsoring organization and obtained from a participating business on the day of the event.
 - d. Any participating business that knowingly and intentionally allows patrons to exit its premises with an alcoholic beverage purchased from its establishment and not contained in an approved container, and not wearing an approved wristband, shall be in violation of this [Section](#).
 - e. The commission, in approving any designated commercial area and in setting times for allowing an event, shall consider whether such designated area and time are safe and appropriate for the participants in the event, as well as others.
- (7) The district herein defined between the hours of 10:00 a.m. and 8:00 p.m. on certain Saturdays so designated by the mayor, which designations shall only occur in concurrence with the occasion of a home football game at Mercer University by the university's official collegiate football team, but only where alcoholic beverages are contained in, and consumed from, paper or plastic cups, plastic bottles or aluminum cans.
- a. For the purpose of this subpart the designated districts shall be defined as the area enclosed within the following boundaries, unless otherwise specifically excluded herein, both sides of the segments of the streets forming such boundaries shall be included:
 1. Beginning at the intersection of Mulberry Street and Fifth Street; extending along Mulberry Street to Cotton Avenue; extending along Cotton Avenue to First Street; extending along First Street to Plum Street; extending along Plum Street to Fifth Street; extending along Fifth Street to the point of beginning.
 2. Beginning at the intersection of College Street and Oglethorpe Street; extending along Oglethorpe Street to Adams Street; extending along Adams Street to Coleman Avenue; extending along Coleman Avenue up to but not including the right-of-way of Interstate 75; extending along the eastern boundary of the Interstate 75 right-of-way to Montpelier Avenue; extending along Montpelier Avenue to Coleman Avenue; extending along

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Coleman Avenue to College Street; extending along College Street to the point of beginning. The district shall also include the city right-of-way running between Montpelier Avenue and Mercer University Drive that traverses the Mercer University campus.

- b. Within the district designed herein on Saturdays so designated by the mayor it shall still be a violation of this [Section](#) for a person to possess open glass containers of alcoholic beverages.

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(8) The district herein defined between the hours of 10:00 a.m. and 8:00 p.m. on certain days so designated by the mayor, which designations shall only occur in concurrence with the occasion of a baseball or softball game or tournament at Luther Williams Field, or otherwise occurring within the area designated as the Luther Williams Park and Softball Complex Alcohol Consumption Area, but only where alcoholic beverages are contained in, and consumed from, paper or plastic cups, plastic bottles or aluminum cans.

- a. For the purpose of this subpart the Luther Williams Park and Softball Complex Alcohol Consumption Area shall be defined as the area enclosed within the following boundaries, unless otherwise specifically excluded herein, both sides of the segments of the streets forming such boundaries shall be included:

Beginning at a fence corner located in Central City Park, Macon-Bibb County, Georgia, said fence corner located along the southern side of the Macon Levee and the 1 mile walking track; said fence corner being at the east corner of the Recreation Fields and the north corner of the Softball Complex; Said fence corner being the POINT OF BEGINNING;

Thence, from said Point of Beginning in a southwesterly direction along an existing fence separating the Recreation Fields and the Softball Complex a distance of approximately 896 feet more or less to a Fence Post located between the 1 mile walking track to the north and Willie "Smokey" Glover Drive to the south;

Thence, in a northwesterly direction along a fence separating the 1 mile walking track and Willie "Smokey" Glover Drive approximately 262 feet more or less to the intersection of the said fence and an extension of a fence line running near the edge of and parallel with the pavement in front of the ticket booth at Luther Williams Park;

Thence, in a southwesterly direction, crossing Willie "Smokey" Glover Drive, along the said fence line in front of the ticket booth approximately 255 feet more or less to a fence corner located on the north side of the service entrance to Luther Williams Park;

Thence, in a south, southwesterly and westerly direction, following the fence across the service entrance to Luther Williams Park approximately 220 feet more or less to the fence intersection near the Georgia Central Railway yard;

Thence, in a mostly southerly direction along the fence of the Georgia Central Railway approximately 400 feet more or less to a fence corner;

Thence, in a southeasterly direction approximately 135 feet more or less to the southerly light pole at Luther Williams Park;

Thence, in a southeasterly direction approximately 150 feet more or less to the next light pole at Luther Williams Park;

Thence in a easterly direction approximately 85 feet more or less to a flag pole;

Thence, in a northeasterly direction, crossing Willie "Smokey" Glover Drive approximately 326 feet more or less to the southeasterly gate post near the entrance to the Softball Complex parking lot;

Thence, in a southeasterly direction along a fence separating the 1 mile walking track and the Softball Complex parking lot approximately 524 feet more or less to the intersection of said fence and a wooden fence;

Thence, in a westerly, southeasterly, easterly, northeasterly and northerly direction following the said wooden fence as it meanders around the Newer Softball Field approximately 1422 feet more or less to the fence intersection with a chain link fence;

Thence, leaving the said fence intersection in a northeasterly direction approximately 506 feet more or less to a light pole at the southeastern side of the Softball Complex;

Thence, in a northerly direction approximately 176 feet more or less to a second light pole;

Thence, continuing in a northerly direction and on the same line defined by the two light poles approximately 331 feet to a point established by the intersection of a line between the two light poles and an extension of the northwest-southeast fence that runs through the Point of Beginning Fence Corner;

Thence, in a northwesterly direction along an extension of the northwest-southeast that runs through the Point of Beginning Fence Corner approximately 730 feet more or less to a Fence Corner and the POINT OF BEGINNING.

b. Within the district designed herein on days so designated by the mayor, it shall still be a violation of this Section for a person to possess open glass containers of alcoholic beverages.

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([Ord. No. O-16-0047, § 4, 6-7-2016](#))

Sec. 4-314. - Possession of glass, opened bottle or other opened container of beer, wine or other alcoholic beverages; where prohibited.

(a) It shall be unlawful for any person owning or operating a place of business licensed under this [Chapter](#) for consumption on the premises to permit any customer or other person at such establishment to have in his possession, any glass containing any alcoholic beverage, or any opened and unemptied bottle or other open container of any alcoholic beverage or in or on the premises of the place of business, regardless of where the beverage was purchased, at any time on Sunday between the hours of 2:00 a.m. and 12:30 p.m., on Monday between the hours of 12:00 a.m. and 6:00 a.m., and on the other days of the week between the hours of 2:00 a.m. and 6:00 a.m. For purposes of this [Section](#), bottles or other containers from which employees of the establishment pour or draw alcoholic beverages to be served to patrons, shall not be considered open or opened containers if the containers are kept or stored in an area situated behind the counter or bar with access to said area limited to the employees of the establishment only.

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(b) It is the purpose and intent of this [Section](#) to assist in the enforcement of the regulations against selling and consuming alcoholic beverages between the hours set forth in this [Article](#), while allowing businesses and individuals a reasonable grace period in which to close, empty, or otherwise dispose of their open containers. The commission finds that the regulations herein imposed are necessary for the proper regulation of the sale and consumption of alcoholic beverages.

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([Ord. No. O-16-0047, § 4, 6-7-2016](#))

Sec. 4-315. - Violations.

(a) Any person violating any provision of this Chapter shall be guilty of an ordinance violation and be subject to a fine of up to \$1,000.00 and/or six months in jail per violation. Additionally, any person violating this Chapter may, after a hearing as provided in Article XI of this Chapter, have any Adverse Action imposed against any or all licenses issued to such person under this Chapter, may be subject to a bond forfeiture, or may be subject to other penalties under the law.

(b) Pursuant to O.C.G.A. § 3-3-2.1, it shall be the duty of each officer, department, agency, or instrumentality of Macon-Bibb County to report to the Georgia Department of Revenue within forty-five (45) days of issuing any citation or making any 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, pursuant to the regulations and procedures of the Georgia Department of Revenue. Provided, however, that no individual shall be cited, fined, or jailed for failure to timely report such citations or arrests.

(Ord. No. O-16-0047, § 4, 6-7-2016)

Sec. 4-316. - Outstanding licenses; compliance assumed for purposes of applying for renewal.

All licensees holding valid licenses as of December 31, 2013, issued by either of the precursor local governments to Macon-Bibb County, shall not be precluded from subsequent renewals solely on the basis that the dissolution of the previous governmental boundaries caused an otherwise valid licensed location to become a non-conforming location.

(Ord. No. O-16-0047, § 4, 6-7-2016)

Sec. 4-317. - Home brew special events.

(a) Home brewed beer for purposes of this Section shall be limited to malt beverages produced by an individual(s) pursuant to the provisions of O.C.G.A. § 3-5-4 and any applicable rules and regulations of the Georgia Department of Revenue.

(b) Home brew special event shall not be conducted on the premises of any place of business licensed under this Chapter for the sale, storage, or distribution of alcoholic beverages by the package or for consumption on-the-premises, but may be conducted at other locations not otherwise licensed under this Chapter.

(c) All applications for home brew special event permits shall be accompanied by a payment of the permit fee. Applications shall be made at the business licensing office. Applicants shall provide the following information in their application:

- (1) Name, address, and contact number of the applicant;
- (2) Location of the event;
- (3) Date and times at which the event will be held; and
- (4) Estimated number of participants in the event.

(d) Applicants for home brew special event permits shall not be subject to the requirements of Section 4-23.

(e) Reserved.

(f) Individuals obtaining permits pursuant to this Section shall be entitled to hold up to six (6) events per calendar year under one (1) permit.

(g) Home brew special events shall be subject to the following regulations:

- (1) Events shall only be held during legal hours for drinking on premises defined in Section 4-125.

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Deleted: in cash, check, money order, or by credit card of fifty dollars (\$50.00)

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- (2) Consumption of alcoholic beverages at the event shall be limited solely to home brewed beer produced pursuant to O.C.G.A. § 3-5-4. Consumption of other alcoholic beverages shall be prohibited.
 - (3) Consumption of home brewed beer shall be limited solely to participants in and judges of the special event. For the purpose of this [Section](#) participants shall be either individuals submitting home brewed beer to the event or individuals admitted to the event by the sponsor without having to submit a home brew.
 - (4) At the event, home brewed beer shall not be sold, offered for sale, or made available for consumption by the general public.
 - (5) Permittee shall not allow any person to take an open container of alcoholic beverage from the designated event area.
- (h) A home brew special event permittee shall be subject to all laws, rules and regulations of the city and state, including the rules and regulations of the Georgia Department of Revenue and shall be subject to permit revocation for violation thereof.

([Ord. No. O-16-0047, § 4, 6-7-2016](#))

ARTICLE XI – LICENSING PROCEDURES

Sec. 4-400. –Procedures applicable to all licensing decisions under this Chapter; “Adverse Action” defined.

This Article shall govern procedures for all licensing decisions under this Chapter, including, without limitation, decisions to grant or deny any license application or transfer application; to renew or decline to renew any license; to impose or remove conditions imposed upon any applicant or licensee in lieu of denying licensure, or renewal or transfer thereof, or in lieu of revoking any license; or to revoke any active license.

As used within this Article, “Adverse Action” shall mean, with respect to any license issued under this Chapter, or any application for the issuance, transfer, or renewal thereof, any recommendation or decision to:

- (a) deny issuance, transfer, or renewal of any or all licenses applied for;
- (b) impose conditions in lieu of denying issuance, transfer, or renewal of any or all licenses applied for;
- (c) revoke any or all of a licensee’s licenses;
- (d) impose conditions in lieu of revoking any or all of a licensee’s licenses; or
- (e) deny, in part or in full, any request to modify or remove conditions imposed upon any licensee in lieu of denying any application for the issuance, transfer, or renewal of any license, or in lieu of revoking any or all of a licensee’s licenses, including by modifying such conditions imposed in any manner other than the manner requested.

Sec. 4-401. – Applications submitted to business development services.

- (a) All applications under this Chapter shall be submitted to the Macon-Bibb County Department of Business Development Services. It shall be the responsibility of each applicant to ensure that they have fully complied with this Chapter, and are submitting a complete application.
- (b) The Department of Business Development Services shall not accept any incomplete applications, or any applications for which the appropriate fee is not paid in full at the time of submission. Any incomplete applications inadvertently accepted shall, upon discovery, be returned without adjudication, along with a refund of all fees submitted therewith, and the applicant informed of the deficiencies therein. The applicant shall be permitted to complete the application and submit it anew without any delay or adverse effect, except that no application will be considered submitted until it is complete.
- (c) The Department of Business Development Services should review all applications for catered event permits, special event permits, and home brew special event permits, and should issue such licenses if it determines

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that the applicant has met all requirements of this Chapter. The Department of Business Services shall not be required to accept any applications or issue any licenses for catered event permits, special event permits, or home brew special event permits submitted less than eleven business days prior to the date of the event for which a license is sought.

- (d) If the Department of Business Development Services determines that an applicant for a catered event permit, special event permit, or home brew special event permit has not met all of the requirements for the license applied for, then the Department of Business Development Services shall notify the applicant by telephone, at the number included in the application, of any deficiencies in the application, and shall give the applicant an opportunity to correct such deficiencies, or shall return the application as denied and refund the permit fee if the applicant cannot correct any deficiencies in a timely manner. Upon request from the applicant, the Department of Business Development Services shall refer any denied request to the Sheriff for further review in accordance with this Article, without refunding said permit fee; provided that such review shall proceed along the same timeline as any other license reviewed by the Sheriff under this Article.
- (e) Upon receipt of any application for a license under this Chapter other than a catered event permit, a special event permit, or a home brew special event permit, the Department of Business Development Services should promptly cause a complete copy of the application materials to be transmitted to the Sheriff's Office for further review in accordance with this Article.
- (f) Each license granted under this Chapter shall be issued by the Department of Business Development Services, and shall state on its face the type of license it is, and shall be individually numbered.

Sec. 4-402. – Sheriff to make recommendations to commission.

- (a) Upon receipt of an application from the Department of Business Development, the Sheriff of Macon-Bibb County shall review all applications for the issuance, transfer, or renewal of any license under this Chapter, and shall make a recommendation, in writing, to the Macon-Bibb County Commission. The Sheriff's recommendation shall indicate whether the Sheriff recommends granting, denying, or granting with conditions the license application in question, and shall include the Sheriff's particular reasons for making such recommendation. Where the Sheriff recommends granting a license with conditions, the recommendation shall include the particular conditions the Sheriff would impose, as well as the particular reasons for imposing such conditions.
- (b) Separate recommendations shall be made for each initial license application, and each license renewal or transfer application, except that the Sheriff may submit as a single bulk item his or her recommendation to approve any or all license renewals which meet the following conditions:
 - (1) Each such renewal application was timely submitted and all renewal fees were timely paid;
 - (2) Each such renewal is limited only to licenses presently held by the applicant, and does not seek to add to the categories of licenses held by that applicant; provided, however, that an application seeking to renew some, but fewer than all, categories of licenses currently held under this Chapter may still be included in a bulk recommendation to approve renewal under this paragraph;
 - (3) The renewal application does not seek to change the licensee, licensed location, or agent of record under the license;
 - (4) In the Sheriff's opinion, there have been no material or unfavorable changes in the operations or community impact of each such business applying for renewal since such business's license under this Chapter was last issued or renewed;
 - (5) The Sheriff did not perform a review of any such license pursuant to paragraph (c) of this Section during the two calendar years preceding the date of the renewal application; and
 - (6) In the Sheriff's opinion, each such licensee remains qualified for licensure under this Chapter and is entitled to renewal of all licenses designated in that business's renewal application; provided that, if conditions have previously been imposed on the licensee in lieu of denial or revocation of any license under this Chapter, then

it is also the Sheriff's opinion that the conditions imposed are being complied with, and that it is not necessary to impose any further conditions on said licensee.

(c) The Sheriff shall be responsible for supervising the activities of all persons licensed under this Chapter so as to ensure compliance with the provisions of this Chapter and with all State laws relating to the manufacture, distribution, sale, service, or consumption of alcoholic beverages. The Sheriff shall be authorized to undertake a review of any license issued under this Chapter for the purpose of considering whether to take any Adverse Action against such business if, at any time during the effective period of any license issued under this Chapter, the Sheriff becomes aware of any of the following:

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

(2) the entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner, or any officer, director or stockholder of a licensed corporation with respect to a charge of violation of any of the laws of the United States or of the state relating to alcohol control, or any crime, whether a felony or not, involving moral turpitude;

(3) any other act or omission with respect to the operation of a business licensed hereunder which the commission or its designee shall find to be contrary to the public interest, or which shall render the licensee, or the business location thereof, unfit for the continued operation of the business;

(4) a material change in conditions of the premises or the structures or facilities located thereon;

(5) a material change in the nature or scope of the operations of the licensed business with respect to those activities for which such business is licensed under this Chapter; or

(6) the occurrence of any event or events during the preceding calendar year, at or within 100 yards of the licensed business, whether related to each other or unrelated, or the commission of any act or acts in any place by the licensee or the business's owners or managers, which, in the aggregate, would cause the Sheriff to materially alter his or her recommendation as to the suitability of such business for the licenses it possesses or the need for conditions to be imposed on such licensee, upon consideration of the following:

(A) Whether any such events constitute a crime under the laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances;

(B) The fact or severity of any personal injuries or loss of life suffered in any such event, as well as the number of people injured or killed therein;

(C) Whether any such events included:

(i) the use or brandishing of any firearm or other weapon;

(ii) the use, purchase, sale, or distribution of Controlled Substances, in violation of Chapter 13 of Title 16 of the Official Code of Georgia Annotated;

(iii) gang activity;

(iv) the commission of any Sexual Offenses, in violation of Chapter 6 of Title 16 of the Official Code of Georgia Annotated; or

(v) unlawful Gambling, in violation of Article 2 of Chapter 12 or Title 16 of the Official Code of Georgia Annotated;

(vi) the violation of any laws of the United States, the State of Georgia, or the Macon-Bibb County Code of Ordinances relating to the manufacture, distribution, sale, service, or consumption of alcohol;

(D) The degree of knowledge, complicity, or involvement, and the actions of the licensee; or of the business's owners, agents, employees, or customers, with respect to such events; and

(E) Any other factors which the Sheriff is charged with reviewing or which the County is authorized to consider as part of an initial license application under this Chapter.

- (d) Upon completing any review under paragraph (c) of this Section, the Sheriff should prepare a written report identifying the licensee and all current licenses issued under this Chapter to said licensee for any businesses or locations within Macon-Bibb County; the particular business(es) or location(s) for which the review was performed; the reasons for which a review was initiated; any findings or conclusions made as a result of that review; and stating whether the Sheriff recommends no changes for the licensee, or specifying any Adverse Actions the Sheriff recommends taking against such licensee. Copies of this report shall be sent to the licensee's registered address, as well as to the Department of Business Development Services, the Macon-Bibb County Commission, and the County Attorney. There shall be no limit to the frequency with which the Sheriff shall be authorized to review any particular licensee, provided that no Adverse Actions shall be recommended or taken based on information which was previously disclosed as part of an application by the licensee to obtain, renew, or transfer any license under this Chapter, or as part of any proceedings relating to the consideration thereof.
- (e) If, upon completing any license review under paragraph (c) of this Section, the Sheriff makes a determination that the factors considered under paragraph (c) create a particular and severe risk of injury or death to any person or to any member of the public at large, then the Sheriff shall have the authority to immediately revoke on a temporary basis all licenses issued under this Chapter to such licensee, for no more than ninety (90) days or until such time as the Macon-Bibb County government reaches a final administrative decision on the determination, whichever occurs first.
- (f) In the event that any licensee reviewed under paragraph (c) of this Section applies for the issuance, renewal, or transfer of any license under this Chapter, whether for the same business or location or otherwise, within two years of the date of such review, then the Sheriff shall include a copy of the written report prepared pursuant to paragraph (d) of this Section as an attachment to the new recommendation made pursuant to paragraph (a) of this Section.
- (g) No recommendation or finding by the Sheriff shall be considered to be final or binding upon any licensee, or license applicant under this Chapter, or upon the County.

Sec. 4-403. – Committee of the Whole of Macon-Bibb County Commission or Mayor to review Sheriff's recommendations.

- (a) Any bulk item recommendations submitted by the Sheriff pursuant to Sec. 4-402(b) shall be automatically referred by the Clerk of Commission to the Mayor, who shall be authorized to directly approve such any or all of the renewal applications within said bulk item, without further action of the Macon-Bibb County Commission. The Mayor shall further be authorized to refer any or all individual renewal applications within such bulk items to be considered by the Committee of the Whole as though it were not submitted by the Sheriff as part of a bulk item recommendation. Any renewal application which the Mayor does not wish to approve shall be so identified, and shall be individually referred to the Committee of the Whole as though it were not part of a bulk item recommendation from the Sheriff.
- (b) Upon receipt of any application from the Sheriff pursuant to Sec. 4-402 of this Chapter, or from the Mayor pursuant to paragraph (a) of this Section, the Macon-Bibb County Commission shall place consideration of the application on the agenda of the next regular meeting of the Committee of the Whole which is not less than five days after the Commission's receipt of said recommendation.
- (c) At the time that any item is placed on the agenda of a meeting of the Committee of the Whole pursuant to paragraph (a) of this Section, the Clerk of the Commission shall notify the applicant or licensee that is the subject of the agenda item of the fact that the Sheriff's recommendation on said application or license is being considered by the Committee of the Whole, shall repeat the course of action recommended by the Sheriff, and shall give the date, time, and location of the meeting at which said recommendation will be considered. This notice shall be communicated by telephone, electronic mail, United States mail, or by private courier service, in the most expedient, reliable manner, to arrive five days before the date of the meeting at which the Committee of the Whole is to consider said Sheriff's recommendation. Such notice shall be deemed to have been perfected upon making actual telephonic contact, or upon mailing or sending. In the event that notice

cannot be timely sent, then consideration of the matter shall be postponed until the following regular meeting of the Committee of the Whole.

(d) During consideration of any agenda item pursuant to this Section, the applicant or licensee identified on the application or license under consideration shall be authorized to speak to the Committee of the Whole, to address the Sheriff's recommendations, and to present any witnesses to speak on his or her behalf, for an aggregate total of no more than ten minutes, plus additional time to answer any questions from the committee members. The applicant or licensee may appear or speak through counsel, but is not required to do so. There shall be no requirement for the Sheriff or his or her designee to appear before the Committee of the Whole, or to produce any evidence other than the Sheriff's written recommendation itself; and the applicant or licensee shall have no right to cross-examine any person opposing the application or license. The committee may hear public or official comment in support of or opposition to the application or license, but is not required to do so.

(e) After considering any written recommendation of the Sheriff pursuant to paragraph this Section, and any statements received pursuant to paragraph (c) of this Section, the Committee of the Whole shall make a recommendation to the Macon-Bibb County Commission as to a final action to be taken with respect to each application or license under consideration.

(1) For each application or license which the Committee of the Whole recommends to grant or renew or transfer in full, or to allow to remain in effect in full, or to renew or allow to remain in effect without the imposition of any conditions not previously imposed, or to accept in full any request to modify or remove conditions previously imposed in lieu of denial or revocation, the Committee of the Whole shall refer the matter directly to the Macon-Bibb County Commission for consideration at its next regular meeting, including any meeting immediately following the meeting of the Committee of the Whole.

(2) For each application or license which the Committee of the Whole recommends taking any Adverse Action, the Committee of the Whole shall state its reasons for making such recommendation, and shall refer the matter to the County Attorney's Office for the purpose of preparing a written statement of recommendation and notice of rights, as set out in Section 4-404 of this Chapter. Such matters shall automatically stand tabled by the committee.

Sec. 4-404. – Statement of recommendation and notice of rights by County Attorney.

Upon receipt of any recommendation from the Committee of the Whole of the Macon-Bibb County Commission, pursuant to Sec. 4-403(e)(2) of this Chapter, the County Attorney shall prepare a written statement, informing the applicant or licensee of the recommendation from the Committee of the Whole, and identifying those facts or persons supporting the committee's recommendation. The statement shall also include a certified copy of this Chapter. If the Clerk of Commission has provided a form for the purpose of requesting a hearing under Sec. 4-405(c) of this Chapter, then the County Attorney should enclose a copy of that form along with the statement provided for in this Section. The statement shall be sent by Certified Mail, return receipt requested, or by private overnight courier service with a signature required upon receipt, to the business address provided on the application for the license in question.

Sec. 4-405. – Request for hearing.

(a) Upon receipt of the statement described in Sec. 4-404 of this Chapter, an applicant or licensee shall have ten days from the date of receipt in which to file a request for hearing with the Clerk of the Macon-Bibb County Commission. All statements sent in accordance with Sec. 4-404 shall be deemed received on the earlier of the date of actual receipt, or three days from the date of sending. In the event that the deadline for filing such request for hearing falls on a Saturday, Sunday, State or County holiday, or other day on which the Office of the Clerk of Commission is closed for the transaction of ordinary business, then such deadline shall be extended to the next day in which the Office of the Clerk of Commission is open. Any request not physically received by the Clerk of Commission in the time provided herein shall be deemed untimely.

(b) Wherever any applicant or licensee fails to request a hearing on the recommendation from the Committee of the Whole, or files an untimely request for hearing, that applicant or licensee shall be deemed as a matter of

law to have consented to the disposition recommended by the Committee of the Whole without further hearing or due process.

(c) The Clerk of Commission may provide a form for use in requesting a hearing under this Section, but any request shall be deemed sufficient provided that it is made in writing; identifies the business name and address for the application or license for which a hearing is requested; states that a hearing is being requested; and is signed and dated by the applicant or licensee.

(d) Upon receipt of any request for hearing pursuant to this Section, whether timely or untimely, the Clerk of Commission shall forward a copy of the same to the County Attorney.

Sec. 4-406. – Notice of hearing by County Attorney.

(a) If a request for hearing filed under Sec. 4-405 of this Chapter is untimely, or if no request is timely received, then the County Attorney shall report that fact to the Clerk of the Macon-Bibb County Commission, and the Macon-Bibb County Commission shall be immediately authorized to act upon the recommendation of the Committee of the Whole without further process.

(b) If a request for hearing is timely, the County Attorney shall notify the Mayor and Macon-Bibb County Commission of the fact that a hearing must be held. The hearing shall be conducted by a special master appointed by the Mayor, who shall be an attorney licensed to practice law in the state of Georgia for at least three years preceding the appointment. The County Attorney shall schedule the hearing to occur no sooner than fifteen days following receipt of the request for hearing, but otherwise without undue delay, for a time that is mutually convenient to the County, the applicant, and the special master. Upon scheduling, the applicant or licensee shall have a one-time right to demand in writing that the hearing be continued for a period certain of not more than thirty days, or to be rescheduled; but shall not be entitled to any further continuances or rescheduling thereafter. If the applicant or licensee chooses to exercise the right of extension provided for in this paragraph, then any temporary revocation of such license pursuant to Sec. 4-402 shall be extended for the same number of days.

(c) The County Attorney shall then notify the applicant or licensee of the fact that a hearing has been scheduled, including the date, time, and location of the hearing, and the identity of the presiding officer. Notice shall be provided in the same manner as the statement of recommendation described in Sec. 4-404 of this Chapter, except that notice shall be sent as early as practicable, but in any event no later than ten days prior to the date of the scheduled hearing. Such notice shall include an additional copy of the statement prepared pursuant to Sec. 4-404, as well as an additional copy of this Article.

(d) The County Attorney shall also arrange for notice of the hearing to be displayed for the public in the ordinary place within the County Government Center for the displaying of public notices no later than ten days prior to the date of the scheduled hearing.

Sec. 4-407. – Conduct of hearing on recommendation from Committee of the Whole.

(a) All hearings held under this Chapter shall be open to the public and taken down by a certified court reporter. The County shall pay from the general fund to share in the take-down and transcription costs charged by the court reporter. Evidence presented in support of the Committee of the Whole's recommendation will be presented by the County Attorney or his or her designee.

(b) All applicants and licensees shall have a right to appear by and through counsel at any hearing upon any recommendation from the Committee of the Whole. Where an applicant or licensee is a corporation or business entity, it shall also have a right to appear and testify by and through any owner, member, officer, shareholder, manager, or agent thereof. No counsel shall be appointed for any applicant or licensee unable to afford representation.

(c) All applicants and licensees shall have a right to call witnesses to testify in favor of the applicant or licensee; or to present documentary or other evidence supporting the applicant or licensee.

- (d) The Sheriff or his or her designee may testify at each such hearing to address the recommendations made by the Sheriff to the Committee of the Whole, and the evidence and reasons therefor. The County Attorney shall also be entitled to call any person to testify.
- (e) All applicants and licensees, as well as the County Attorney, shall have an opportunity to cross-examine any adverse witnesses or members of the public speaking in such hearings. The County Attorney or his or her designee shall also have the opportunity to cross-examine the applicant or licensee.
- (f) In all hearings under this Section, the applicant or licensee shall have the burden of proving all matters of fact by a preponderance of the evidence. As the party with the burden of proof, the applicant or licensee shall present opening statements and evidence first; shall have an opportunity to present rebuttal evidence following the County Attorney's presentation of evidence; and shall have the first and last word as part of closing arguments. Each side shall be limited to five minutes for opening statements, thirty minutes for the presentation of evidence, and fifteen minutes for closing arguments.
- (g) There shall be no formal rules of evidence in effect for hearings under this Section. However, mere speculation or statements of opinion not supported by fact shall not be considered as evidence and shall be entirely disregarded by the special master. Other forms of testimonial, documentary, or physical evidence shall all be admissible, including, without limitation, leading questions, hearsay, and unauthenticated documents. The special master shall evaluate all evidence based on the apparent truth and reliability thereof.
- (h) The special master shall make no formal findings at the hearing.
- (i) Following the hearing, the court reporter shall transcribe the proceedings, and the county shall pay for a digital copy and for sealed and unsealed paper copies of the transcript. The digital copy shall be provided to the special master, to the County Attorney, and to the Macon-Bibb County Commission. The sealed paper original shall be retained by the County Attorney unless and until it must be filed with a court. The unsealed paper copy shall be filed with the Clerk of Commission. The applicant or licensee shall have the right to obtain a copy of the transcript by sharing in the takedown and transcription costs charged by the court reporter, and by paying the court reporter the usual and customary fees for such transcript.
- (j) As soon as practicable following the receipt of the transcript of proceedings, the special master shall prepare a written opinion containing separately enumerated findings of fact. The special master shall not make any conclusions of law in his or her opinion. Upon completion of the opinion, the special master shall sign and date the opinion, and shall present the same to the County Attorney and to the applicant or licensee. The special master's findings of fact shall be considered binding and final, so long as they are supported by any evidence.
- (k) Upon receipt of the special master's opinion, the County Attorney shall review the opinion. If the County Attorney determines that there are material issues of fact not addressed by the special master's opinion, or identifies particular findings of fact not supported by any evidence, then the County Attorney shall remand the matter to the special master, who shall supplement his or her opinion in order to address those areas of deficiency identified by the County Attorney, and to provide a copy of such supplemental opinions to the applicant or licensee. The County Attorney shall not make any findings of fact. If the County Attorney is satisfied that the special master's findings of fact are sufficient, then the County Attorney shall present his or her final recommendation to the Macon-Bibb County Commission by filing the same with the Clerk of Commission, along with the special master's opinion, and by providing a copy of the same to the applicant or licensee, in substantially the following form:
- (1) The County Attorney shall prepare an opinion stating whether the applicable laws require the Macon-Bibb County Commission to take any action, or prohibit the Macon-Bibb County Commission from taking any action, including, but not limited to, granting or denying any application, renewal, or transfer; imposing or removing any conditions on a license in lieu of denial or revocation; or revoking any license. To the extent that the applicable laws allow for, but do not require, the taking of any action, including, but not limited to, the foregoing, then the County Attorney shall also advise the Macon-Bibb County Commission of all available options.

(2) For each required, prohibited, or permissible outcome on which the County Attorney advises the Macon-Bibb County Commission pursuant to paragraph (l)(2) of this Section, the County Attorney shall cite to particular findings of fact in the special master's opinion which support that conclusion. The County Attorney shall also cite to all statutes, ordinances, and other sources of law which relate to each item of advice given to the Macon-Bibb County Commission.

(3) The County Attorney shall also recommend a final course of action for the Macon-Bibb County Commission, in light of the special master's findings of fact and the County Attorney's opinions at law provided.

Sec. 4-408. – Appointment and compensation of special master.

Any person serving as special master pursuant to this Chapter shall be compensated from the general fund at a reasonable and customary rate for the provision of similar services to public entities in the Middle Georgia region. Each appointment under this Section shall be limited to hearing a single matter, and shall terminate upon the presentation of an opinion of facts to the County Attorney, which opinion is not remanded for further fact-finding, pursuant to Sec. 4-407(k) and (l).

Sec. 4-409. – Consideration by Macon-Bibb County Commission.

(a) Upon consideration of any agenda item referred to the Commission by the Committee of the Whole, pursuant to Sec. 4-403(d)(1), the Commission shall be authorized to take any action on the agenda item, other than an Adverse Action, without further process. If the Commission indicates by vote that any Adverse Action should be taken on said agenda item, then the Commission shall indicate its reasons for taking such Adverse Action, and the agenda item shall automatically stand tabled and subject to reconsideration, and the matter shall be referred to the County Attorney as though it had been referred to the County Attorney pursuant to Sec. 4-403(d)(2).

(b) Upon receipt of notification, pursuant to Sec. 4-406(a), that no request for a hearing was timely submitted following the applicant's or licensee's receipt of a statement under Sec. 4-404, the Clerk of Commission shall be authorized to place the final consideration of the recommendation of the Committee of the Whole on the agenda of the next regular meetings of the Committee of the Whole and the Macon-Bibb County Commission scheduled for not fewer than five days from the date the Clerk of Commission is so notified.

(c) Upon receipt of a final recommendation from the County Attorney, pursuant to Sec. 4-407(l), the Clerk of Commission shall be authorized to place the final consideration of the recommendation from the County Attorney on the agenda of the next regular meetings of the Committee of the Whole and the Macon-Bibb County Commission scheduled for not fewer than five days from the date the Clerk of Commission is so notified.

(d) The Clerk of the Macon-Bibb County Commission shall notify the applicant or licensee, at least three days beforehand, of the date and time of any meetings at which matters will be considered under this Section. The applicant or licensee shall be permitted to appear at either the Committee of the Whole meeting or at the Commission meeting, or both, to address the limited subject of any errors which the applicant or licensee perceives in either the findings of fact by the special master, or the opinion at law of the County Attorney. The applicant or licensee may appear through counsel, if desired, but shall not be entitled to present additional evidence or witnesses at this time, and shall be limited to no more than ten minutes before the Committee of the Whole and five minutes before the Commission.

(e) Copies of all proceedings, hearing records, and final decisions of the Macon-Bibb County Commission shall be included in the file of any applicant or licensee on record with the Sheriff's Office and the Department of Business Development Services, or any successor department, and shall be made available for a reasonable copying charge to the applicant or licensee in question. The County Attorney shall, following the final decision of the Macon-Bibb County Commission on any licensing matter, mail a written copy of that decision, along with the reasons therefor, to the applicant or licensee, pursuant to O.C.G.A. § 3-3-2(b)(2). A copy of this written decision shall also be kept in the applicant's or licensee's file with the Department of Business Development Services.

Sec. 4-410. – Appeal from consideration by Macon-Bibb County Commission.

Any applicant or licensee wishing to appeal from a final decision by the Macon-Bibb County Commission shall do so by petition for writ of certiorari to the Superior Court of Macon-Bibb County, filed within the time permitted by law for such petitions.

Sec. 4-411 – Conditions imposed in lieu of denial or revocation.

In lieu of denying any application for the issuance, renewal, or transfer of any license under this Chapter, or in lieu of revoking any license issued under this Chapter, the Macon-Bibb County Commission shall be authorized to issue, renew, transfer, or allow to remain in force any or all licenses under consideration, subject to any conditions of the Macon-Bibb County Commission's choosing, so long as the conditions imposed are reasonably supported by the particular facts and circumstances of a licensee's operations, location, or history; and reasonably address those particular facts and circumstances which concern the Macon-Bibb County Commission.

The Macon-Bibb County Commission shall be authorized to impose conditions upon any applicant or licensee, notwithstanding the fact that the particular facts and circumstances of a licensee's operations, location, or history do not directly rise to a level sufficient to warrant the denial of a license application, or the revocation of a license, so long as any of the objective factors considered under this Chapter in evaluating an application or license weigh negatively upon such application or license. Any time conditions are imposed, the Macon-Bibb County Commission shall provide a period of time in which each condition shall be complied with. It shall be the duty of the licensee to demonstrate to the satisfaction of the Sheriff, or his or her designee, that all conditions imposed are timely complied with, and remain in compliance. Upon a satisfactory showing of compliance, the Sheriff shall provide notice of the licensee's compliance to the Macon-Bibb County Commission and County Attorney, and shall furnish a copy of such notice to the licensee.

Conditions imposed shall remain in force in perpetuity, unless the Macon-Bibb County Commission expressly limits the duration thereof. The failure to comply with any conditions imposed shall be grounds for denying or revoking any license until the licensee comes into compliance therewith.

Conditions which may be imposed under this Section include, but are not limited to, the following:

- (a) Requirements, notwithstanding the provisions in Sec. 4-40, for the installation of security systems, including specifications on the number or location of cameras or other security devices; camera resolution; the use of color video feeds; the use of audio feeds; retention periods of all security footage; or other details or specifications thereof;
- (b) Requirements to maintain certain levels of staffing at all times, including managerial or ownership presence, or to maintain certain levels of security staff, or to maintain staff with certain specified relevant training or experience;
- (c) Requirements for the termination of particular employees, or for the separation of particular owners from a business enterprise;
- (d) Requirements to maintain certain lighting levels within the business, or on the exterior premises thereof;
- (e) Requirements to notify the Bibb County Sheriff's Office of certain specified activities on the premises;
- (f) Prohibitions on the bringing of weapons onto the premises;
- (g) Limitations on days, dates, or times of operation;
- (h) Limitations on quantities of alcohol which may be sold as part of a single transaction; or which may be sold to or for a single customer within a single business day;
- (i) Limitations on the number of customers that may be on the interior or exterior of the premises at any given time;
- (j) Requirements to submit documentation in order to allow the Bibb County Sheriff's Office to verify compliance with conditions imposed;
- (k) Requirements limiting patronage to only customers age twenty-one and over, whether at all time and days, or at certain times or on certain days;

(l) Requirements to come into compliance with all other applicable laws or regulations within a certain period of time; or

(m) Any other conditions which may be crafted to address the particular concerns of the Macon-Bibb County Commission.

Sec. 4-412. – Requests to modify or remove conditions imposed.

(a) Where any condition is imposed on any licensee under this Chapter in lieu of denying issuance, renewal, or transfer of a license, or in lieu of revoking any license, the licensee shall have no opportunity to challenge or seek removal or modification of the conditions imposed for a period of one year from the later of the date on which the conditions were first imposed or the date on which any appeal affirming the imposition of any or all conditions became final.

(b) After the expiration of the time period set out in paragraph (a), above, any licensee shall be authorized to request in writing that the Sheriff undertake a review as to the ongoing appropriateness of the conditions imposed upon said license. The request shall identify those particular conditions which the licensee would like to have modified or removed, and shall include any information or evidence supporting the licensee's request which the licensee would like the Sheriff to consider. The request shall be submitted to the Department of Business Development Services, which shall promptly forward copies of the same to the Sheriff, the Clerk of the Macon-Bibb County Commission, and the County Attorney.

(c) Upon receipt of a request to modify or remove any conditions imposed, the Sheriff shall review the site and activities of the licensee in the manner described in Sec. 4-402(c). The Sheriff shall consider all materials submitted by the licensee as part of this review, and shall prepare a written report and recommendation as described in Sec. 4-402(d), including particular recommendations as to each request made by the licensee to modify or remove any conditions previously imposed. In the event that a condition is to be modified, it need not be modified in the manner or to the degree requested by the licensee.

(d) The Sheriff's review under this Section shall be plenary, and nothing in this Section shall prevent the Sheriff from recommending the imposition of new conditions upon any licensee in lieu of revocation of any licenses, or from recommending the revocation of any license if the Sheriff learns of information during such review which would support any such recommendation; provided that no conditions previously imposed shall be made more restrictive, and no other Adverse Actions shall be taken, based on information which was previously disclosed as part of an application by the licensee to obtain, renew, or transfer any license under this Chapter, or as part of any proceedings relating to the consideration thereof.

(e) Copies of any review completed under this Section shall be forwarded to the Department of Business Development Services, the Macon-Bibb County Commission, and the County Attorney. Upon receipt by the Macon-Bibb County Commission, further proceedings shall continue as under Sec. 4-403(a), and all subsequent procedures shall be identical to those procedures which apply to recommendations made by the Sheriff pursuant to sec. 4-402.

(f) Nothing in this Section shall prohibit the Sheriff from including any licenses reviewed pursuant to this Section as part of a bulk recommendation for renewal under Sec. 4-402(b), if all requirements for doing so are met.

(g) No licensee shall have the right to request any modification or removal of conditions imposed while any prior request made under this Section is pending, or for a period of one year after the later of the date upon which a final decision is made on any prior request under this Section or the date on which any appeal affirming an Adverse Action taken as a result of any prior request made under this Section becomes final.

ARTICLE XII – LICENSING FOR ALCOHOL HANDLERS

Sec. 4-500. – "Alcohol Handler" defined.

For purposes of this Article, the term "Alcohol Handler" shall refer to any natural person who

- (a) is employed or contracted to perform work in Macon-Bibb County by any person or entity licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail, which licensee does not derive greater than fifty percent (50%) of gross annual revenues from the sale of food; and
 - (1) who, as a normal part of his or her duties is required to pour, mix, or open alcoholic beverages for retail consumption on the premises so licensed; or
 - (2) who, as a normal part of his or her duties is required to supervise or manage any person who, as a normal part of his or her duties is required to pour, mix, or open alcoholic beverages for retail consumption on the premises so licensed.
- (b) holds a ten percent (10%) or greater ownership interest, whether directly or through any number of legal entities, in any business or operation licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail; or
- (c) is the agent designated on the alcohol license records on file with Macon-Bibb County for any person or entity licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail.

Sec. 4-501. – Alcohol handler’s license required.

- (a) No person shall be employed or contracted to perform work in Macon-Bibb County as an Alcohol Handler on or after January 1, 2019, unless such person possesses a valid license pursuant to this Article or otherwise acquires a valid license pursuant to this Article within ten days of first being employed or contracted to perform work as an Alcohol Handler.
- (b) Any person or entity licensed under this Chapter for the sale, service, dispensing, or distribution of alcoholic beverages at retail shall be in violation of this Section unless every person who is an Alcohol Handler as a result of his or her relationship to such licensee possesses a valid license pursuant to this Article within ten days of forming such relationship, and continuously maintains in good standing a valid license pursuant to this Article throughout the term of such relationship.

Sec. 4-502. – Licensing requirements.

Any person may be licensed under this Article if they do the following:

- (a) Complete a fingerprint background check with the Macon-Bibb County Sheriff’s Office, showing that the applicant has no pending charges or prior convictions, pleas or guilty, or pleas of no contest or nolo contendere, in any jurisdiction, within the last two years, for
 - a. any felony or misdemeanor involving the sale or distribution of any controlled substance;
 - b. any felony, misdemeanor, or ordinance violation involving the possession, distribution, sale, or use of alcohol or of any alcoholic beverage in any manner in violation of the law, including any violation of this Chapter;
 - c. any offense of driving under the influence of alcohol or any controlled substance; or
 - d. any offense or combination of offenses, including but not limited to offenses of moral turpitude, which, in the particular circumstances of the offenses committed, create an unreasonable risk that a person applying for licensure under this Article would openly disregard or would willfully or routinely disobey the provisions of this Chapter in the exercise of his or her profession.
- (b) Complete a training course approved by Macon-Bibb County, which covers, at a minimum, the following subjects:
 - i. responsible sales and service of alcoholic beverages;

- ii. identifying false or counterfeit ID cards;
- iii. state and local laws governing the sales and service of alcohol beverages; and
- iv. criminal and civil liabilities and other consequences for violations of alcoholic beverage laws or ordinances, or for selling or serving alcoholic beverages irresponsibly;

(c) Complete a license application, including:

- i. the applicant's name, home address, mailing address, telephone number, email address, social security number, date of birth, and any other information deemed necessary by Macon-Bibb County;
- ii. proof of the applicant's identity;
- iii. proof of successful completion of the requirements set forth in paragraphs (a) and (b) of this Section;
- iv. SAVE verification through the United States Citizenship and Immigration Services component of the United States Department of Homeland Security;
- v. a current photograph of the applicant; and
- vi. a notarized sworn statement attesting to the accuracy and completeness of all information submitted; and

(d) Pay an annual license fee.

(e) Applicants for an Alcohol Handler's license shall not be required to pay the application fee provided for in Sec. 4-23(b).

Sec. 4-503. – Issuance of licenses.

Upon satisfaction of all requirements, as set forth in Sec. 4-502 of this Code, the Macon-Bibb County Department of Business Development Services, or any successor department, shall issue the applicant a license. The license shall be issued in the name of the Alcohol Handler, and not in the name of his or her employer. A single license shall be valid for the performance of all Alcohol Handler duties performed for any number of employers, locations, or venues within Macon-Bibb County. The license shall be of suitable size and construction to be carried around on the licensee's person at all times.

Sec. 4-504. – Expiration of licenses.

Each license issued under this Article shall expire on December 31st of the calendar year in which such license is issued, except that licenses issued on or after September 1st of any calendar year shall expire on December 31st of the following calendar year.

Sec. 4-505. – Renewal of licenses.

Each person licensed under this Article in any calendar year shall be eligible to renew such license for the following calendar year any time after September 1st of the year for which such person is licensed. Each licensee must meet the following requirements in order to renew his or her license:

- (a) Complete a fingerprint background check with the Macon-Bibb County Sheriff's Office, showing that the applicant has no pending charges or prior convictions, pleas or guilty, or pleas of no contest or nolo contendere, in any jurisdiction, within the last two years, for
 - e. any felony or misdemeanor involving the sale or distribution of any controlled substance;

f. any felony, misdemeanor, or ordinance violation involving the possession, distribution, sale, or use of alcohol or of any alcoholic beverage in any manner in violation of the law, including any violation of this Chapter;

g. any offense of driving under the influence of alcohol or any controlled substance; or

h. any offense or combination of offenses, including but not limited to offenses of moral turpitude, which, in the particular circumstances of the offenses committed, create an unreasonable risk that a person applying for licensure under this Article would openly disregard or would willfully or routinely disobey the provisions of this Chapter in the exercise of his or her profession.

(b) Complete a training course approved by Macon-Bibb County, which covers, at a minimum, the following subjects:

i. responsible sales and service of alcoholic beverages;

ii. laws governing the sales and service of alcohol beverages; and

iii. criminal and civil liabilities and consequences for violations of alcoholic beverage laws or ordinances, or for selling or serving alcoholic beverages irresponsibly; or

provide proof of completion of an approved training course within the three years most recently preceding the date the licensee submits his or her license renewal application.

(c) Complete a license renewal application, providing or updating the following:

i. the applicant's name, home address, mailing address, telephone number, email address, social security number, date of birth, and any other information deemed necessary by Macon-Bibb County;

ii. proof of the applicant's identity;

iii. proof of successful completion of the requirements set forth in paragraphs (a) and (b) of this Section;

iv. SAVE verification through the United States Citizenship and Immigration Services component of the United States Department of Homeland Security;

v. a current photograph of the applicant; and

vi. a notarized sworn statement attesting to the accuracy and completeness of all information submitted; and

(d) Pay an annual license fee.

(e) Applicants seeking to renew an Alcohol Handler's license shall not be required to pay the application fee provided for in Sec. 4-23(b).

Sec. 4-506. – Display of license upon demand.

(a) Each Alcohol Handler shall carry his or her license issued under this Article on his or her person, or stored in a location so as to be immediately accessible at all times during which such Alcohol Handler is performing any act of pouring, handling, serving, delivering, dispensing, taking orders for, or selling alcoholic beverages at retail; or of observing patrons or otherwise maintaining the security of the premises; or of supervising or managing any person who, as a normal part of his or her duties is required to pour, handle, serve, deliver, dispense, take orders for, or sell alcoholic beverages at retail; or who, as a normal part of his or her duties is required to observe patrons or otherwise maintain the security of the premises.

(b) Each Alcohol Handler, while performing the duties of an Alcohol Handler, shall immediately produce his or her license issued under this Article upon demand by any law enforcement officer or Macon-Bibb County code enforcement personnel. If any Alcohol Handler fails to do so, then both the Alcohol Handler and the

licensee for which the Alcohol Handler is employed shall be each separately in violation of this Section; provided, however, that later producing proof that the Alcohol Handler was validly licensed at the time of demand, or was otherwise exempt from the licensing requirements imposed by this Article shall be an absolute defense to any citation for violating this Section.

(c) All licenses issued under this Article shall be the property of Macon-Bibb County. Any law enforcement officer or Macon-Bibb County code enforcement officer shall be authorized to immediately confiscate any counterfeit license, or expired or revoked license, which is presented to such officer at any time.

Sec. 4-507. – Revocation of license.

The license of any person licensed under this Article who is convicted of, pleads guilty to, or pleads no contest or nolo contendere to any of the following shall stand immediately revoked as a matter of law:

- a. any felony or misdemeanor involving the sale or distribution of any controlled substance;
- b. any felony, misdemeanor, or ordinance violation involving the possession, distribution, sale, or use of alcohol or of any alcoholic beverage in any manner in violation of the law, including any violation of this Chapter;
- c. any offense of driving under the influence of alcohol or any controlled substance.

ARTICLE II. - BUSINESSES

• **ARTICLE I. - IN GENERAL**

• **Sec. 7-1. - 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:

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Business means any business, trade, occupation, vocation or calling of any kind for gain or profit, directly or indirectly, provided that this shall not include any business, trade and the like licensed by the state unless local government licensing is allowed by state law, nor shall it include any business operated solely under a franchise granted by Macon-Bibb County.

Employee shall include:

(1)

Every person in the service of or permitted to work for or under the direction and control of, any such business, trade or occupation in any manner or means whatsoever, whether full time or part time, whether working for regular salaries, wages or tips, wholly or partly on a commission basis, or any combination thereof.

(2)

Owners, officers or proprietors giving their personal attention to such business, trade or occupation.

Engaged in business. Any person shall be deemed to be engaged in business and thus subject to the requirements of this [Chapter](#) when he performs any act of selling any goods or services or solicits business or offers goods or services for sale for payment in an attempt to make a profit, including the sales or services of the character as made by a wholesaler or retailer or involved in any of the functions performed as a manufacturer, either as an owner, operator or agent in any business within Macon-Bibb County.

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Privilege license means any license or permit requiring approval of the sheriff and any license or permit wherein the business, trade or occupation is regulated and controlled by ordinance of Macon-Bibb County. Every person receiving a license for any business, trade or occupation, set forth as a privilege license, shall take such license subject to the continuing compliance with the conditions set forth in this code, and the failure of any business, trade or occupation to comply therewith at any time may result in the automatic suspension of such license until such business, trade or occupation has complied therewith. Privilege licenses specifically include, but are not limited to the following:

- (1) Adult entertainer permit;
- (2) Adult entertainment establishment;
- (3) [Any license or permit issued pursuant to Chapter 4 of the Macon-Bibb County Code of Ordinances, which Chapter relates to the licensure and regulation of businesses with regard to the sales, service, and consumption of alcoholic beverages;](#)
- (4) Billiard or pool hall;
- (5) [Dealers in precious metals and gems;](#)
- (6) Landfill user;
- (7) Pawnbroker;
- (8) [Shooting range \(indoor\);](#)
- (9) [Taxicab company;](#)
- (10) [Taxicab driver permit;](#)
- (11) [Massage parlors.](#)

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(4) Beer or malt beverages, retail (consumed on premises or packaged to go or both);
(5) Beer or malt beverages, wholesale

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Deleted: Liquor, retail (packaged to go);
(12) Liquor, retail (sales by the drink/consumed on premises);
(13) Liquor, wholesale;

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Deleted: Wine, retail (consumed on premises/package to go);
(21) Wine, wholesale; and

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Professional bondsmen means bondsmen or persons who hold themselves out as signers or sureties of bonds for compensation.

Regulatory fees means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or an aid to regulation of an occupation, profession, or business. The amount of a regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by Macon-Bibb County. A regulatory fee may not include an administrative fee or registration fee. No local government is authorized to require any administrative fee, registration fee, or fee by any other name in connection with a regulatory fee, except an occupation tax. Development impact fees as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development are not regulatory fees.

Transfer fee means a fee in the amount of ten (10) percent of the regulatory license fee assessed and levied for a particular business shall be assessed and levied from the transferee of any transferable privilege license. Transfer fees are applicable to a transfer of ownership or location unless otherwise specified.

Sec. 16-15. - Dive defined; prohibited; frequenting.

(a) It shall be unlawful for any person, group of persons or organization to have, keep, operate, or allow to be operated at a place or building owned by same, a dive.

(b) A "dive" is defined as any place or establishment where:

(1) Legal alcoholic beverages are sold without a proper license or permit; or illegal alcoholic beverages, or other illegal drugs are found, possessed, kept or sold; or illegal gambling activities are being conducted; or

(2) Any person is permitted to:

a. purchase or consume any otherwise legal alcoholic beverages, sold without a proper permit or license, or

b. purchase or consume any otherwise legal alcoholic beverages at any establishment, or on any premises, required under Chapter 4 of this Code to be licensed in any way, whether or not so licensed, where such purchase or consumption occurs outside of the legal hours of alcohol service, as provided in Chapter 4 of this Code; or

c. purchase or consume any illegal alcoholic beverages, or

d. Possess or use any illegal drugs, or

e. Conduct or participate in illegal gambling activities; or

(3) Any person consumes or uses:

a. Any legal alcoholic beverages sold without a proper license permit, or

b. Illegal alcoholic beverages, or

c. Illegal drugs, or

(4) Any person participates in any illegal gambling activities; or

(5) Illegal transactions occur involving:

a. Any alcoholic beverages, legal or illegal, including the provision of alcoholic beverages to, or consumption by, any person under the legal drinking age of 21 years; or

b. Any alcoholic beverages, legal or illegal, including the provision of alcoholic beverages to, consumption by, any person outside of the legal hours of alcohol service, as provided in Chapter 4 of this Code, except at private residences, as that term is defined in Chapter 4 of this Code; or,

c. Illegal drugs; or

d. Illegal gambling activities.

(c) It shall be unlawful for any person to enter, visit or be present in a "dive" as defined in this Section, for purposes of:

(1) Selling, purchasing or consuming any legal alcoholic beverage sold without a proper permit or license; or

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(2) [Selling, purchasing, distributing, or consuming any legal alcoholic beverage outside of the legal hours of service, as provided in Chapter 4 of this Code, except at private residences, as that term is defined in Chapter 4 of this Code; or](#)

(3) Selling, purchasing or consuming any illegal alcoholic beverages or illegal drugs; or

(4) Participating in any illegal gambling activities.

(d) When violators are charged under this [Section](#), arresting officers may, consistent with state law, seize all evidence of the violation, including money, alcoholic beverages, drugs, or evidence of illegal gambling activities, and impound such evidence pending trial of the case, after which the evidence shall be disposed of in a manner prescribed by state law and/or federal law.

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Sec. 4-53. - Grounds for suspension or revocation of license.

- (a) The following shall be considered just cause for the suspension or revocation of a license issued under this article:
 - (1) The performance of any act prohibited by this chapter or the failure to perform any act required by this chapter as well as the violation of any law, state or federal, relating to the business of the licensee. If such act, omission or violation is done by an agent, servant, employee, or officer of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense.
 - (2) The entry of a plea of guilty or nolo contendere, or the conviction of any licensee, partner, or any officer, director or stockholder of a licensee corporation with respect to a charge of violation of any of the laws of the United States or of the state relating to alcohol control, or any crime, whether a felony or not, involving moral turpitude.
 - (3) Any other act or omission with respect to the operation of a business licensed hereunder which the commission or its designee shall find to be contrary to the public interest, or which shall render the licensee or the business location unfit for the continued operation of the business.
- (b) In addition to the matters enumerated in subsection (a), the following shall be considered just cause for suspension or revocation of a license for retail sales of wine and malt beverages for consumption on the premises: The occurrence on two or more occasions within any 12-month period of fights, disorderly conduct, drunkenness, breach of the peace, and other similar conduct whether the same be committed by the licensee or by customers or others.
- (c) The Sheriff's Office shall notify the licensee in writing of the time, date, place, and nature of the violation, and the time and date when the licensee shall be afforded a hearing in municipal court with an opportunity to present evidence and cross-examine opposing witnesses. Proof of a criminal conviction for the violation shall not be required. The burden of proof shall be by the preponderance of the evidence.
- (d) When a license has been revoked, no further license shall be issued under this chapter to the former licensee for a period of twelve (12) months from the date of revocation.
- (e) Action taken by the municipal court under this section may be appealed by the licensee to the commission by serving notice to the mayor within ten (10) days following the date that the court took action.

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Sec. 4-54. - Basis of determination.

The commission or its designee shall have the right for cause shown to revoke or to suspend an alcoholic beverage license for a period of time. Whether a license shall be suspended or revoked, and, if suspended, for what period of time, shall be determined by the commission or its designee after a consideration of the evidence in the cause and in accordance with the commission or its designee's finding as to the severity of the offense.

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Sec. 4-55. - Motion for rehearing.

Any person aggrieved by act or omission of the commission or its designee with respect to its proceedings under this chapter including the suspension or revocation of a license shall have the right to move for a rehearing. Such motion for rehearing shall be filed within five days after the act or omission complained of, shall be in writing, and shall outline the manner in which such protestant believes that the commission or its designee erred. If the motion relates to a matter as to which evidence has already been heard, no additional evidence or argument shall be permitted on the motion for rehearing except after a grant thereof by the commission or its designee. If the matter of which complaint is made was not the subject of a prior hearing at which the protestant was permitted to be present and heard, the commission or its designee shall afford a hearing within ten days after the filing of the motion, of which reasonable notice shall be given to all parties known to the commission or its designee to be interested, at which persons interested in protesting or supporting the act or omission of the commission or its designee shall be allowed to appear, be represented, introduce oral and documentary evidence, and examine and cross-examine witnesses.

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Duration and renewal of licenses under this chapter shall be as for business licenses generally and n

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, and provided, further, that nothing herein contained shall be deemed to prohibit a licensee from applying for a new license for the succeeding calendar year within a period of 60 days next prior to the expiration of his then license.