

Adopted January 3, 1989
No base document

LIQUOR, BEER AND WINE ORDINANCE

BE IT ORDAINED by the Evans County Board of Commissioners, and it is hereby ordained by authority of same, that with respect to the retail sale of liquor, beer, wine and other malt beverages, including fortified wine, the following alcohol policy is adopted.

SECTION 1.

(a) County shall refer to and shall include all property within the confines of Evans County, but excluding all property located within the corporate limits of any municipal corporation located therein.

(b) Commission or Commissioners shall mean the Evans County Board of Commissioners.

(c) Beverage as used in this Ordinance shall include whiskey, liquor, beer, wine, malt beverages, fortified wine and any other distilled or fermented alcoholic beverages, regardless of percentage of alcohol by volume contained therein.

(d) On Premises Consumption shall refer to consumption in the building housing the point of sale, such as bars, parlors, or restaurants, with the term restaurant meaning that its main source of income is from food service, and full meals are offered.

(e) Off Premises Consumption refers to any business such as shop-and-go's or Convenience stores and where consumption is away from the property and building housing the point of sale.

SECTION 2.

(a) All applicants for retail licenses which may be issued under this Ordinance, and all persons who will be employed at the establishment at which the license will be exercised, shall be of good moral character, to be judged of and by the Commission and, if any of them are found by the Commission not to be of good moral character, the application shall be denied.

(b) No applicant for a retail license which may be issued under this Ordinance, who has a criminal record or who has been convicted of violating any law or regulation of the State of Georgia, or any political subdivision

thereof, or of the United States of America, governing or relating to the sale of any alcoholic beverage, or any applicant who has been convicted of a felony, shall be granted a license hereunder. The forfeiture of bond collateral shall be considered as a conviction for the purpose of this subsection.

SECTION 3.

All applications for new licenses under the provisions of this Ordinance shall be made in person by the applicant, at the office of the Evans County Commissioners, and the required license fee tendered therewith.

SECTION 4.

All applications for renewal of licenses, which have been issued under the provisions of this Ordinance, shall be made in person by the applicant, at the office of the Evans County Commissioners not later than December 15th of each year for the succeeding year, and the required license fee tendered at the time of filing. Any applicant who does not renew his/her license by December 15th shall be subject to a \$500.00 late charge upon renewing the license. The late charge must be paid in addition to the license renewal fees. Any applicant who does not renew his/her license by December 31st shall be subject to the \$500.00 late charge and must appear before the Evans County Commissioners at an open meeting to obtain approval for license renewal. It will be at the discretion of the Commissioners whether the license is renewed, suspended, or revoked. The applicant may be required to follow the initial application process in order to obtain license renewal.

SECTION 5.

No new license shall be issued under this Ordinance for allocation within 600 feet of a dwelling house without the written consent of the owner of the house. This provision does not apply where a dwelling house was constructed or moved to within 600 feet of the location with an existing license, or a location which seeks to re-open after having been closed for 5 years or less. The distance is to be measured from any point of the proposed building to the nearest portion of the outside wall of the dwelling house. For the purpose of this section, dwelling house shall include mobile or re-locatable homes, duplexes and/or apartment buildings. Also, no new license shall be issued under this Ordinance for any location forbidden by State law. For purposes of this section, the term "location" shall include any building or portion thereof, however divided, allocated and/or used for any purpose authorized by this Ordinance.

All commercial establishments allowing the manufacturing, distributing, selling, handling, possession for sale, or otherwise deal in alcoholic beverages, including the allowance of the consumption of alcoholic beverages on the premises, shall be required to have all applicable licenses required by this Ordinance and the general laws of this State.

Under this section, a commercial establishment is defined as any business enterprise or entity that sells or offers for sale any goods or services for monetary remuneration. This shall include any and all establishments for which a fee is charged for admittance, whether same is described as a membership fee, dues, cover charge or any other designation.

The holder of an On Premises Consumption license may allow alcoholic beverages to be sold at any time between the hours of 8:00 a.m. and 12:45 a.m., Monday through Friday, except on stated holidays. The establishment shall be closed at precisely 12:45 a.m. and the premises cleared by 1:45 a.m. that same morning on Monday through Friday. On Saturday, alcoholic beverages may be sold at any time between the hours of 8:00 a.m. and 12:00 a.m., except on stated holidays. The establishment shall be closed at precisely 12:00 a.m. at each closing and the premises cleared by 1:00 a.m. Sunday morning. The clearing of the premises shall be the responsibility of the license holder, manager or owner of the premises. The owner and/or operator of any business establishment which violates this section of the Ordinance shall be subject to the jurisdiction of the Magistrate Court.

An applicant should apply for an Off Premises Consumption License if he or she desires to sell alcoholic beverages by the bottle or can only, and those alcoholic beverages are consumed by the buyer away from the building housing the point of sale or its related premises.

SECTION 6.

The making of any statement on an application for a license under this Ordinance which is later found to be false shall be grounds for revocation of any license which has been issued pursuant to said application.

SECTION 7.

(a) No license issued under this Ordinance shall be transferable, except upon written application for transfer being made and approved by the Commissioners and upon payment of the required transfer fee. The applicant for transfer shall meet all of the conditions for issuance of said license and shall be subject to all of the terms and provisions of this Ordinance, except the requirement of prior compliance with the provisions of Section 17, unless the Commissioners shall deny said application for transfer and applicant shall be considered a new applicant and shall be required to comply with the procedures set forth in Section 17.

(b) The transfer fee to be paid by the applicant for transfer at the time of application for said transfer of an existing license shall be a sum equal to a new license fee but subject to quarterly pro-ratio for the remainder of said calendar year.

(c) The application for a transfer of an existing license shall only be considered by the Commissioners if the license transferor is, and has been, in compliance with the terms and provisions of this Ordinance, and the business premise for which said license was issued has not been closed for a period of more than 30 days.

SECTION 8.

No alcoholic beverage licensed for sale under this Ordinance shall be sold at any time when the sale thereof is prohibited by State law.

No alcoholic beverage licensed for sale under this Ordinance shall be sold on any Sunday, Thanksgiving or Christmas.

The holder of an On Premises Consumption license may allow alcoholic beverages to be sold at any time between the hours of 8:00 a.m. and 12:45 a.m., Monday through Friday, except stated holidays. The establishment shall be closed at precisely 12:45 a.m. at each closing and the premises cleared by 1:45 a.m. that same morning on Monday through Friday. On Saturday, alcoholic beverages may be sold at any time between the hours of 8:00 a.m. and 12:00 a.m., except stated holidays. The establishment shall be closed at precisely 12:00 a.m. at each closing and the premises cleared by 1:00 a.m. Sunday morning. The clearing of the premises shall be the responsibility of the license holder, manager or owner of the premises

The holder of an Off Premises Consumption license may allow alcoholic beverages to be sold at any time between the hours of 8:00 a.m. and 1:00 a.m., Monday through Friday, except stated holidays. The establishment will be required to lock all coolers that contain any alcoholic beverages precisely at 1:00 a.m. on said nights. On Saturday, alcoholic beverages may be sold at any time between the hours of 8:00 a.m. and 12:00 a.m., except stated holidays. The establishment will be required to lock all coolers that contain any alcoholic beverages precisely at 12:00 a.m. on Saturday night.

SECTION 9.

All holders of licenses issued under this Ordinance shall keep a copy of this Ordinance posted in the licensed premises at all times and shall thoroughly familiarize themselves, and thoroughly instruct each employee of such establishment, with respect to the provisions hereof.

SECTION 10.

Any license issued under this Ordinance may be suspended for a definite time, not to exceed six (6) months, or may be revoked, for the performance of any act which is by the licensee, or by any employee of the licensed

establishment, prohibited by this Ordinance or for the failure of the licensee, or any employee of the licensed establishment, to perform any act required by this Ordinance, or for the violation by said licensee, or by any employee of the licensed establishment, of any law, State or Federal, relating to the sale of alcoholic beverages.

SECTION 11.

Any license issued under the provisions of this Ordinance may be suspended for a period of time, not to exceed six (6) months, or may be revoked, should the licensed establishment become a place of disturbances or acts of disorderly conduct, violence or gambling, or should said licensed establishment hold, or allow to be held, any event involving the discharge of firearms occurring in said establishment, or on the premises thereof, provided that when the license of any establishment has been revoked or not renewed, no further license shall be issued under this Ordinance to any person, firm or corporation at said location for a period of at least twelve (12) months from the date of the revocation. In the event any license is suspended or revoked hereunder, the holder of said license may appeal the decision to suspend or revoke said license by filing an application for appeal with the Clerk of the County Commission of Evans County; said appeal to be placed upon the new business agenda for the first regular meeting following suspension or revocation.

SECTION 12.

No license issued under this Ordinance may be suspended or revoked, and no performance bond forfeited, in whole or in part, under the provisions of this Ordinance unless the licensee has been afforded an opportunity of a hearing before the Commission. The licensee shall be given at least ten (10) days written notice, delivered to licensee in person or by United States registered mail, of the time, place and purpose of the hearing and the grounds of suspension, revocation or bond forfeiture upon which the Commission proposes to take action. At any such hearing, the licensee shall have the right to appear before the Commission in person, and by attorney, and to have witnesses appear on his behalf. Action taken by the Commission in suspending or revoking any license, or in forfeiting any performance bond, in whole or in part, shall be final.

SECTION 13.

The issuance of a license under this Ordinance for any calendar year or portion thereof shall not be deemed to vest the licensee with any right or renewal thereof.

SECTION 14.

The premises of any establishment licensed under this Ordinance shall be made available by the licensee for inspection, at all reasonable times, by the Commission or other authorized County personnel.

SECTION 15.

No license shall be issued under this Ordinance to any person, firm or corporation, whose license has been revoked within a period of twelve (12) months following the date of such revocation either at the location at which such license or licenses were revoked or at any other location. In the event an applicant is denied a license based on Section 2(a) or 2(b) of this Ordinance, no new application by him/her will be considered within twelve (12) months of the denial.

SECTION 16.

No license shall be issued under this Ordinance to any person who is, in fact, a front for any person whose license has been revoked. No person, be it employee or licensee, shall be employed in Evans County by any other licensed establishment during the period of revocation.

SECTION 17.

The following procedures shall be followed with respect to each new application for issuance of a license under this Ordinance, which is filed with the Commission:

(a) At the time of the filing of such application, the applicant shall deposit with the Clerk of the Evans County Commission cash or certified check in the amount determined by the Commission as sufficient to pay the cost of the license.

(b) Promptly upon the filing of each new application, the applicant shall cause to be published in the official newspaper for the County four consecutive times a notice in such form and containing such information as shall be determined by the Commission, including the name and address of the applicant, the location for which the license is sought, the type of license applied for, and the time and place that the application will be considered. All applicants shall provide proof of liability insurance in the amount of \$100,000.00, and worker's compensation insurance, where applicable, effective for at least one year from the date of application.

(c) At the time and place that the license is to be considered, the Commission shall hear relevant evidence concerning the issuance of the license. The applicant may appear in person, and by attorney, and have witness appear on his behalf. At the conclusion of the evidence, the Commission shall approve or deny the applicant's license. In the event the applicant's license is denied, the Commission shall place in its minutes the reason or reasons therefor.

SECTION 18.

Upon the adoption of this Ordinance, all provisions hereof shall become immediately effective and all resolutions and ordinances in conflict herewith are hereby replaced. All previous liquor, beer and wine ordinances and any amendments thereto are hereby repealed.