

**ORDINANCE REQUIRING A LICENSE FOR MANUFACTURERS AND
DISTRIBUTORS OF DISTILLED SPIRITS**

(O.C.G.A. § 3-4-24.3)

Section 1 - Title

This ordinance shall be known and may be cited at the “**Ordinance Requiring a License for Manufacturers and Distributors of Distilled Spirits**”.

Section 2 – Privilege, not a right

Nothing in this ordinance shall be construed as giving a person a right to manufacture or distribute or otherwise deal in distilled spirits. Manufacturing and/or distribution of distilled spirits is declared to be a privilege in Evans County, Georgia, not a right.

Section 3 - Purpose; Intent

This ordinance is enacted for purposes of establishing reasonable and ascertainable standards for the regulation and control of distillation of spirits in a manner designed to promote the health, safety and general welfare of the community.

Section 4 - Definitions

Distributor: one who distributes distilled spirits.

Manager: a natural person over the age of 21 who has the responsibility for the day to day operations of the location to be licensed and who has ownership in the licensed business.

Manufacturer: one who distills and processes distilled spirits.

Proof of Financial Responsibility:

General Liability: Shall be filed with the application, a certificate of insurance or endorsement of not less than \$100,000.00 per policy year, with a 30 day notice of cancellation in favor of the County must be endorsed an attached to the certificate of insurance.

Retail Manufacturer: one who distills and processes distilled spirits and then offers those distilled spirits to end users.

Section 5 – License Required

Each manufacturer, distributor and retail distributor of distilled spirits, not exempted by state law from county licensing regulations, who does business within the unincorporated area of Evans County shall be required to obtain a license from the county clerk in the manner specified in this division.

- a. The requirements of this ordinance shall be in addition to any other requirements for business tax certificates under this Code and if any provisions of this Code conflict with this ordinance, then this ordinance shall control.
- b. A license for the manufacture and/or a license for the distribution of distilled spirits, provided that the combination of the two is not prohibited by Title 3 of the OCGA, may be issued by this ordinance.

Section 6 – Application for license

- a. It shall be unlawful to manufacture or distribute distilled spirits within Evans County, Georgia without first applying for an obtaining a license to do so. Any person applying for both a license to manufacture and distribute distilled spirits must apply, pursuant to Section 5 of this ordinance, for a separate license for each activity.
- b. An applicant for a license to manufacture or distribute distilled spirits with the Evans County limits shall be a citizen or resident alien of the United States of America. Each person applying for such a license shall designate a manager to ensure compliance with all local, state and federal laws relating to the manufacture and/or distribution of distilled spirits.
- c. No application for a license for the sale or manufacture of distilled spirits within Evans County shall be acted upon by the county commission until after notice shall have been published four times in the county legal organ. Such notice shall contain the name of the applicant, the location of the proposed business and the type of application applied for (whether manufacture or distribution, or both) at the applicant's expense.
 - a. The application shall contain the following information: the name of the applicant, the location of the proposed business, the type of application applied for (whether manufacture or distribution, or both), date of filing, information concerning the the applicant and his/her/its background, Proof of Financial

responsibility and any other related information as be deemed necessary by Evans County.

- b. Additionally, a background investigation of the applicant shall be conducted and a public hearing held on the application prior to commission action.
- c. All applications for a manufacturing and/or distribution of distilled spirits shall be given under oath and in the presence of an attesting officer, duly authorized by law to administer oaths.
- d. The annual license fee for each manufacturer of distilled spirits shall be \$750.00.
- e. The annual license fee for each distributor of distilled spirits shall be \$2,750.

Section 7 – Factors for County Commissioner Consideration

The County Commission, in deciding whether to grant, renew or deny the application for a license to manufacture or sell distilled spirits, the county commission, in addition to all other provisions of this Code, shall be the same as set forth in the existing Evans County liquor, beer and wine ordinance.

Section 8 – Change of Location

A license issued under the provisions of this division shall permit the manufacturing of distilled spirits and/or distribution of distribution of the same only on the premises described in the application. Any change of location shall require a new license as provided in sections 5 and 6 of this ordinance.

Section 9 – Inspection

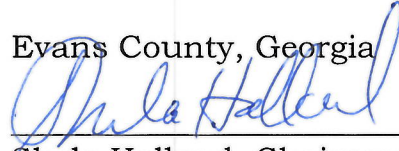
A licensee shall at all times, during the period of time allowable by law for the operation of the business, be open to inspection by any law officer within his/her/its legal jurisdiction.

Section 10 – License Suspension, Renewal and Appeals

Revocation, suspension, renewal, or transfer of licenses, as well as appeals related to the same, shall be the same as set forth in the existing Evans County liquor, beer and wine ordinance.

So Enacted, this 22 day of March, 2018.

Evans County, Georgia



Shela Holland, Chairperson



County Clerk