

## **CHAPTER 5.30. MALT BEVERAGES AND WINE<sup>1</sup>**

### **5.30.010. License issuance.**

Wholesale, retail and consumption on the premises licenses for the sale of malt beverages and wine outside municipalities in the county will be issued by the board of commissioners of the county pursuant to the rules and regulations set forth in the following paragraphs of this chapter. The holding of any of said licenses is declared to be a privilege and not a right.

(Res. of 11-13-97, § 1; Res. of 9-9-99)

### **5.30.20. Definitions.**

As used in this chapter, the term:

- A. *Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverages, wine, or fortified wine.
- B. *Banquet hall/events venue* means a facility used for the purpose of hosting banquets, receptions, weddings, private parties, or other similar social events in which an average of three or more events are held each month on an annual basis. In addition, the facility must meet the following requirements:
  - (1) Possess a current business license issued by Hall County;
  - (2) Contain an "events area" of a minimum of 1,500 square feet, not inclusive of kitchen, restrooms, dressing rooms, etc.;
  - (3) Possess a current catering license issued by Hall County;
  - (4) Contain on the premises a commercially equipped kitchen;
  - (5) The management of the facility shall be required to submit a monthly report on forms provided by the Hall County Business License Office detailing the amount of food and alcoholic beverage consumed/sold at each event.
- C. *Director* means the business license director for Hall County.
- D. *Election day* means that period of time beginning with the opening of the polls and ending with the closing of the polls. As used in this section, the term "election" is defined as any statewide primary election and the statewide general election and any runoff held for such primary or general election. The term also includes "local elections."
- E. *Food caterer* means any person who prepares food for consumption off the premises.
- F. *Licensed alcoholic beverage caterer* means any licensed consumption on the premises business that has been licensed pursuant to the regulations of this chapter for sales off the premises of alcoholic beverages for catered functions.

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<sup>1</sup>Cross reference(s)—Advertising alcoholic beverages in parks prohibited, § 2.50.150; public peace, morals and welfare, tit. 9; open containers of alcoholic beverages in vehicles, ch. 9.10.

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- G. *Malt beverage* means any alcoholic beverage obtained by any 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 six 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.
- H. *Nonprofit private club* means a corporation organized and existing under the laws of the state or a fraternal or veterans' organization associated with and a part of a recognized national fraternal or veterans' organization which is organized and operated exclusively for pleasure, recreation and other nonprofit purposes and which immediately prior to the application for a license hereunder:
1. Has at least 100 members regularly paying dues; and
  2. Has tax exempt status under the provisions of section 501(a) of the U.S. Internal Revenue Code; and
  3. Owns or leases a building or space for the reasonable use of its members; and
  4. Has no members or officers, agent or employees of the club receiving compensation directly or indirectly in the form of commissions or other compensation based on the amount of profits from the sale of malt beverages and wines beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body out of the general revenue of the club; and
  5. Has no part of the net earnings inuring to the benefit of any shareholder or member; and
  6. Has been in continuous operation for at least one-year prior to the application for a license hereunder.
- I. *Premises* means the space or area owned, leased or controlled by the licensee and used by him for the purpose of operating under the license. It shall be limited to one location for each license and there shall be a separate license for each premises outlet, except in the case of a licensee where:
1. A golf course is located adjacent to and contiguous with a restaurant, premises shall include the playing area of the golf course.
  2. Where a SportsCar, SCCA (Sports Car Association of America), ACO (Automobile Club De L'Quest) CART (Championship Auto Racing Teams), or NASCAR (National Association for Stock Car Auto Racing) sanctioned motor sport road race track facility is located adjacent to and contiguous with a restaurant.
  3. In these exceptions the premises shall include the permanent concession points, grandstands and other event viewing areas; provided however, that alcoholic beverages may only be served at permanent concession points on the premises operated by the main licensed location and approved in advance by the county business license director or such other official as may be designated by the board of commissioners.
- J. *Restaurant* means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and interior or exterior seating capacity of at least 30 people, with at least one meal per day being served for not less than three days a week for at least six months each calendar year, and the serving of such meals being the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto.
- K. *Retail package* means sales of malt beverages or wine packaged to go and not for consumption on the premises sales.

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- L. *Veterans' organization* means a veterans group duly certified by their national organization and with a membership of not less than 25 persons.
- M. *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 chapter.
- M1. *Farm winery* means a winery which makes at least 40 percent of its annual production from agricultural produce grown in the state where the winery is located, and:
- a. Is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or
  - b. Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.
- M2. *Tasting room* means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee.
- N. *Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic or political subdivision, whether public, private or quasi-public.
- O. *Growler* means a reusable, resalable, and professionally sanitized glass jug used to transport draft beer for off-premises consumption that is not to exceed 64 ounces and is filled with beer from a keg by a licensee, or an employee of a licensee with a malt beverage license for consumption off-premises issued by Hall County, Georgia.
- P. *Continuing care retirement community (CCRC)* means a facility licensed by the department of community health (DCH) personal care home division that provides graduated levels of personal care primarily for individuals 55 years of age or older, and which may include independent living, and that provides any alcoholic beverages licensed under this section only to the CCRC's residents and their guests. For purposes of this chapter, the premises of the CCRC shall include all dining and common areas of the CCRC.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 1-26-06, §§ 1, 2; Res. of 6-8-06, § 1; Res. of 4-23-09(1), § 1; Res. of 4-26-12(2), § 1; Res. of 11-29-12(1), § 1; Res. of 4-24-14(1), §§ 3, 4; Res. of 11-29-12(1)(2), §§ 1, 2; Res. of 12-11-14(1), § 1; Res. of 2-27-20(1), § 3; Res. of 6-24-21(1), § 1)

### **5.30.030. License required.**

No person shall engage in the business of wholesaling, retailing or otherwise providing malt beverages and wines of any kind in the unincorporated area of the county without first obtaining a license therefor under this chapter.

(Res. of 11-13-97, § 1; Res. of 9-9-99)

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### 5.30.40. License classifications.

Only the following classes of licenses shall be authorized:

- A. Malt beverage:
  - 1. Wholesale;
  - 2. Retail package;
  - 3. Consumption on the premises;
  - 4. Consumption off the premises catering;
  - 5. Event permit;
  - 6. Event permit—(Nonprofit charitable and civic organizations):
    - a. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities desiring to sell alcoholic beverages may apply and submit completed forms furnished by the Commissioner of the State Department of Revenue and a permit from the Commissioner authorizing the organization to sell or distribute alcoholic beverages for a period not to exceed three days as provided in Rule 560-2-2-43 of the Rules and Regulations of the State Department of Revenue, as amended.
    - b. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities if approved for a temporary event, may sell beer for consumption on premises only.
    - c. Provided a permit has been issued to a nonprofit charitable organization, nonprofit civic organization, college or university, said organization, college or university shall be considered the same as any other licensee and subject to all laws, rules and regulations and other applicable sections of this chapter relating thereto, except that a bona fide nonprofit charitable organization, nonprofit civil organization, college or university may dispense malt beverages on the premises of a temporary event without the necessity of contracting with an alcoholic beverage caterer for such event if approved by the Director of the Hall County Parks and Leisure Services; and
  - 7. Growlers.
- B. Wine:
  - 1. Wholesale;
  - 2. Retail package;
  - 3. Consumption on the premises;
  - 4. Consumption off the premises catering;
  - 5. Event permit; and
  - 6. Event permit—(Nonprofit charitable and civic organizations):
    - a. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities desiring to sell alcoholic beverages may apply and submit completed forms furnished by the Commissioner of the State Department of Revenue and a permit from the Commissioner authorizing the organization to sell or distribute alcoholic beverages for a period not to exceed three days as provided in Rule 560-2-2-43 of the Rules and Regulations of the State Department of Revenue, as amended.

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- b. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities if approved for a temporary event, may sell wine at retail for consumption on the premises and by the unopened package subject to O.C.G.A. §§ 3-9-3, 3-9-4 and 3-9-5.
  - c. Provided a permit has been issued to a nonprofit charitable organization, nonprofit civic organization, college or university, said organization, college or university shall be considered the same as any other licensee and subject to all laws, rules and regulations and other applicable sections of this chapter relating thereto except that a bona fide nonprofit charitable organization, nonprofit civil organization, college or university may dispense wine on the premises of a temporary event without the necessity of contracting with an alcoholic beverage caterer for such event if approved by the Director of the Hall County Parks and Leisure Services.
- C. Combination, malt beverage and wine:
- 1. Malt beverage and wine wholesale;
  - 2. Malt beverage and wine retail package;
  - 3. Malt beverage and wine for consumption on the premises;
  - 4. Consumption off the premises catering;
  - 5. Event permit; and
  - 6. Event permit—(Nonprofit charitable and civic organizations):
    - a. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities desiring to sell alcoholic beverages may apply and submit completed forms furnished by the Commissioner of the State Department of Revenue and a permit from the Commissioner authorizing the organization to sell or distribute alcoholic beverages for a period not to exceed three days as provided in Rule 560-2-2-43 of the Rules and Regulations of the State Department of Revenue, as amended.
    - b. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities if approved for a temporary event, may sell beer for consumption on premises only. Wine may be sold at retail for consumption on the premises and by the unopened package subject to O.C.G.A. §§ 3-9-3, 3-9-4 and 3-9-5.
    - c. Provided a permit has been issued to a nonprofit charitable organization, nonprofit civic organization, college or university, said organization, college or university shall be considered the same as any other licensee and subject to all laws, rules and regulations and other applicable sections of this chapter relating thereto except that a bona fide nonprofit charitable organization, nonprofit civil organization, college or university may dispense wine on the premises of a temporary event without the necessity of contracting with an alcoholic beverage caterer for such event if approved by the Director of the Hall County Parks and Leisure Services.
- D. Manufacturing:
- 1. Farm winery.

(Res. of 4-23-09(1), § 2; Res. of 10-25-12(1), § 1; Res. of 4-24-14(1), § 5; Res. of 12-11-14(1), § 2; Res. of 5-28-2015(1), §§ 1—3)

Editor's note(s)—Ord. of 4-23-09(1), § 2, deleted the former § 5.30.040, and enacted a new § 5.30.040 as set out herein. The former § 5.30.040 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

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### 5.30.050. License fees.

- A. The applicant for any alcoholic beverage license shall pay a fee of \$25.00 for an application package. Application packages include application instructions, a check-off list indicating all documents required, the multi-page application form, all other required forms, and a complete copy of the alcoholic beverage code.
- B. The applicant for a retail package license for the sale of malt beverages and/or wine shall pay to the business license director at the time of application the sum of \$500.00 for the sale of malt beverages and \$500.00 for the sale of wine as an annual license fee for operation for one calendar year at one location or one business where the product will be sold.
- C. The applicant for a consumption on the premises malt beverage and/or wine license shall pay to the business license director at the time of application the sum of \$700.00 for the sale of malt beverages and \$700.00 for the sale of wine as an annual license fee for operation for one calendar year at one location or one business where the product will be sold.
- D. Any wholesale dealer in malt beverages or wines licensed by the state or the agent of such wholesale dealer will be granted a license upon payment of \$100.00 annually for malt beverages, and/or \$100.00 annually for wine; the distribution to be made outside the municipalities in the county. All appropriate and pertinent parts of this chapter shall be applicable to any applicant for or holder of a wholesale license to sell and/or distribute malt beverages and/or wine under this chapter.
- E. The applicant for a manufacturing license shall pay to the business license director at the time of application the sum of \$3,000.00 as an annual license fee for operation for one calendar year at one location where the product will be manufactured.
- F. The applicant for a consumption off the premises malt beverage and/or wine catering license whose consumption on the premises license is current shall pay to the business license director at the time of the application the sum of \$250.00 as an annual license fee.
- G. Where a catered function is to be held in the unincorporated area of Hall County by a caterer holding a valid consumption on the premises and a catering license issued by Hall County, the caterer shall be required to apply to Hall County for an event permit, such application to include the name of the caterer, the date, address and time of the event, and the caterer's malt beverage and/or wine catering license number and shall pay to the business license director the sum of \$25.00 at the time of filing the application. Where the applicant for an event permit has a valid consumption on the premises license from a governmental entity other than Hall County, the event permit fee shall be \$50.00 to be paid to the business license director at the time the application is filed.
- H. Upon the filing of an application and payment of a fee of \$25.00 by a bona fide nonprofit organization, college or university, the business license director may issue a permit authorizing the organization, college or university to sell alcoholic beverages pursuant to section 5.30.040, subject to any law regulating the time for selling such beverages. If the temporary event is a wine tasting then the event shall also be subject to the provisions of section 5.30.175:
  - 1. No more than six permits may be issued to an organization in any one calendar year pursuant to this section.
  - 2. Permits issued pursuant to this section shall be valid only for the place specified in the permit.
  - 3. Applicants under this section do not have to obtain alcohol bonds.
- I. Alcohol licensed locations/license holders who have their alcoholic beverages license suspended for a period of time shall pay to the business license director a reinstatement fee of \$350.00 before the suspended license may be reissued.

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- J. Each application for license under this chapter shall be accompanied by a certified check for the full amount of the license fee. Should the applicant be denied a license or should the applicant(s) withdraw the application prior to its being submitted to the commission, the license fee shall be refunded; however \$150.00 for investigation and application processing shall be retained.
- K. The above license fees shall not be prorated for applicants whose businesses operate for less than one year. No refund shall be made to license holders who have their licenses revoked or suspended by the county commission.
- L. License fees for permanent concession points for the sale of alcoholic beverages as set forth under the definition of "premises" in subsections 5.30.020G.1. and 2. shall be as follows:
1. An annual inspection fee of \$100.00 for 1—4 concession locations;
  2. An annual inspection fee of \$200.00 for 5—10 concession locations; and
  3. An annual inspection fee of \$300.00 for more than ten concession locations shall be charged to offset the cost of concession site inspections.
  4. Licensing fees for concession points shall not be pro-rated and shall be due and payable at the same time the alcoholic beverage license is renewed each year.
  5. Alcohol concession permits will be issued for each concession point as a supplementary license to the main licensed location.
  6. Any new concession locations added during the licensing year shall be charged an initial inspection fee of \$50.00, and then the new concession location shall be added to the annual renewal fee the following year.

(Res. of 5-14-2009(1), § 1(Exh. A); Res. of 10-25-12(1), § 2)

Editor's note(s)—Res. of May 14, 2009, § 1(Exh. A), deleted § 5.30.050, and enacted a new § 5.30.050 as set out herein. The former § 5.30.050 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

### **5.30.055. Payment of license fee for new applications.**

- A. In the case of a malt beverage and/or wine business subject to a license under this chapter for a calendar year in which no malt beverage and/or wine license was issued for any period of time in the unincorporated area of Hall County in the preceding year, said licensee will be subject to a pro rata amount of the annual license fee as follows:
1. When a license is applied for on or after April 1 but before July 1 in any year, the license fee for the remaining portion of the year shall be 75 percent of the license fee imposed for the entire year, and shall be due and payable before the commencement of the business.
  2. When a license is applied for on or after July 1 but before October 1 in any year, the license fee for the remaining portion of the year shall be 50 percent of the license fee imposed for the entire year, and shall be due and payable before the commencement of the business.
  3. When a license is applied for on or after October 1 in any year, the license fee for the remaining portion of the year shall be 25 percent of the license fee imposed for the entire year, and shall be due and payable before the commencement of the business.
  4. No other fees shall be reduced or prorated, and any background investigation fee shall not be reduced or prorated.

(Res. of 12-11-14(1), § 3; Res. of 4-14-22(1), § 1)

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### **5.30.060. License application.**

- A. All applications for licenses to sell malt beverages and wine shall be made in person by the applicant to the business license director in writing on forms made available by the business license director. The application shall contain, but is not restricted to, the following information:
1. Name;
  2. Age;
  3. Address;
  4. Length of residency of the applicant;
  5. Name of business;
  6. Location of business;
  7. Current, valid Hall County business license for proposed alcohol licensed location;
  8. Description of the premises or place of business where the license is to be effective;
  9. Statement as to whether the applicant or any person with any interest in the applicant has made application previously for any malt beverage or wine license and the disposition of such application;
  10. Whether the applicant or any person with any interest in the application has ever been convicted of a crime other than traffic violations;
  11. Whether a previous license issued to the applicant or any person with any interest in the application has been revoked by any state or subdivision thereof or by the federal government, and the reason for said revocation;
  12. Whether any other person is interested directly or indirectly in the profits or losses of the proposed business;
  13. Each applicant for a malt beverage or wine license shall attach to his application evidence of ownership of the business premises or a copy of the current lease for the premises upon which the license is to be effective; and
  14. Only after meeting all requirements for licensing by the applicant shall the application be submitted to the commission for approval. Current license holders applying for additional locations shall be exempt from this provision.
- B. Every application for a license shall be accompanied by a scale drawing showing the nearest church, funeral chapel, school or college or shall have attached thereto an affidavit of a registered surveyor that the proposed location of the licensed premises complies with the distance requirements of this chapter and any state or federal law.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 4-23-09(1), § 4)

### **5.30.065. Application for sales off premises for catered functions.**

- A. Licensed malt beverages and wine consumption on the premises licensees eligible for off-premises catering licenses shall meet the following requirements:
1. Any alcoholic beverage licensee that possesses a valid license from Hall County which authorizes the licensee to sell malt beverages and wine by the drink for consumption on the premises may be issued an off-premises catering license which authorizes such licensed alcoholic beverage caterer to sell malt



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beverages and wine by the drink off the premises and in connection with an authorized catered function within the unincorporated area of Hall County.

2. Any alcoholic beverage licensee that possesses a valid license from Hall County which authorizes the licensee to sell malt beverages and wine by the drink for consumption on the premises shall make application for an off-premises catering license as provided in paragraph F. of section 5.30.050 and shall pay to the business license director an annual license fee for operation for one calendar year.
- B. Event permits will be issued for all catered functions located within Hall County. In order to distribute or sell malt beverages, or wine for consumption off the premises at an authorized catered function, a licensed alcoholic beverage caterer shall be required to:
1. Possess a valid current malt beverage and/or wine consumption off the premises catering license from Hall County which authorizes the licensee to sell malt beverages or wine by the drink.
  2. Provide satisfactory reports to the director on forms provided by the department stating the quantity of any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized catered function and such other information as required by the director; and maintain original local event permits and documents required by the department in the vehicle transporting the alcoholic beverages to the catered function at all times.
- C. In the event that an individual or entity that does not possess an alcoholic beverage license, and is not otherwise required to possess an alcoholic beverage license, furnishes malt beverages or wine for consumption on the premises during a private event at which attendance is by invitation only, and such non-licensed individual or entity meets the brown bagging requirements set forth in Sections 5.30.225(D), such individual or entity shall not be required to obtain an off-premises catering license or event permit for such brown bagging activities.

(Res. of 4-23-09(1), § 5; Res. of 4-26-12(2), § 2; Res. of 11-29-12(1), § 2; Res. of 2-27-20(1), § 4)

### **5.30.070. License approval procedures.**

- A. After filing an application with the director, the applicant for a license shall publish a notice of the application in the official county organ at least four times within the two weeks prior to the regular county commission meeting at which the application is to be presented and considered, or if the publishing schedule of the official county organ does not permit such frequent publication, publication of the notice shall be two times per week within the two weeks prior to the regular county commission meeting at which the application is to be presented and considered. The notice shall contain the name of the person applying for the license and the name of the person for whom the application is submitted, if different, and the location of the proposed premises. An affidavit of the publisher or his authorized agent certifying that the advertisement has been published shall accompany each application.
- B. After filing an application with the director, the applicant for a license shall place a sign in the establishment or premises where alcoholic beverages are to be sold. This sign shall remain on the premises from the date of the initial filing of the application with the director until the application has been approved or denied. The sign shall be visible from the street or thoroughfare on which the establishment or premises where alcoholic beverages are to be sold is located. The sign shall contain the words "NOTICE: ALCOHOLIC BEVERAGE LICENSE APPLIED FOR." The words shall appear in bold type and be clearly visible from the street or thoroughfare on which the establishment or premises where alcoholic beverages are to be sold is located, and shall be located at the main entrance to the establishment or premises. Letters on the sign shall not be less than four inches in height. The day, month, and year the license was applied for and dates and place of the hearings shall also appear on the said sign.

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- C. The application may be reviewed and considered by the county commission at the next regularly scheduled county commission meeting following the necessary publication of the application notice. The county commission may act upon or vote upon the application at the meeting at which it is first reviewed and considered, or it may delay its vote or other action on the application to its next regularly scheduled county commission meeting.
  - D. Applications for new alcoholic beverage licenses may be approved for locations currently under construction, or for locations where new construction will begin within 30 days of commission approval, providing said construction must be completed, certificates of occupancy issued, and the business license and alcoholic beverage license issued, in accordance with regulations contained in this Code, within 12 months of the date of approval by the Hall County Commission. Extensions may be requested and granted by the licensing director for extenuating circumstances only. Any and all applicable fees or renewal fees due or normally associated with the license during this 12-month period will be due and payable as set forth in this Code. Locations not meeting the requirements or time restrictions of this paragraph will be required to apply for a new license after the expiration of 12 months from the date of the initial approval by the commission.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 1-26-06, § 3; Res. of 4-23-09(1), § 6; Res. of 4-14-22(1), § 2)

### **5.30.080. License renewal and transfer.**

- A. A licensee who desires to renew his license for a subsequent calendar year must file a renewal application with the director on or before November 15 of the preceding year. Payment of license fees for renewal shall be made at the time of application and, upon approval of the renewal application by the director, the license will be issued. Applications for renewal shall be treated as applications for new licenses but need not be advertised and/or resurveyed unless requested by the director. Any renewals submitted after the due date of November 15, shall be considered delinquent and assessed a penalty in the amount of ten per cent of the fees due. Interest on delinquent fees shall be assessed at one percent for each month or fraction thereof of delinquency.
- B. No license may be transferred from one person to another or from one managing agent to another without the approval of the director pursuant to written application.
- C. Upon change of a license holder or owner (unless the owner is a corporation and stock is traded publicly or listed on a major stock exchange) the license shall be transferred and will remain in effect for no longer than 90 days or until the transfer is granted or refused under this chapter, whichever shall occur first. ~~Payment of the transfer fee of \$150.00, if made within five days of the transfer, or \$300.00 if more than five days after the transfer,~~ **Payment of the transfer fee shall be the same as the fee for a new license and shall be due at the time of application. The new license shall not be subject to a public hearing. If the transfer is not completed within 90 days of the license holder/ owner changing,** ~~After 90 days,~~ the license shall immediately be temporarily suspended until such time as a new license holder or registered agent is appointed. Reinstatement fees as indicated in section 5.30.050(I) shall apply. A time extension for the transfer may be granted at the director's sole discretion based upon extenuating circumstances.
- D. If a license holder dies, his or her personal representative or heirs may continue to operate under the original license for the balance of the year in which the death occurs without payment of any additional fees if those persons are otherwise qualified to be license holders under the provisions of this chapter. If those persons are not qualified to be license holders, they must pay a transfer fee of \$150.00, seek immediate approval from the director for the license to be transferred to a qualified transferee, and concurrently seek to open an estate for the deceased license holder within 30 days of the death of the license holder from which a transfer can be made. If the personal representative or heirs are otherwise qualified to be license holders under the provisions of this chapter, they shall seek a transfer of the license to themselves (or another qualified party) prior to the end of the year in which the death occurs.

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E. Any licensee desiring to discontinue business at one location and commence business at another location must make a completely new application for the new location.

F. No refund of renewal fees shall be made once a renewal license is issued.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 3-22-01(1), § 1; Res. of 9-25-03(2), § 2; Res. of 1-26-06, § 4; Res. of 4-26-12(2), § 3; Res. of 11-29-12(1), § 3; Res. of 4-14-22(1), § 3)

### **5.30.090. Qualifications of license holders.**

A. All applicants for a license shall be at least 21 years of age, qualified to obtain the appropriate state license for sale of alcoholic beverages, and properly registered as required by the state.

B. All sole proprietor owners who are permanent residents of the State of Georgia shall make application for a license in their own name. Where the owner is a corporation, partnership, or other association, the application shall be made in the name of an officer, partner, or associate who owns a substantial interest in the business. In the event that there is no qualifying officer, partner, or associate who is a permanent resident of the State of Georgia, the application shall be made in the name of an agent of the business who is a permanent resident of the State of Georgia. In such cases the application shall show that the license is for the use of the owner who shall be named in the application.

C. For the purpose of this chapter, unless otherwise indicated, the term "applicant" includes a corporation, partnership, sole proprietorship, or any other organization or business entity, and its managing agent.

1. Where an application is made on behalf of a corporation, the license shall be issued jointly to the corporation and an officer or agent who meets the requirements as set forth in this section for a "managing agent." The officer or agent named as the applicant shall be an individual who has regular managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the corporation. Said individual shall be referred to and known as the managing agent.
2. Where the application is made on behalf of a partnership, the license shall be issued jointly to the partnership and either the managing general partner thereof, or to an individual who meets the requirements set forth in this section for a "managing agent," who has managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the partnership. Said individual shall be referred to and known as the managing agent.
3. Where the application is made on behalf of a sole proprietorship, the license shall be issued jointly to the sole proprietorship and to an individual who meets the requirements set forth in this section for a "managing agent," who has managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the proprietor. Said individual shall be referred to and known as the managing agent. The managing agent may be the sole proprietor if he or she otherwise qualifies under this section.
4. Where the application is made on behalf of any other type of entity or organization, the license shall be issued jointly to the organization and an individual who meets the requirements set forth in this section for a "managing agent," who has managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the entity or organization. Said individual shall be referred to and known as the managing agent. In the case of a nonprofit private club, the managing agent may be an officer of the organization in lieu of a full-time employee if the individual is otherwise qualified as a managing agent under this section.

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5. Every "managing agent" applicant for a Hall County malt beverage and wine license under this section shall be at least 21 years of age, a U.S. citizen or an alien lawfully admitted for residency, and a resident of the State of Georgia, and shall make application on forms furnished by the business license office and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, and supporting data as is required by Hall County. Any "managing agent" applicant shall be denied approval by the director if he or she has been convicted, within the five years preceding his or her application, of any felony or any misdemeanor, state law violation, or county or municipal ordinance violation relating to any form of misuse of alcoholic beverages.
  6. A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant and/or managing agent would not have adequate participation in the proposed business to direct and manage its affairs, or where it appears that the applicant and/or managing agent is a mere surrogate for a person or persons who would not otherwise qualify for a license.
  7. The written application for the license shall be a permanent record which the licensee shall maintain current as required by this chapter, and all information contained in said application shall be updated by the licensee by providing new or corrected information to the county within 30 days of any changed circumstances (other than a change to the "managing agent" as discussed below). Failure to maintain a current application shall be grounds for revocation of the license.
  8. In the event the "managing agent" changes, or ceases to meet the requirements set forth in any of the provisions of this section, the licensee shall notify the business license director within five days of the change. A fee of \$150.00 will be charged for the processing of an application for the change of the "managing agent" in order to determine whether the new "managing agent" meets the qualifications of this section, and if the licensee fails to notify the business license director within five days of the change, the fee is increased to \$300.00 to process the application. Any new "managing agent" must be affirmatively approved by the director.
- D. Registered agent.
1. All applications for licenses under this chapter shall specifically name in the application one or more residents of Hall County, Georgia as the registered agent and representative of the applicant to receive all communications, notices, services, or process or other papers or documents, on behalf of the applicant in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation, or other action with respect to any county license. If the managing agent is a resident of Hall County, Georgia, then he or she may serve as the registered agent for a business entity applicant. The applicant shall furnish a notarized affidavit from such registered agent which lists the registered agent's address, and the mailing to any registered agent of any notice required to be given under this chapter or any other law at that address shall be sufficient notice of the same to the applicant/licensee.
  2. Every registered agent must be at least 21 years of age, must be a U.S. citizen or a legal alien, and must be a current resident of Hall County, Georgia.
  3. Each registered agent must be approved by the business license director. The business license director shall refuse to approve any registered agent who is not 21 years of age, who is not a U.S. citizen or a legal alien, who is not a bona fide resident of Hall County, Georgia, or who has been convicted, within the five years preceding his or her being named as a registered agent, of any felony, any misdemeanor relating to an alcoholic beverage violation, or any violation of a state law, county ordinance, or municipal ordinance relating to alcoholic beverages.
  4. If any registered agent shall cease to be a resident of Hall County, Georgia or in any manner ceases to meet the residency requirements of paragraph 2 of this subsection, the licensee shall notify the business license director in writing of such event and shall nominate a new registered agent within five

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days after such event occurs. Any new registered agent must meet the requirements of paragraphs 1, 2, and 3 of this subsection and must be specifically approved by the business license director. The county shall charge a fee of \$100.00 for a change of the licensee's registered agent, except that if the licensee notifies the county and nominates a new registered agent within five days of the change, the county shall charge a fee of \$50.00 for the change of registered agent. The county also reserves the right to revoke the license of any licensee who does not notify the county of a change in registered agent and nominate a new registered agent within five days after the change.

5. A license may not be transferred from one registered agent to another without the specific approval of the business license director pursuant to written application.
  6. If a registered agent changes, the license will remain in effect for no longer than 90 days or until the transfer to the new registered agent is granted or refused under this chapter, whichever occurs first. After 90 days, if a new registered agent has not been approved by the director, the license shall immediately be suspended on a temporary basis until such time as a new registered agent is nominated and approved by the director. Once the license has been temporarily suspended, reinstatement fees as indicated in section 5.60.050(I) shall apply. The director may grant writtentime extensions of the 90 day limit only where extenuating circumstances are identified.
- E. Where an application for a license is submitted for a nonprofit private club or veterans' organization, the application shall be made in the name of the highest elected officer and/or the manager of the club or organization.
- F. No license shall be issued by the county to an applicant under the following circumstances, which the county determines to run counter to public interest and welfare:
1. The applicant's business experience, criminal record, or reputation in any community in which he or she has resided or done business indicates that he or she is not likely to operate the business for which he or she is seeking a malt beverage and wine license in conformance with federal, state, or local laws, rules, regulations, procedures, or resolutions;
  2. The applicant has been convicted of or pled guilty to charges of violating any federal, state, or local law classified as a felony involving moral turpitude;
  3. The applicant has been convicted of or pled guilty to charges of violating any federal, state, or local law classified as a felony not involving moral turpitude where the conviction or guilty plea occurred within the ten years immediately preceding the filing of the application for the license;
  4. The applicant has been convicted of or pled guilty to charges of violating any federal, state, or local law classified as a misdemeanor within five years of the filing of the license application, including, but not limited to, laws involving alcoholic beverages, malt beverages, wine, drugs, pornography, gambling, or tax law violations, if such conviction or plea tends to indicate that the applicant will not operate the business for which he is seeking a malt beverage and wine license in conformance with federal, state, or local laws, rules, regulations, or resolutions;
  5. The applicant is an official or employee of the county;
  6. The applicant is a firm, partnership, association, or corporation as to which any manager, partner, officer, or director thereof has been convicted of or pled guilty to any felony that involved moral turpitude;
  7. The applicant is a firm, partnership, association, or corporation as to which a review of its business experience, criminal record and criminal record of its managers, partners, officers, and/or directors, or reputation in any community in which it has done significant business indicates that it is not likely to operate the business for which it is seeking a malt beverage and wine license in conformance with federal, state, or local laws, rules, regulations, or resolutions;

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8. The applicant is not qualified to obtain the appropriate state license for the sale of alcoholic beverages;
  9. An application which is submitted by or on behalf of an applicant with any of the above-referenced convictions or guilty pleas shall be immediately denied by the director.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 3-22-01(1), §§ 2—4; Res. of 1-26-06, §§ 5, 6; Res. of 4-23-09(1), § 7; Res. of 4-26-12(2), § 4; Res. of 11-29-12(1), § 4; Res. of 4-14-22(1), § 4)

### **5.30.095. Reserved.**

Editor's note(s)—A Resolution adopted April 14, 2022(1), § 5, repealed § 5.30.095, which pertained to Lake Lanier Olympic Venue at Clarks Bridge Park licensing and derived from Res. of April 23, 2009(1), § 8.

### **5.30.100. Building and location requirements.**

- A. No license shall be issued for a location not suitable for the sale of malt beverages and wine in the judgment and discretion of the county commission because of traffic congestion, health or safety concerns, the general character of the neighborhood, or the effect which such an establishment would have on the adjacent and surrounding properties and neighborhood.
- B. No license shall issue for a location within an area in which the number of malt beverage and wine licenses already granted makes granting another such license contrary to the public interest or welfare in the judgment and discretion of the county commission.
- C. No license shall issue for a location as to which a valid and current certificate of occupancy has not been issued, or as to which the operation of such a licensed business would violate the zoning rules and regulations of the county.
- D. No license shall issue for a location as to which a previous license has been revoked or suspended if, in the judgment of the county commission, the problems which have arisen from the operation of a licensed business at such location indicate that it is not in the interest of public health, safety, welfare, or morals that the sale of malt beverages and wine be permitted at such location.
- E. No license shall issue for a location in which the sale of malt beverages and wine would violate state or local laws, rules, regulations, or resolutions.
- F. No license shall issue for a location as to which the nearest point of the main structure of the business is located within 100 yards of the main structure of a church or within 200 yards of any school building, educational building, school grounds, or college campus as measured in a straight line between the two structures or grounds. The word "school" shall include kindergartens, primary and secondary schools, colleges, and other educational institutions whether public or private. However, this provision shall not apply when it would prohibit the renewal or transfer of an existing alcoholic beverage license for the sale of malt beverages and wine at a location where a license holder had been granted a license under the terms of any prior county resolution or ordinance relating to the sale of malt beverages and wine. In the event a church or school subsequently locates within the distance prohibitions herein, this provision shall not be applicable and such an event will not cause a license holder to be in violation of this provision or prohibit the renewal or transfer of a license. In such cases, the license may be renewed by the same license holder for the same place of business, or transferred to a new license holder, as long as all of the other provisions of this chapter are satisfied.
- G. The licensed premises shall be subject to inspection by authorized personnel of the county at any time during normal business hours.

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- H. Consumption on the premises licenses shall be issued only to restaurants, continuing care retirement communities, nonprofit private clubs, veterans' organizations, and banquet halls/events venues as defined herein. Retail package licenses shall not be issued to restaurants, continuing care retirement communities, nonprofit private clubs, veterans' organizations and banquet halls/events venues.
  - I. Licensed premises must be open for business at least six months of each calendar year. Licensed premises may close for seasonal or remodeling reasons only. Closures due to being out of business or due to a change in ownership require an application for a new license. Once the business is "closed" the malt beverage and wine license ceases to be valid and is automatically revoked.
  - J. No license shall issue for any location as to which the licensed premises contains a drive-in or drive-through window for the sale of malt beverages and wine.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 1-26-06, § 7; Res. of 4-23-09(1), § 9; Res. of 4-26-12(2), §§ 5, 6; Res. of 11-29-12(1), §§ 5, 6; Res. of 11-29-12(2), § 3; Res. of 4-14-22(1), § 6; Res. of 6-24-21(1), § 2)

### **5.30.110. Required reports and notices.**

- A. The licensee must report to the director within five days any change in any interests in the licensee's business, including but not limited to:
  - 1. Any change in the division of the profits of the licensed business;
  - 2. Any change in the division of net or gross sales for any purpose whatsoever;
  - 3. Any change in the payment of rents or leases;
  - 4. Any change in the ownership of any lease or building or land used in such business;
  - 5. Any change in the ownership of stock of any corporation that has an interest in the licensed business except for the sale of stock over the counter or through a recognized stock exchange;
  - 6. Any change in the local managing agent or registered agent of a corporate business licensed under this chapter.
- B. Reserved for future use.
- C. Copies of summaries of sales and state form ATT-122 shall be furnished to the business license director not later than the tenth day of each month by wholesale dealers selling malt beverages and wines to licensees. The report shall apply to deliveries made during the previous month. Copies of these reports shall be submitted with the excise tax described in section 5.30.200.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 3-22-01(1), § 5; Res. of 4-26-12(2), § 7; Res. of 11-29-12(1), § 7)

### **5.30.120. Hours of operation.**

- A. **The hours of sale of packaged malt beverages and wines shall be between 7:00 a.m. to 11:45 p.m. Monday through Saturdays, and 12:30 p.m. to 11:30 p.m. on Sundays. The hours of sale of packaged malt beverages and wines on Christmas Eve and Christmas Day, unless Christmas Eve or Day falls on a Sunday, shall be 7:00 a.m. to 11:45 p.m.** The hours of sale for consumption on the premises of malt beverages and wine shall be 11:00 a.m. to 12:45 a.m. Monday through Fridays, and 11:00 a.m. to 11:30 p.m. on Sundays. Hours on Saturday, ~~and~~ Christmas Eve, **and Christmas Day** shall be 8:00 a.m. to 11:45 p.m., **unless Christmas Eve or Day falls on a Sunday.**
- B. In the event that a licensed business is open for less than the hours stated in the preceding paragraph, then sales of malt beverages and wines shall be restricted to those regular store hours; however, in no event shall sales be made during hours other than described in the preceding paragraph.

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(Supp. No. 77, Update 2)

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- C. All licensed businesses for the consumption of malt beverages and wines shall remove the beverages from the area of the premises used by customers within 15 minutes after closing time for the sale of the beverages.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 4-26-12(2), § 8; Res. of 11-29-12(1), § 8; Res. of 1-24-19(2), § 1)

### **5.30.130. Advertising.**

Advertising of the sale of malt beverages and wine shall be in accordance with the laws of the State of Georgia and the regulations adopted by the Georgia Department of Revenue.

(Res. of 11-13-97, § 1; Res. of 9-9-99)

### **5.30.140. Minors.**

- A. All persons seeking to purchase alcoholic beverages within the unincorporated area of the county shall be required to provide proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older regardless of apparent age. "Proper identification" for purposes of this subsection means any valid document issued by a state or U.S. governmental agency containing a description of the person, the person's photograph, or both, and providing the person's date of birth. "Proper identification" shall include, but not be limited to, valid passports, military identification, driver's licenses, and/or certified birth certificates. License holders whose employees or agents fail to request proper identification upon the sale of an alcoholic beverage shall upon conviction be assessed a fine of no less than \$100.00 for the first offense, and a fine of no less than \$250.00 for a second offense and all subsequent offenses. All such fines shall be levied against the actual license holder at the licensed location, rather than against the person failing to request that a customer provide proper identification.
- B. Any license holder, agent, or employee of any license holder, who sells an alcoholic beverage to a person who is under the age of 21 years, without requiring proper identification as defined in subsection A above, shall upon first offense conviction thereof be sentenced to serve no less than one weekend (48 hours) in confinement and also be assessed a fine of no less than \$500.00. Subsequent convictions shall be punished as provided by section 5.30.230 of this Code.
- C. Any license holder who sells an alcoholic beverage to a person under the age of 21 years without requiring proper identification in violation of state law (or whose agent or employee does so) may, at the sole discretion of the board of commissioners, be subject to the revocation or suspension of his or her license upon the first offense, and the severity of the sanction may be based upon the severity of the offense.
1. If a second offense is found at the same licensed location, the board of commissioners shall suspend the license for 30 days or more, or in its sole discretion revoke the license based upon the severity of the offense. If the second offense occurs within three years of the disposition of the first offense, the board of commissioners shall suspend the license for 90 days or more, or in its sole discretion revoke the license based upon the severity of the offense. However, if the license holder provides conclusive documentation to the board of commissioners demonstrating that it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age, the board of commissioners may, in its sole discretion, suspend the license for less than the 30/90 day suspension periods imposed above. Any such training, education, program, or system must be in place at the time of the second violation in order to demonstrate that the business was being proactive so as to qualify for a lesser suspension.



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2. If a third offense is found at the same licensed location within three years of the disposition of the first offense, the board of commissioners shall revoke the license, and no application for a new license may be filed by any applicant for the same location until the expiration of 12 months from the date of the revocation. After the expiration of the 12 month period, the board of commissioners may grant a malt beverage and wine license for the location, provided that the applicant provides conclusive documentation to the board demonstrating that it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age. If the applicant or license holder does not provide conclusive evidence of such systematic proactive training, education, programs, or systems, then no application for a malt beverage and wine license shall be accepted for the location at issue until such training, education, programs, or systems are put in place.
  3. If a license holder (or his or her employee or agent) is found to have committed an offense of selling an alcoholic beverage to a person under the age of 21 years without requiring proper identification in violation of state law, the board of commissioners may, in its sole discretion, treat the license holder as having no prior offenses if: (1) there have been no recorded underage sales of alcoholic beverages within the previous three years; and (2) the license holder provides conclusive documentation to the board demonstrating that during the past three years it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age. Alternatively, if no conclusive evidence of systematic proactive training, education, programs, or systems exists, the board may, in its sole discretion, treat the license holder as having no prior offenses if there have been no other recorded underage sales of alcoholic beverages within the previous ten years.
  4. The board of commissioners may, in its sole discretion, suspend a license for a longer period of time than the time periods described herein above or revoke a license depending upon the severity of the offense as evidenced by the facts of the case, including, but not limited to, consideration of prior violations of law at the location by the license holder or its agents or employees. Where the board of commissioners has suspended the license of a specific location, such suspension shall not be relieved prior to its expiration notwithstanding the sale of the licensed premises or business located thereon unless specifically authorized by the board of commissioners pursuant to a public hearing.
- D. License holders of malt beverage and wine licenses shall not allow any person under 18 years of age to sell malt beverages or wine.
  - E. No person shall knowingly and intentionally act as agent to purchase or acquire any alcoholic beverage for or on behalf of any person who is under the minimum legal age (as provided by state law) or otherwise procure for or furnish any alcoholic beverage to any person who is under the minimum legal age (as provided by state law), except for legitimate medical purposes upon the legal written prescription of a duly licensed physician.
  - F. It is unlawful for any person who is under the minimum legal age to purchase alcoholic beverages (as provided by state law), or to falsely misrepresent his or her age in any manner whatsoever.
  - G. It is unlawful for any person who is under the minimum legal age to drink or possess any alcoholic beverage, including malt beverages, or wine.
  - H. It shall not be a violation of this chapter for a person who is under the minimum legal age to purchase, drink, or possess an alcoholic beverage, distilled spirits, malt beverage, or wine if such person is at the time acting in a bona fide capacity for and on behalf of law enforcement agencies conducting investigations of license holders and/or their employees.

(Res. of 5-14-2009(1), § 1(Exh. B); Res. of 4-14-22(1), § 7)

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Editor's note(s)—Res. of May 14, 2009, § 1(Exh. B), deleted § 5.30.140, and enacted a new § 5.30.140 as set out herein. The former § 5.30.140 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

### **5.30.150. Gross sales requirement.**

Consumption licenses shall be revoked if gross sales of food products (excluding sales of alcoholic beverages) fall below 50 percent of the combined business volume of food products and alcoholic beverages sold on an annual basis. On or before the 20<sup>th</sup> day of each month, each licensee shall furnish to the business license director an affidavit showing the gross sales of food products (excluding sales of malt beverages and wine), the gross sales of malt beverages and wine, and the gross sales of other merchandise for the preceding month. The business license director will furnish the form for the affidavit. The licensee must attach to the affidavit a copy of the Georgia Sales and Use Tax Report for the same period. These reports shall remain confidential unless required to be produced by Georgia law.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 4-26-12(2), § 9; Res. of 11-29-12(1), § 9; Res. of 4-14-22(1), § 8)

### **5.30.160. Sale on ~~Christmas Day and election day~~ Election Day.**

A. ~~Except as specifically authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic beverages on Christmas Day.~~

B. A. Alcoholic beverages are authorized to be sold on any election day as defined herein.

(Res. of 4-26-12(2), § 10; Res. of 11-29-12(1), § 10)

Editor's note(s)—Res. of 4-26-12(2), § 10, repealed former § 5.30.160, and enacted a new § 5.30.160 as set out herein. Former § 5.30.160 pertained to sale on Sunday, Christmas Day and election day and derived from Res. of 11-13-97, § 1 and Res. of 9-9-99.

### **5.30.170. Sale, dispensing and miscellaneous regulations.**

- A. License holders may not sell on the licensed premises less than 24 ounces of malt beverages, whether in one container or a multi-unit container, unless they have consumption licenses, or sell less than one-half pint of wine, unless they have consumption licenses.
- B. License holders may not sell malt beverages or wines on the licensed premises to any person who is in an intoxicated condition.
- C. License holders shall not permit any disorderly conduct or breach of the peace on the licensed premises.
- D. License holders may not sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic or malt beverages and wines which a license holder is not authorized to sell under his license. The license holder shall not allow "brown bagging" on the licensed premises.
- E. Malt beverages or wines may not be sold or offered for sale through vending machines on the licensed premises.
- F. Deliveries of malt beverages and wines to the licensed premises may be made only by a conveyance owned and operated by a wholesale dealer with a license from the board of commissioners to deliver such beverages in the county.

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- G. No retail license holder shall accept delivery of malt beverages and wines from any wholesale dealer unless the wholesale dealer has fully complied with the state laws regulating and taxing the sale of such beverages at wholesale.
  - H. No retail or consumption license holder shall deliver malt beverages and wines at any location other than the licensed premises.
  - I. All licensees shall store all malt beverages and wines in their possession only on the premises for which the license was issued.
  - J. Every license holder shall have available on the licensed premises a copy of this chapter and shall be responsible for compliance with the resolution [this chapter] by all persons on the premises.
  - K. Any and all costs associated with or for signs, notices, and/or advertisements as required by this chapter shall be borne by the applicant. Applicant shall be responsible for any and all fees charged for legal advice or consultations associated with this application.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 4-23-09(1), § 10)

### **5.30.175. Wine tastings.**

- A. A request to conduct a wine tasting may be approved by the business license director when such request is made in writing on an application furnished by the business license director and under the following conditions:
  - (1) A wine tasting must comply with all local and state laws and regulations pertaining to the sale and distribution of alcoholic beverages in the state and the county;
  - (2) No wine tasting may be conducted on the premises of any place of business licensed to sell distilled spirits in the unbroken package or container at retail;
  - (3) No wine tasting may be conducted on the premises of any place of business licensed to sell wine in the unbroken package or container at retail unless 60 percent or greater of the total retail space of the licensed premises is dedicated to the sale of wine in the unbroken package or container;
  - (4) All wines secured for a wine tasting must be obtained through a wholesale dealer possessing a valid current license to distribute wine issued by the county;
  - (5) A bona fide nonprofit charitable or civic organization that seeks to conduct a wine tasting shall comply with all requirements set forth in O.C.G.A. §§ 3-9-3, 3-9-4, and 3-9-5 and must make application 25 days prior to the proposed event on forms supplied by the business license office; the business license director may waive a portion of such waiting period upon good cause being shown.
  - (6) A for-profit organization that seeks to conduct a wine tasting and is not licensed shall comply with all requirements set forth in O.C.G.A. § 3-6-20 and must make application 25 days prior to the proposed event on forms supplied by the business license office;
  - (7) A nonrefundable fee of \$25.00 will be charged for the processing of an application for a wine tasting.

(Ord. of 5-28-09(1), § 1)

### **5.30.176. Brew pubs.**

- A. For all purposes of this section, a "brew pub" is defined as an eating establishment in which beer or malt beverages are manufactured or brewed for retail consumption on the premises and solely in draft form.

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- (1) No individual shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the county business license director. Each brew pub license holder shall comply with all other applicable state and local license requirements. A brew pub license authorizes the holder of such license to (i) manufacture on the licensed premises not more than 5,000 barrels of beer in a calendar year solely for retail consumption on the premises and solely in draft form; and (ii) operate a restaurant that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer for consumption on the premises only and, provided further, in addition to draft beer manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer.
  - (2) Possession of a brew pub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.
  - (3) A brew pub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises.
  - (4) A brew pub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
  - (5) Except as set forth in this section, a brew pub license holder shall be subject to all sections of this chapter.
  - (6) A brew pub license shall be classified as a manufacturing license as provided in Section 5.30.050 of this Code. Other alcoholic beverages sold on the premises but not manufactured thereon, shall require consumption on-the-premises licenses.

(Ord. of 5-28-09(2), § 1)

### **5.30.177. Farm wineries.**

- A. *Wines sold under this section.* A farm winery may sell its wine and the wine of any other state farm winery licensee at retail in a tasting room or other facility on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other state farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location within the county that is one of the five additional locations in the state authorized by O.C.G.A. § 3-6-21.1(b), but only if the annual production of wine by the farm winery is made in Georgia in accordance with the source of berries, fruits or grapes as provided by the laws of the state and the rules and regulations of the state department of agriculture.
- B. *Licenses.* The alcoholic beverage licenses which may be issued to farm wineries under this section are:
  - (1) *Wholesaler of farm winery production.* A farm winery shall be granted a wholesale license for sale and distribution as provided by O.C.G.A. § 3-6-21.1. Such license shall be issued upon application and payment of established fees and upon presentation of a receipt for payment of the state annual license tax as provided by the referenced code provisions in this section.
  - (2) *Retail package sales of wine.* Each retail package sales license shall require that all sales shall be by and through the farm winery tasting room at the site for which said license is issued.
  - (3) *Retail sales of wine.* Each license for retail sales of wine for consumption on the premises shall require that all consumption shall be at the farm winery site for which said license is issued.

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- (4) *Multiple farms winery licenses.* A farm winery may apply for and, if approved, may be issued multiple farm winery licenses as provided in subsections (1) through (3) of this section for any single site. At the primary farm winery facility where the wine is produced, such site may be licensed for wholesale, package retail sales and on-premises consumption. For any site other than the primary farm winery facility where the wine is produced, up to the maximum number of such sites as may be permitted by state statute, such site may be licensed for package retail sales and on-premises consumption. The license created in accordance with this article shall be limited to farm winery tasting rooms licensed by the state in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes. No license is hereby created authorizing any other use.
  - (5) *Alternative provision.* The first license at any site shall have a cost equal to the cost of a the county alcoholic beverage license at the time of the application. Any license for two or more categories of sale shall require payment of the additional license fees as provided in the county fee schedule.
  - (6) *Ratio of sales.* There shall be no specified or required ratio of alcohol sales to any other income for farm winery operations. Farm wineries shall operate on such days and hours as are provided by the Georgia Farm Winery Act, O.C.G.A. § 3-6-21.1 et seq., as amended from time to time.
  - (7) *Renewals.* All applications for renewal of a farm winery license or licenses shall be accompanied by a copy of the current state license. Failure to present a valid copy of a current and valid state license will result in a refusal to renew license. Timely application for renewal is determined by the date on which a complete and proper application has been submitted.
  - (8) *State statutes.* A farm winery may apply for a license for on-premises consumption of wine and malt beverages (not produced under the Georgia Farm Winery Act, O.C.G.A. § 3-6-21.1 et seq.) under the terms as provided under section 5.30.040(C)(3).
  - (9) *Compliance with section.* All alcoholic beverage sales other than farm winery sales shall be in accordance with chapter 5.30 and chapter 5.60 of this Code.
  - (10) An applicant for a farm winery license may choose to submit an application under this section for a license to encompass all of the preceding selections under this subsection of section 5.30.177, which will include all provisions set forth in subsection B above. The application shall be submitted pursuant to the provisions of this chapter as previously set forth. The fee for this license shall be \$2,000.00, and shall include licenses for the following:
    - (i) Farm winery manufacturing.
    - (ii) Retail package sales of wine.
    - (iii) Retail sales of wine for consumption on the premises.
    - (iv) Wine tasting room.
- C. *Excise tax.* Wines sold at retail by a manufacturer as provided in O.C.G.A. § 3-6-21.1(b) shall have levied thereon, an excise tax as prescribed in O.C.G.A. § 3-6-50, and such tax shall be reported and remitted to the state tax commissioner as provided by O.C.G.A. § 3-2-6.

(Res. of 4-24-14(1), § 6(Exh. A); Res. of 12-11-14(1), § 4)

### **5.30.178. Sales by businesses licensed to sell packaged malt beverages and/or wine and growlers.**

Package malt beverage licensees, who are not also licensed to sell distilled spirits by the package, may fill growlers with draft beer at the licensed location subject to the following requirements:

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1. At least 90 percent of the licensee's total gross sales are from packaged sale of malt beverages and/or wine or the licensee's premises have a minimum of 400 square feet of floor space dedicated to the display of malt beverages offered for sale.
  2. A growler shall not exceed 64 ounces.
  3. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler.
  4. Only professionally sanitized and sealed growlers may be filled and made available for retail sale.
  5. Each growler must be securely sealed and removed from the premises in its original sealed condition.
  6. Consumption on the premises is strictly prohibited. However, samples of tap beers may be made available without a malt beverage tasting license, but shall not exceed one ounce or shall any one individual be offered more than three samples within a calendar day.

(Res. of 12-11-14(1), § 5)

### **5.30.180. Grounds for revocation or suspension of license.**

The following shall be grounds for the suspension or revocation of a malt beverage and wine license. The existence of such grounds shall be determined by the board of commissioners in its sole discretion, to wit:

- A. Violation by the licensee of any state or federal law or regulation, except misdemeanors, or of any resolution or ordinance of the county, other than traffic violations.
- B. The failure of the licensee or his employees to report promptly to the sheriff's department any violation of law, regulation, county resolution or breach of the peace, disturbance, or altercation occurring on the premises.
- C. Any conduct on the part of the licensee or his employees contrary to the public welfare, safety, health or morals.
- D. Operating or conducting a business in a manner contrary to the public welfare, safety, health or morals, or in such a manner as to constitute a nuisance.
- E. The violation of any state or federal law or regulation, municipal ordinance, or county resolution or ordinance pertaining to alcoholic and malt beverages and wines. This ground specifically includes any violation of any provision of this chapter.
- F. The violation by the licensee of the Georgia Controlled Substances Act.
- G. The violation by the licensee of any federal, state or local law prohibiting the sale of pornographic materials.
- H. Failure of the licensee to furnish to the business license director any report required by this chapter or any report requested in writing by the director.
- I. Allowing a person to work in the licensed business who had an alcoholic beverage license revoked by any jurisdiction for violation of its laws or rules within a period of five years immediately preceding the filing of an application for a license under this chapter.
- J. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any federal, state or local law classified as a felony involving moral turpitude.
- K. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any federal, state or local law classified as a felony not involving moral turpitude within ten years from date of conviction.

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- L. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any law of the United States or any state law pertaining to the sale of malt beverages, wines or alcoholic beverages within the past five years from date of conviction.
  - M. The conviction of the license holder or his or her employees who sell or assist in the sale of alcoholic beverages for driving under the influence of alcohol within the past five years based upon the date of the conviction.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 12-10-09(1), § 1; Res. of 4-14-22(1), § 9)

### **5.30.190. Hearing on revocation or suspension of license.**

- A. License holders shall be entitled to a hearing whenever an alleged violation or other allegation could result in the revocation or suspension of the license.
- B. Upon receipt of any report of a violation of this chapter by a license holder or his or her employees or agents, the business license director shall investigate the report and determine whether a suspension or revocation of a license may be warranted. If, in the discretion of the business license director, the reported violation may warrant the suspension or revocation of a license, the director shall schedule a hearing before a hearing officer qualified to hear such matters and to determine the facts and the law applicable thereto. The director shall then provide written notice to the registered agent of the license holder at issue that the license holder and/or managing agent appear at the scheduled hearing to show cause as to why the license should not be revoked or suspended.
- C. The written notice from the business license director to the license holder shall notify the license holder or managing agent of the nature of the violation or offense charged against the license holder including sufficient facts to allow for a response, shall specify the time and place for the hearing, and shall give any further information necessary to provide the license holder/managing agent the opportunity to be heard at the hearing. The hearing shall be initially scheduled for a date not less than five days nor more than 20 days from the date of the service of the notice, although the parties may by agreement continue the hearing until a time and date convenient for all those involved.
- D. Should the business license director determine that the facts underlying the violation or offense are such that continued sales of distilled spirits at the location would pose a danger to the health or safety of the community, the business license director shall present those facts to the county administrator, who shall have the power to temporarily suspend a license issued under this chapter for a period of not more than 20 days from the date that the county became aware of the underlying facts. Any such temporary suspension shall remain in place for no more than 20 days pending the hearing on whether the license should be further suspended or revoked.
- E. At the hearing before the hearing officer, the license holder or managing agent shall be afforded the opportunity to show cause as to why the license should not be suspended or revoked. The license holder or managing agent shall be entitled to utilize an attorney to present his or her case, and be entitled to present documents and testimony of any witness willing to testify as to relevant facts. The business license director or his or her representative shall also be entitled to present documents and testimony, and both sides shall be entitled to cross-examine all witnesses presented by the other side and to make appropriate legal arguments. The technical rules of evidence applicable to court cases shall not apply, but the hearing officer may restrict the parties' presentations to relevant, non-harassing, and non-duplicative matters. The hearing officer shall determine the proper procedures to employ during the hearing so as to afford both parties the opportunity to be heard in an orderly and efficient manner.

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- F. Within ten days following the end of the hearing, the hearing officer shall prepare and issue a written recommendation to the board of commissioners as to whether the license should be suspended (and if so for how long) or revoked. The recommendation should include any factual findings, conclusions, and legal authorities upon which the recommendation is based, including the provisions of the county Code. The recommendation should be transmitted to the clerk of the board of commissioners with copies to the license holder/managing agent, the business license director, and the county administrator. The board of commissioners should place the matter on the agenda for its next regular meeting (or at a sooner special called meeting if the board so desires) for a decision on the recommendation of the hearing officer. The board shall not hear evidence or hold a hearing on the recommendation, but shall determine the suspension (and length thereof if any) or revocation based upon the recommendation of the hearing officer. The decision of the board shall be by majority vote of the members present, provided that three members must vote to approve any suspension or revocation.
  - G. The decision of the board of commissioners shall be transmitted in writing by the clerk to the license holder/managing agent and his or her registered agent. The decision of the board shall be effective immediately, regardless of service on the license holder/managing agent or his or her registered agent.
  - H. Except as otherwise provided herein, a licensee who has had his license revoked may reapply for a license after 30 days have passed from the effective date of the revocation. Such a reapplication shall conform with all procedural requirements applicable to a new application. The board of commissioners shall consider all matters relevant to the application, including any previous revocation(s).

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 4-14-22(1), § 10)

### **5.30.200. Excise taxes.**

- A. There is levied and imposed upon each wholesale dealer selling malt beverages outside municipalities in the county an excise tax in the following amounts:
  - 1. Where malt beverages, commonly known as tap or draft beer, are sold in and 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 a proportionate tax at the same rate on all fractional parts of 12 ounces.
- B. There is levied and imposed upon each wholesale dealer selling wine outside municipalities of the county an excise tax in the following amounts:
  - 1. An excise tax on the first sale or use of wine by the package which tax shall be \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
  - [2. Reserved.]
- C. The taxes imposed by this provision shall not be levied with respect to any sales of wine or beer which are exempt from taxation by federal or state law.

(Res. of 11-13-97, § 1; Res. of 9-9-99)

### **5.30.210. Use of revenue.**

- A. Revenue produced from this chapter shall be used entirely for county uses outside municipalities.
- B. No revenue produced by this chapter shall be used for purposes within any municipality in the county.



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(Res. of 11-13-97, § 1; Res. of 9-9-99)

**5.30.220. Distribution of required forms.**

- A. Any forms required by this chapter shall be printed by the county and furnished to applicants and license holders.
- B. License forms shall be printed by the county and signed by the person in charge of issuing licenses for the county.
- C. A copy of this chapter shall be furnished to each license holder by the county.

(Res. of 11-13-97, § 1; Res. of 9-9-99)

**5.30.225. Brown bagging.**

- A. *Brown bagging* as defined in this chapter means possession of an open glass bottle, can, or other container containing an alcoholic beverage or consumption of an alcoholic beverage on premises:
  - 1. For which a county business license has been issued; and
  - 2. Which occurs at a location different from where said alcoholic beverage was purchased.
- B. Subject to the exception contained in subsection D of this Section, it shall be unlawful for a licensee or any other business to allow customers to bring with them their own alcoholic beverages which is known as "BYOB" or "brown bagging".
- C. Subject to the exception contained in subsection D of this Section, it shall be unlawful for any owner or person in possession of any business establishment for which a Hall County Business/Occupation Tax Certificate has been issued and which business establishment has no alcoholic beverage license issued by Hall County to permit any person to serve, store, consume, or bring any alcoholic beverage onto the premises of such business establishment.
- D. The prohibitions and restrictions in subsections B and C shall not apply to a private function in which attendance is by invitation only and during which malt beverages or wine is served if all of the following provisions apply:
  - 1. All alcoholic beverages served at the private function shall be provided by the person renting the venue or otherwise having the right of temporary possession of the venue;
  - 2. The cost of the alcoholic beverages served at the private function shall be paid by the person renting the venue or otherwise having the right of temporary possession of the venue;
  - 3. No merchandise shall be bought or sold on the premises during the private function; and
  - 4. There shall be no cost to attend the private function either by donations or any other means.

(Res. of 6-27-13(3), § 1; Res. of 2-27-20(1), § 1)

**5.30.230. Violations; penalty.**

Any person, firm, corporation, association, partnership, or other business entity that violates any provision of this chapter as amended, or that shall fail to do anything required by this chapter as amended shall be guilty of a misdemeanor to be prosecuted under the jurisdiction of the magistrate or state court of Hall County, Georgia, and

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upon conviction shall be punished as provided in the Official Code of Hall County, Georgia section 1.50.020 for each violation found in the discretion of the court.

(Res. of 11-13-97, § 1; Res. of 9-9-99; Res. of 6-10-04(1), § 1; Res. of 4-14-22(1), § 11)

### **5.30.240. Additional remedies.**

In the event any provision of this chapter has been violated or is being violated, in addition to other remedies, the county may institute injunction, mandamus, or other appropriate action or proceeding to prevent or abate such violation.

(Res. of 11-13-97, § 1; Res. of 9-9-99)

### **5.30.250. County parks.**

The possession, use, consumption, and sale of malt beverages, wine, or any other alcoholic beverage in parks and recreational facilities owned and/or operated by Hall County, Georgia shall be governed by sections 2.50.140 to 2.50.260 of this Code and by the terms of any lease by which Hall County leases its parks and recreational facilities from any other party, including the U.S. Army Corps of Engineers.

(Res. of 4-14-22(1), § 12)

## ***CHAPTER 5.60. DISTILLED SPIRITS***

5.60.010.	License issuance.
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5.60.200.	Excise taxes.
5.60.210.	Brown bagging.
5.60.220.	Distribution of required forms.

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(Supp. No. 77, Update 2)

PART I - OFFICIAL CODE  
Title 5 - BUSINESS LICENSES AND REGULATIONS  
CHAPTER 5.60. DISTILLED SPIRITS

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5.60.230.	Violations; penalty.
5.60.240.	Additional remedies.
5.60.250.	County parks.

**5.60.010. License issuance.**

Wholesale and consumption on the premises licenses for the sale of distilled spirits outside municipalities in Hall County will be issued by the board of commissioners of the county pursuant to the rules and regulations set forth in the following sections of this chapter. The holding of any of said licenses is declared to be a privilege and not a right.

(Res. of 9-14-06, § 1)

**5.60.20. Definitions.**

As used in this chapter, the term:

- A. *Hall County, Georgia* as used herein shall be construed to mean the unincorporated area of Hall County, Georgia; wherever the term "county" is used herein, it shall be construed to mean the unincorporated area of Hall County, Georgia.
- B. *Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverages, wine, or fortified wine.
- C. *Director* means the Business License Director for Hall County.
- D. *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.
- E. *Food caterer* means any person who prepares food for consumption off the premises.
- F. *Election Day* means that period of time beginning with the opening of the polls and ending with the closing of the polls. As used in this section, the term "election" is defined as any statewide primary election and the statewide general election and any runoff held for such primary or general election. The term also includes "local elections."
- G. *Licensed alcoholic beverage caterer* means any licensed consumption on the premises business that has been licensed pursuant to the regulations of this chapter for sales off the premises of alcoholic beverages for catered functions.
- H. *Malt beverage* means any alcoholic beverage obtained by any fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in water containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager, beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.
- I. *Nonprofit private club* means a corporation organized and existing under the laws of the state or a fraternal or veterans' organization associated with and a part of a recognized national fraternal or veterans' organization which is organized and operated exclusively for pleasure, recreation and other nonprofit purposes and which immediately prior to the application for a license hereunder:
  - 1. Has at least 100 members regularly paying dues; and

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2. Has tax exempt status under the provisions of section 501(a) of the U.S. Internal Revenue Code; and
  3. Owns or leases a building or space for the reasonable use of its members; and
  4. Has no members or officers, agent or employees of the club receiving compensation directly or indirectly in the form of commissions or other compensation based on the amount of profits from the sale of distilled spirits beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body out of the general revenue of the club; and
  5. Has no part of the net earnings inuring to the benefit of any shareholder or member; and
  6. Has been in continuous operation for at least one year prior to the application for a license hereunder.
- J. *Premises* means the space or area owned, leased or controlled by the licensee and used by him for the purpose of operating under the license. It shall be limited to one location for each license and there shall be a separate license for each premises outlet, except in the case of a licensee where:
1. A golf course is located adjacent to and contiguous with a restaurant, premises shall include the playing area of the golf course.
  2. Where a SportsCar, SCCA (Sports Car Association of America), ACO (Automobile Club De L'Quest) CART (Championship Auto Racing Teams), or NASCAR (National Association for Stock Car Auto Racing) sanctioned motor sport road race track facility is located adjacent to and contiguous with a restaurant.
  3. In these exceptions the premises shall include the permanent concession points, grandstands and other event viewing areas; provided however, that alcoholic beverages may only be served at permanent concession points on the premises operated by the main licensed location and approved in advance by the county business license director or such other official as may be designated by the board of commissioners.
- K. *Restaurant* means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and interior or exterior seating capacity of at least 30 people, with at least one meal per day being served for not less than three days a week for at least six months each calendar year, and the serving of such meals being the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto.
- L. Reserved.
- M. *Veterans' organization* means a veterans group duly certified by their national organization and with a membership of not less than 25 persons.
- N. *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 chapter.
- O. *Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver,

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fiduciary or other group or combination acting as a unit, body politic or political subdivision, whether public, private or quasi-public.

- P. *Continuing care retirement community (CCRC)* means a facility licensed by the department of community health (DCH) personal care home division that provides graduated levels of personal care primarily for individuals 55 years of age or older, and which may include independent living, and that provides any alcoholic beverages licensed under this section only to the CCRC's residents and their guests. For purposes of this chapter, the premises of the CCRC shall include all dining and common areas of the CCRC.

(Res. of 9-14-06, § 1; Res. of 4-23-09(2), § 1; Res. of 4-26-12(3), § 1; Res. of 2-27-20(1), § 3; Res. of 4-14-22(2), § 1; Res. of 6-24-21(1), § 3)

### **5.60.030. License required.**

No person shall engage in the business of wholesaling, retailing or otherwise providing distilled spirits of any kind in the unincorporated area of the county without first obtaining a license therefor under this chapter.

(Res. of 9-14-06, § 1)

### **5.60.40. License classifications.**

Only the following classes of licenses shall be authorized:

- A. Distilled spirits:
1. Consumption on the premises;
  2. Wholesale;
  3. Consumption off the premises catering;
  4. Event permit; and
  5. Event permit—(Nonprofit charitable and civic organizations):
    - a. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities desiring to sell alcoholic beverages may apply and submit completed forms furnished by the Commissioner of the State Department of Revenue and a permit from the Commissioner authorizing the organization to sell or distribute alcoholic beverages for a period not to exceed three days as provided in Rule 560-2-2-43 of the Rules and Regulations of the State Department of Revenue, as amended.
    - b. Bona fide nonprofit charitable organizations, nonprofit civic organizations, colleges and universities if approved for a temporary event, may sell distilled spirits for consumption on premises only, subject to O.C.G.A. §§ 3-9-3 and 3-9-5.
    - c. Provided a permit has been issued to a nonprofit charitable organization, nonprofit civic organization, college or university, said organization, college or university shall be considered the same as any other licensee and subject to all laws, rules and regulations and other applicable sections of this chapter relating thereto.

(Res. of 4-23-09(2), § 2; Res. of 10-25-12(2), § 1)

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Editor's note(s)—Res. of 4-23-09(2), § 2, deleted the former § 5.60.040, and enacted a new § 5.60.040 as set out herein. The former § 5.60.040 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

### **5.60.050. License fees.**

- A. The applicant for any alcoholic beverage license shall pay a fee of \$25.00 for an application package. Application packages include application instructions, a check-off list indicating all documents required, the multi-page application form, all other required forms, and a complete copy of the alcoholic beverage code.
- B. The applicant for a consumption on the premises license for the sale of distilled spirits shall pay to the business license director at the time of application the sum of \$2,500.00 as an annual license fee for operation for one year at one location or one business where the product will be sold. The first or initial license may be issued on a quarterly basis if application is made after January 1 of the current annual license term with the license fee being prorated by the quarter (one quarter fee minimum with one-half or more of the quarter to be counted as a full quarter). Thereafter the total annual fee shall be due at the time the application is submitted notwithstanding the date of renewal.
- C. Any wholesale dealer in distilled spirits licensed by the state or the agent of such wholesale dealer will be granted a license upon payment of \$100.00; the distribution to be made outside the municipalities in the county. All appropriate and pertinent parts of this chapter shall be applicable to any applicant for or holder of a wholesale license to sell and/or distribute distilled spirits under this chapter.
- D. Each application for license under this chapter shall be accompanied by a certified check for the full amount of the license fee. Should the applicant be denied a license or should the applicant(s) withdraw the application prior to its being submitted to the commission, the license fee shall be refunded; however \$150.00 for investigation and application processing shall be retained.
- E. The above license fees shall not be prorated for applicants whose businesses operate for less than one year. No refund shall be made to license holders who have their licenses revoked or suspended by the county commission.
- F. The applicant for a consumption off the premises distilled spirits catering license whose consumption on the premises license is current shall pay to the business license director at the time of the application the sum of \$250.00 as an annual license fee.
- G. Where a catered function is to be held in the unincorporated area of Hall County by a caterer holding a valid consumption on the premises and a catering license issued by Hall County, the caterer shall be required to apply to Hall County for an event permit, such application to include the name of the caterer, the date, address and time of the event, and the caterer's distilled spirits catering license number and shall pay to the business license director the sum of \$25.00 at the time of filing the application. Where the applicant for an event permit has a valid consumption on the premises license from a governmental entity other than Hall County, the event permit fee shall be \$50.00 to be paid to the business license director at the time the application is filed.
- H. Upon the filing of an application and payment of a fee of \$25.00 by a bona fide nonprofit organization, college or university, the business license director may issue a permit authorizing the organization, college or university to sell alcoholic beverages pursuant to section 5.60.040, subject to any law regulating the time for selling such beverages.
  - 1. No more than six permits may be issued to an organization in any one calendar year pursuant to this section.
  - 2. Permits issued pursuant to this section shall be valid only for the place specified in the permit.

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3. Applicants under this section do not have to obtain alcohol bonds.
- I. Alcohol licensed locations/license holders who have their alcoholic beverages license suspended for a period of time shall pay to the business license director a reinstatement fee of \$350.00 before the suspended license may be reissued.
  - J. License fees for permanent concession points for the sale of alcoholic beverages as set forth under the definition of "premises" in subsections 5.60.020, paragraph I. shall be as follows:
    1. An annual inspection fee of \$100.00 for 1—4 concession locations;
    2. An annual inspection fee of \$200.00 for 5—10 concession locations; and
    3. An annual inspection fee of \$300.00 for more than ten concession locations shall be charged to offset the cost of concession site inspections.
    4. Licensing fees for concession points shall not be pro-rated and shall be due and payable at the same time the alcoholic beverage license is renewed each year.
    5. Alcohol concession permits will be issued for each concession point as a supplementary license to the main licensed location.
    6. Any new concession locations added during the licensing year shall be charged an initial inspection fee of \$50.00, and then the new concession location shall be added to the annual renewal fee the following year.
    7. Fees set forth in section 5.60.050, paragraph J., subparagraphs 1—3 shall be waived if such fees have already been paid in connection with a Hall County Distilled Spirits Consumption on the Premises License.

(Res. of 5-14-2009(1), § 1(Exh. C); Res. of 10-25-12(2), § 2)

Editor's note(s)—Res. of May 14, 2009, § 1(Exh. C), deleted § 5.60.050, and enacted a new § 5.60.050 as set out herein. The former § 5.60.050 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

### **5.60.060. License application.**

- A. All applications for licenses to sell distilled spirits shall be made in person by the applicant to the business license director in writing on forms made available by the Business License Director. The application shall contain, but is not restricted to, the following information:
  1. Name;
  2. Age;
  3. Address;
  4. Length of residency of the applicant;
  5. Name of business;
  6. Location of business;
  7. Current, valid Hall County Business License for proposed alcohol licensed location;
  8. Description of the premises or place of business where the license is to be effective;
  9. Statement as to whether the applicant or any person with any interest in the applicant has made application previously for any alcoholic beverage license and the disposition of such application;

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10. Whether the applicant or any person with any interest in the application has ever been convicted of a crime other than traffic violations;
  11. Whether a previous license issued to the applicant or any person with any interest in the application has been revoked by any state or subdivision thereof or by the federal government, and the reason for said revocation;
  12. Whether any other person is interested directly or indirectly in the profits or losses of the proposed business;
  13. Each applicant for a distilled spirits license shall attach to his application evidence of ownership of the business premises or a copy of the current lease for the premises upon which the license is to be effective; and
  14. Only after meeting all requirements for licensing by the applicant shall the application be submitted to the commission for approval. Current license holders applying for additional locations shall be exempt from this provision.
- B. Every application for a license shall be accompanied by a scale drawing showing the nearest church, funeral chapel, school or college or shall have attached thereto an affidavit of a registered surveyor that the proposed location of the licensed premises complies with the distance requirements of this chapter and any state or federal law.
- C. If the applicant for a distilled spirits consumption on the premises license currently maintains a valid beer and/or wine license issued in Hall County, the license can be issued by the business license director without the applicant having to appear before the county commission.

(Res. of 9-14-06, § 1; Res. of 4-23-09(2), § 4)

#### **5.60.065. Application for sales off-premises for catered functions.**

- A. Licensed distilled spirits consumption on the premises licensees eligible for off-premises catering licenses shall meet the following requirements:
1. Any alcoholic beverage licensee that possesses a valid license from Hall County which authorizes the licensee to sell distilled spirits by the drink for consumption on the premises may be issued an off-premises catering license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by the drink off the premises and in connection with an authorized catered function within the unincorporated area of Hall County.
  2. Any alcoholic beverage licensee that possesses a valid license from Hall County which authorizes the licensee to sell distilled spirits by the drink for consumption on the premises shall make application for an off-premises catering license as provided in paragraph F of section 5.60.050 and shall pay to the business license director an annual license fee for operation for one calendar year.
- B. Event permits will be issued for all catered functions located within Hall County. In order to distribute or sell distilled spirits for consumption off the premises at an authorized catered function, a licensed alcoholic beverage caterer shall be required to:
1. Possess a valid current distilled spirits consumption off the premises catering license from Hall County which authorizes the licensee to sell distilled spirits by the drink.
  2. Provide satisfactory reports to the director on forms provided by the department stating the quantity of any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized catered function and such other information as required by the director; and maintain



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original local event permits and documents required by the department in the vehicle transporting the alcoholic beverages to the catered function at all times.

(Res. of 4-23-09(2), § 5; Res. of 4-26-12(3), § 2)

#### **5.60.070. License approval procedures.**

- A. After filing an application with the director, the applicant for a license shall publish a notice of the application in the official county organ at least four times within the two weeks prior to the regular county commission meeting at which the application is to be presented and considered, or if the publishing schedule of the official county organ does not permit such frequent publication, publication of the notice shall be two times per week within the two weeks prior to the regular county commission meeting at which the application is to be presented and considered. The notice shall contain the name of the person applying for the license and the name of the person for whom the application is submitted, if different, and the location of the proposed premises. An affidavit of the publisher or his authorized agent certifying that the advertisement has been published shall accompany each application.
- B. After filing an application with the director, the applicant for a license shall place a sign in the establishment or premises where alcoholic beverages are to be sold. This sign shall remain on the premises from the date of the initial filing of the application with the director until the application has been approved or denied. The sign shall be visible from the street or thoroughfare on which the establishment or premises where alcoholic beverages are to be sold is located. The sign shall contain the words "NOTICE: ALCOHOLIC BEVERAGE LICENSE APPLIED FOR." The words shall appear in bold type and be clearly visible from the street or thoroughfare on which the establishment or premises where alcoholic beverages are to be sold is located, and shall be located at the main entrance to the establishment or premises. Letters on the sign shall not be less than four inches in height. The day, month, and year the license was applied for and dates and place of the hearings shall also appear on the said sign.
- C. The application may be reviewed and considered by the county commission at the next regularly scheduled county commission meeting following the necessary publication of the application notice. The county commission may act upon or vote upon the application at the meeting at which it is first reviewed and considered, or it may delay its vote or other action on the application to its next regularly scheduled county commission meeting.
- D. Applications for new alcoholic beverage licenses may be approved for locations currently under construction, or for locations where new construction will begin within 30 days of commission approval, providing said construction must be completed, certificates of occupancy issued, and the business license and alcoholic beverage license issued, in accordance with regulations contained in this Code, within 12 months of the date of approval by the Hall County Commission. Extensions may be requested and granted by the licensing director for extenuating circumstances only. Any and all applicable fees or renewal fees due or normally associated with the license during this 12-month period will be due and payable as set forth in this Code. Locations not meeting the requirements or time restrictions of this paragraph will be required to apply for a new license after the expiration of 12 months from the date of the initial approval by the commission.

(Res. of 9-14-06, § 1; Res. of 4-23-09(2), § 6; Res. of 4-14-22(2), § 2)

#### **5.60.080. License renewal and transfer.**

- A. A licensee who desires to renew his license for a subsequent calendar year must file a renewal application with the director on or before November 15 of the preceding year. Payment of license fees for renewal shall be made at the time of application, and, upon approval of the renewal application by the director, the license will be issued. Applications for renewal shall be treated as applications for new licenses but need not

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be advertised and/or resurveyed unless requested by the director. Any renewals submitted after the due date of November 15, shall be considered delinquent and assessed a penalty in the amount of ten percent of the fees due. Interest on delinquent fees shall be assessed at one percent for each month or fraction thereof of delinquency.

- B. No license may be transferred from one person to another or from one managing agent to another without the approval of the director pursuant to written application.
- C. Upon change of a license holder or owner (unless the owner is a corporation and stock is traded publicly or listed on a major stock exchange) the license shall be transferred and will remain in effect for no longer than 90 days or until the transfer is granted or refused under this chapter, whichever shall occur first. ~~Payment of the transfer fee of \$150.00, if made within five days of the transfer, or \$300.00 if more than five days after the transfer,~~ **Payment of the transfer fee shall be the same as the fee for a new license and shall be due at the time of application. The new license shall not be subject to a public hearing. If the transfer is not completed within 90 days of the license holder/ owner changing,** ~~After 90 days,~~ the license shall immediately be temporarily suspended until such time as a new license holder or registered agent is appointed. Reinstatement fees as indicated in section 5.30.050(I) shall apply. A time extension for the transfer may be granted at the director's sole discretion based upon extenuating circumstances.
- D. If a license holder dies, his or her personal representative or heirs may continue to operate under the original license for the balance of the year in which the death occurs without payment of any additional fees if those persons are otherwise qualified to be license holders under the provisions of this chapter. If those persons are not qualified to be license holders, they must pay a transfer fee of \$150.00, seek immediate approval from the director for the license to be transferred to a qualified transferee, and concurrently seek to open an estate for the deceased license holder within 30 days of the death of the license holder from which a transfer can be made. If the personal representative or heirs are otherwise qualified to be license holders under the provisions of this chapter, they shall seek a transfer of the license to themselves (or another qualified party) prior to the end of the year in which the death occurs.
- E. Any licensee desiring to discontinue business at one location and commence business at another location must make a completely new application for the new location.
- F. No refund of renewal fees shall be made once a renewal license is issued.

(Res. of 9-14-06, § 1; Res. of 4-26-12(3), § 3; Res. of 4-14-22(2), § 3)

### **5.60.090. Qualifications of license holders.**

- A. All applicants for a license shall be at least 21 years of age, qualified to obtain the appropriate state license for sale of alcoholic beverages, and properly registered as required by the state.
- B. All sole proprietor owners who are permanent residents of the State of Georgia shall make application for a license in their own name. Where the owner is a corporation, partnership, or other association, the application shall be made in the name of an officer, partner, or associate who owns a substantial interest in the business. In the event that there is no qualifying officer, partner, or associate who is a permanent resident of the State of Georgia, the application shall be made in the name of an agent of the business who is a permanent resident of the State of Georgia. In such cases the application shall show that the license is for the use of the owner who shall be named in the application.
- C. For the purpose of this chapter, unless otherwise indicated, the term "applicant" includes a corporation, partnership, sole proprietorship, or any other organization or business entity, and its managing agent.
  - 1. Where an application is made on behalf of a corporation, the license shall be issued jointly to the corporation and an officer or agent who meets the requirements as set forth in this section for a

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"managing agent" The officer or agent named as the applicant shall be an individual who has regular managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the corporation. Said individual shall be referred to and known as the managing agent.

2. Where the application is made on behalf of a partnership, the license shall be issued jointly to the partnership and either the managing general partner thereof, or to an individual who meets the requirements set forth in this section for a "managing agent," who has managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the partnership. Said individual shall be referred to and known as the managing agent.
3. Where the application is made on behalf of a sole proprietorship, the license shall be issued jointly to the sole proprietorship and to an individual who meets the requirements set forth in this section for a "managing agent," who has managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the proprietor. Said individual shall be referred to and known as the managing agent. The managing agent may be the sole proprietor if he or she otherwise qualifies under this section.
4. Where the application is made on behalf of any other type of entity or organization, the license shall be issued jointly to the organization and an individual who meets the requirements set forth in this section for a "managing agent," who has managerial authority over the business conducted on the licensed premises including the sale of alcoholic beverages, and who is employed full-time by the entity or organization. Said individual shall be referred to and known as the managing agent. In the case of a nonprofit private club, the managing agent may be an officer of the organization in lieu of a full-time employee if the individual is otherwise qualified as a managing agent under this section.
5. Every "managing agent" applicant for a Hall County Distilled Spirits license under this section shall be at least 21 years of age, a U.S. citizen or an alien lawfully admitted for residency, and a resident of the State of Georgia, and shall make application on forms furnished by the business license office and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, and supporting data as is required by Hall County.
6. A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant and/or managing agent would not have adequate participation in the proposed business to direct and manage its affairs, or where it appears that the applicant and/or managing agent is a mere surrogate for a person or persons who would not otherwise qualify for a license.
7. The written application for the license shall be a permanent record which the licensee shall maintain current as required by this chapter, and all information contained in said application shall be updated by the licensee by providing new or corrected information to the county within 30 days of any changed circumstances (other than a change to the "managing agent" as discussed below). Failure to maintain a current application shall be grounds for revocation of the license.
8. In the event the "managing agent" changes, or ceases to meet the requirements set forth in any of the provisions of this section, the licensee shall notify the business license director within five days of the change. A fee of \$150.00 will be charged for the processing of an application for the change of the "managing agent" in order to determine whether the new "managing agent" meets the qualifications of this section, and if the licensee fails to notify the business license director within five days of the change, the fee is increased to \$300.00 to process the application. Any new "managing agent" must be affirmatively approved by the director.

D. Registered agent.

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1. All applications for licenses under this chapter shall specifically name in the application one or more residents of Hall County, Georgia as the registered agent and representative of the applicant to receive all communications, notices, services, or process or other papers or documents, on behalf of the applicant in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation, or other action with respect to any county license. If the managing agent is a resident of Hall County, Georgia, then he or she may serve as the registered agent for a business entity applicant. The applicant shall furnish a notarized affidavit from such registered agent which lists the registered agent's address, and the mailing to any registered agent of any notice required to be given under this chapter or any other law at that address shall be sufficient notice of the same to the applicant/licensee.
  2. Every registered agent must be at least 21 years of age, must be a U.S. citizen or a legal alien, and must be a current resident of Hall County, Georgia.
  3. Each registered agent must be approved by the business license director. The business license director shall refuse to approve any registered agent who is not 21 years of age, who is not a U.S. citizen or a legal alien, who is not a bona fide resident of Hall County, Georgia, or who has been convicted, within the five years preceding his or her being named as a registered agent, of any felony, any misdemeanor relating to an alcoholic beverage violation, or any violation of a state law, county ordinance, or municipal ordinance relating to alcoholic beverages.
  4. If any registered agent shall cease to be a resident of Hall County, Georgia or in any manner ceases to meet the residency requirements of paragraph 2 of this subsection, the licensee shall notify the business license director in writing of such event and shall nominate a new registered agent within five days after such event occurs. Any new registered agent must meet the requirements of paragraphs 1, 2, and 3 of this subsection and must be specifically approved by the business license director. The county shall charge a fee of \$100.00 for a change of the licensee's registered agent, except that if the licensee notifies the county and nominates a new registered agent within five days of the change, the county shall charge a fee of \$50.00 for the change of registered agent. The county also reserves the right to revoke the license of any licensee who does not notify the county of a change in registered agent and nominate a new registered agent within five days after the change.
  5. A license may not be transferred from one registered agent to another without the specific approval of the business license director pursuant to written application.
  6. If a registered agent changes, the license will remain in effect for no longer than 90 days or until the transfer to the new registered agent is granted or refused under this chapter, whichever occurs first. After 90 days, if a new registered agent has not been approved by the director, the license shall immediately be suspended on a temporary basis until such time as a new registered agent is nominated and approved by the director. Once the license has been temporarily suspended, reinstatement fees as indicated in section 5.60.050(l) shall apply. The director may grant written time extensions of the 90 day limit only where extenuating circumstances are identified.
- E. Where an application for a license is submitted for a nonprofit private club or veterans' organization, the application shall be made in the name of the highest elected officer and/or the manager of the club or organization.
- F. No license shall be issued by the county to an applicant under the following circumstances, which the county determines to run counter to public interest and welfare:
1. The applicant's business experience, criminal record, or reputation in any community in which he or she has resided or done business indicates that he or she is not likely to operate the business for which he or she is seeking a distilled spirits license in conformance with federal, state, or local laws, rules, regulations, procedures, or resolutions;

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2. The applicant has been convicted of or pled guilty to charges of violating any federal, state, or local law classified as a felony involving moral turpitude;
  3. The applicant has been convicted of or pled guilty to charges of violating any federal, state, or local law classified as a felony not involving moral turpitude where the conviction or guilty plea occurred within the ten years immediately preceding the filing of the application for the license;
  4. The applicant has been convicted of or pled guilty to charges of violating any federal, state, or local law classified as a misdemeanor within five years of the filing of the license application, including, but not limited to, laws involving alcoholic beverages, distilled spirits, drugs, pornography, gambling, or taxlaw violations, if such conviction or plea tends to indicate that the applicant will not operate the business for which he is seeking a distilled spirits license in conformance with federal, state, or local laws, rules, regulations, or resolutions;
  5. The applicant is an official or employee of the county;
  6. The applicant is a firm, partnership, association, or corporation as to which any manager, partner, officer, or director thereof has been convicted of or pled guilty to any felony that involved moral turpitude;
  7. The applicant is a firm, partnership, association, or corporation as to which a review of its business experience, criminal record and criminal record of its managers, partners, officers, and/or directors, or reputation in any community in which it has done significant business indicates that it is not likely to operate the business for which it is seeking a distilled spirits license in conformance with federal, state, or local laws, rules, regulations, or resolutions;
  8. The applicant is not qualified to obtain the appropriate state license for the sale of alcoholic beverages;
  9. An application which is submitted by or on behalf of an applicant with any of the above-referenced convictions or guilty pleas shall be immediately denied by the director.

(Res. of 9-14-06, § 1; Res. of 4-23-09(2), § 7; Res. of 4-26-12(3), § 4; Res. of 4-14-22(2), § 4)

### **5.60.095. Reserved.**

Editor's note(s)—A Resolution adopted April 14, 2022(2), § 5, repealed § 5.60.095, which pertained to Lake Lanier Olympic Venue at Clarks Bridge Park licensing and derived from Res. of April 23, 2009(2), § 8.

### **5.60.100. Building and location requirements.**

- A. No license shall be issued for a location not suitable for the sale of distilled spirits in the judgment and discretion of the county commission because of traffic congestion, health or safety concerns, the general character of the neighborhood, or the effect which such an establishment would have on the adjacent and surrounding properties and neighborhood.
- B. No license shall issue for a location within an area in which the number of distilled spirits licenses already granted makes granting another such license contrary to the public interest or welfare in the judgment and discretion of the county commission.
- C. No license shall issue for a location as to which a valid and current certificate of occupancy has not been issued, or as to which the operation of such a licensed business would violate the zoning rules and regulations of the county.
- D. No license shall issue for a location as to which a previous license has been revoked or suspended if, in the judgment of the county commission, the problems which have arisen from the operation of a licensed

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business at such location indicate that it is not in the interest of public health, safety, welfare, or morals that the sale of distilled spirits be permitted at such location.

- E. No license shall issue for a location in which the sale of distilled spirits would violate state or local laws, rules, regulations, or resolutions.
- F. No license shall issue for a location as to which the nearest point of the main structure of the business is located within 100 yards of the main structure of a church or within 200 yards of any school building, educational building, school grounds, or college campus as measured in a straight line between the two structures or grounds. The word "school" shall include kindergartens, primary and secondary schools, colleges, and other educational institutions whether public or private. However, this provision shall not apply when it would prohibit the renewal or transfer of an existing alcoholic beverage license for the sale of distilled spirits at a location where a license holder had been granted a license under the terms of any prior county resolution or ordinance relating to the sale of distilled spirits. In the event a church or school subsequently locates within the distance prohibitions herein, this provision shall not be applicable and such an event will not cause a license holder to be in violation of this provision or prohibit the renewal or transfer of a license. In such cases, the license may be renewed by the same license holder for the same place of business, or transferred to a new license holder, as long as all of the other provisions of this chapter are satisfied.
- G. The licensed premises shall be subject to inspection by authorized personnel of the county at any time during normal business hours.
- H. Consumption on the premises licenses shall be issued only to restaurants, continuing care retirement communities, nonprofit private clubs and veterans' organizations as defined herein.
- I. Licensed premises must be open for business at least six months of each calendar year. Licensed premises may close for seasonal or remodeling reasons only. Closures due to being out of business or due to a change in ownership require an application for a new license. Once the business is "closed" the distilled spirits license ceases to be valid and is automatically revoked.
- J. No license shall issue for any location as to which the licensed premises contains a drive-in or drive-through window for the sale of distilled spirits.

(Res. of 9-14-06, § 1; Res. of 4-23-09(2), § 9; Res. of 4-26-12(3), §§ 5, 6; Res. of 4-14-22(2), § 6; Res. of 6-24-21(1), § 4)

### **5.60.110. Required reports and notices.**

- A. The licensee must report to the director within five days any change in any interests in the licensee's business, including but not limited to:
  - 1. Any change in the division of the profits of the licensed business;
  - 2. Any change in the division of net or gross sales for any purpose whatsoever;
  - 3. Any change in the payment of rents or leases;
  - 4. Any change in the ownership of any lease or building or land used in such business;
  - 5. Any change in the ownership of stock of any corporation that has an interest in the licensed business except for the sale of stock over the counter or through a recognized stock exchange;
  - 6. Any change in the local managing agent or registered agent of a corporate business licensed under this chapter.
- B. Reserved for future use.

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- C. Copies of summaries of sales and state form ATT-122 shall be furnished to the business license director not later than the tenth day of each month by wholesale dealers selling distilled spirits to licensees. The report shall apply to deliveries made during the previous month. Copies of these reports shall be submitted with the excise tax described in section 5.60.200.

(Res. of 9-14-06, § 1; Res. of 4-26-12(3), § 7)

#### **5.60.120. Hours of operation.**

- A. The hours of sale for consumption on the premises of distilled spirits shall be 11:00 a.m. to 12:45 a.m. Monday through Fridays, and 11:00 a.m. to 11:30 p.m. on Sundays. Hours on Saturday, ~~and~~ Christmas Eve, and Christmas Day shall be 8:00 a.m. to 11:45 p.m., unless Christmas Eve or Day falls on a Sunday.
- B. In the event that a licensed business is open for less than the hours stated in the preceding paragraph, then sales of distilled spirits shall be restricted to those regular business hours; however, in no event shall sales be made during hours other than described in the preceding paragraph.
- C. All licensed businesses for the consumption of distilled spirits shall remove the beverages from the area of the premises used by customers within 15 minutes after closing time for the sale of the beverages.

(Res. of 9-14-06, § 1; Res. of 4-26-12(3), § 8; Res. of 1-24-19(1), § 1)

#### **5.60.130. Advertising.**

Advertising of the sale of distilled spirits shall be in accordance with the laws of the State of Georgia and the regulations adopted by the Georgia Department of Revenue.

(Res. of 9-14-06, § 1)

#### **5.60.140. Minors.**

- A. All persons seeking to purchase alcoholic beverages within the unincorporated area of the county shall be required to provide proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older regardless of apparent age. "Proper identification" for purposes of this subsection means any valid document issued by a state or U.S. governmental agency containing a description of the person, the person's photograph, or both, and providing the person's date of birth. "Proper identification" shall include, but not be limited to, valid passports, military identification, driver's licenses, and/or certified birth certificates. License holders whose employees or agents fail to request proper identification upon the sale of an alcoholic beverage shall upon conviction be assessed a fine of no less than \$100.00 for the first offense, and a fine of no less than \$250.00 for a second offense and all subsequent offenses. All such fines shall be levied against the actual license holder at the licensed location, rather than against the person failing to request that a customer provide proper identification.
- B. Any license holder, agent, or employee of any license holder, who sells an alcoholic beverage to a person who is under the age of 21 years, without requiring proper identification as defined in subsection A above, shall upon first offense conviction thereof be sentenced to serve no less than one weekend (48 hours) in confinement and also be assessed a fine of no less than \$500.00. Subsequent convictions shall be punished as provided by section 5.30.230 of this Code.
- C. Any license holder who sells an alcoholic beverage to a person under the age of 21 years without requiring proper identification in violation of state law (or whose agent or employee does so) may, at the sole

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discretion of the board of commissioners, be subject to the revocation or suspension of his or her license upon the first offense, and the severity of the sanction may be based upon the severity of the offense.

1. If a second offense is found at the same licensed location, the board of commissioners shall suspend the license for 30 days or more, or in its sole discretion revoke the license based upon the severity of the offense. If the second offense occurs within three years of the disposition of the first offense, the board of commissioners shall suspend the license for 90 days or more, or in its sole discretion revoke the license based upon the severity of the offense. However, if the license holder provides conclusive documentation to the board of commissioners demonstrating that it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age, the board of commissioners may, in its sole discretion, suspend the license for less than the 30/90 day suspension periods imposed above. Any such training, education, program, or system must be in place at the time of the second violation in order to demonstrate that the business was being proactive so as to qualify for a lesser suspension.
  2. If a third offense is found at the same licensed location within three years of the disposition of the first offense, the board of commissioners shall revoke the license, and no application for a new license may be filed by any applicant for the same location until the expiration of 12 months from the date of the revocation. After the expiration of the 12 month period, the board of commissioners may grant a distilled spirits license for the location, provided that the applicant provides conclusive documentation to the board demonstrating that it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age. If the applicant or license holder does not provide conclusive evidence of such systematic proactive training, education, programs, or systems, then no application for a distilled spirits license shall be accepted for the location at issue until such training, education, programs, or systems are put in place.
  3. If a license holder (or his or her employee or agent) is found to have committed an offense of selling an alcoholic beverage to a person under the age of 21 years without requiring proper identification in violation of state law, the board of commissioners may, in its sole discretion, treat the license holder as having no prior offenses if: (1) there have been no recorded underage sales of alcoholic beverages within the previous three years; and (2) the license holder provides conclusive documentation to the board demonstrating that during the past three years it has engaged in systematic proactive training and education of its employees, or utilized other similar programs or systems, designed to prevent the sale of alcoholic beverages to persons under the legal age. Alternatively, if no conclusive evidence of systematic proactive training, education, programs, or systems exists, the board may, in its sole discretion, treat the license holder as having no prior offenses if there have been no other recorded underage sales of alcoholic beverages within the previous ten years.
  4. The board of commissioners may, in its sole discretion, suspend a license for a longer period of time than the time periods described herein above or revoke a license depending upon the severity of the offense as evidenced by the facts of the case, including, but not limited to, consideration of prior violations of law at the location by the license holder or its agents or employees. Where the board of commissioners has suspended the license of a specific location, such suspension shall not be relieved prior to its expiration notwithstanding the sale of the licensed premises or business located thereon unless specifically authorized by the board of commissioners pursuant to a public hearing.
- D. License holders of distilled spirits licenses shall not allow any person under 18 years of age to sell any alcoholic beverage.
- E. No person shall knowingly and intentionally act as agent to purchase or acquire any alcoholic beverage for or on behalf of any person who is under the minimum legal age (as provided by state law) or otherwise procure



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for or furnish any alcoholic beverage to any person who is under the minimum legal age (as provided by state law), except for legitimate medical purposes upon the legal written prescription of a duly licensed physician.

- F. It is unlawful for any person who is under the minimum legal age to purchase alcoholic beverages (as provided by state law), or to falsely misrepresent his or her age in any manner whatsoever.
- G. It is unlawful for any person who is under the minimum legal age to drink or possess any alcoholic beverage, including distilled spirits, malt beverages, or wine.
- H. It shall not be a violation of this chapter for a person who is under the minimum legal age to purchase, drink, or possess an alcoholic beverage, distilled spirits, malt beverage, or wine if such person is at the time acting in a bona fide capacity for and on behalf of law enforcement agencies conducting investigations of license holders and/or their employees.

(Res. of 5-14-2009(1), § 1(Exh. D); Res. of 4-14-22(2), § 7)

Editor's note(s)—Res. of May 14, 2009, § 1(Exh. D), deleted § 5.60.140, and enacted a new § 5.60.140 as set out herein. The former § 5.60.140 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

### **5.60.150. Gross sales requirement.**

Consumption licenses shall be revoked if gross sales of food products (excluding sales of alcoholic beverages) fall below 50 percent of the combined business volume of food products and alcoholic beverages sold on an annual basis. On or before the 20<sup>th</sup> day of each month, each licensee shall furnish to the business license director an affidavit showing the gross sales of food products (excluding sales of distilled spirits), the gross sales of distilled spirits, and the gross sales of other merchandise for the preceding month. The business license director will furnish the form for the affidavit. The licensee must attach to the affidavit a copy of the Georgia Sales and Use Tax Report for the same period. These reports shall remain confidential unless required to be produced by Georgia law.

(Res. of 9-14-06, § 1; Res. of 4-26-12(3), § 9; Res. of 4-14-22(2), § 8)

### **5.60.160. Sale ~~on Christmas Day and election day~~ on Election Day.**

~~A. Except as specifically authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic beverages on Christmas Day.~~

~~B.~~ A. Alcoholic beverages are authorized to be sold on any election day as defined herein.

(Res. of 4-26-12(3), § 10)

Editor's note(s)—Res. of 4-26-12(3), § 10, repealed former § 5.60.160, and enacted a new § 5.60.160 as set out herein. Former § 5.60.160 pertained to sale on Sunday, Christmas Day and election day and derived from Res. of 9-14-06, § 1.

### **5.60.170. Sale, dispensing and miscellaneous regulations.**

- A. License holders may not sell distilled spirits on the licensed premises to any person who is in an intoxicated condition.
- B. License holders shall not permit any disorderly conduct or breach of the peace on the licensed premises.

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- C. License holders may not sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic beverages or distilled spirits which a license holder is not authorized to sell under his license. The license holder shall not allow "brown bagging" on the licensed premises.
  - D. Distilled spirits may not be sold or offered for sale through vending machines on the licensed premises.
  - E. Deliveries of distilled spirits to the licensed premises may be made only by a conveyance owned and operated by a wholesale dealer with a license from the board of commissioners to deliver such beverages in the county.
  - F. No retail license holder shall accept delivery of distilled spirits from any wholesale dealer unless the wholesale dealer has fully complied with the state laws regulating and taxing the sale of such beverages at wholesale.
  - G. No retail or consumption license holder shall deliver distilled spirits at any location other than the licensed premises.
  - H. All licensees shall store all distilled spirits in their possession only on the premises for which the license was issued.
  - I. Every license holder shall have available on the licensed premises a copy of this chapter and shall be responsible for compliance with this chapter by all persons on the premises.
  - J. Reserved.
  - K. Any and all costs associated with or for signs, notices, and/or advertisements as required by this chapter shall be borne by the applicant. Applicant shall be responsible for any and all fees charged for legal advice or consultations associated with this application.

(Res. of 9-14-06, § 1; Res. of 4-23-09(2), § 10)

### **5.60.180. Grounds for revocation or suspension of license.**

The following shall be grounds for the suspension or revocation of a distilled spirits license. The existence of such grounds shall be determined by the board of commissioners in its sole discretion, to wit:

- A. Violation by the licensee of any state or federal law or regulation, except misdemeanors, or of any resolution or ordinance of the county, other than traffic violations.
- B. The failure of the licensee or his employees to report promptly to the sheriff's department any violation of law, regulation, county resolution or breach of the peace, disturbance, or altercation occurring on the premises.
- C. Any conduct on the part of the licensee or his employees contrary to the public welfare, safety, health or morals.
- D. Operating or conducting a business in a manner contrary to the public welfare, safety, health or morals, or in such a manner as to constitute a nuisance.
- E. The violation of any state or federal law or regulation, municipal ordinance, or county resolution or ordinance pertaining to alcoholic and distilled spirits. This ground specifically includes any violation of any provision of this chapter.
- F. The violation by the licensee of the Georgia Controlled Substances Act.
- G. The violation by the licensee of any federal, state or local law prohibiting the sale of pornographic materials.

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- H. Failure of the licensee to furnish to the business license director any report required by this chapter or any report requested in writing by the director.
  - I. Allowing a person to work in the licensed business who had an alcoholic beverage license revoked by any jurisdiction for violation of its laws or rules within a period of five years immediately preceding the filing of an application for a license under this chapter.
  - J. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any federal, state or local law classified as a felony involving moral turpitude.
  - K. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any federal, state or local law classified as a felony not involving moral turpitude within ten years from date of conviction.
  - L. Allowing a person employed by a licensed business to sell or assist in the sale of alcoholic beverages after being convicted of or having pled guilty to any law of the United States or any state law pertaining to the sale of malt beverages, wines or alcoholic beverages within the past five years from date of conviction.
  - M. The conviction of the license holder or his or her employees who sell or assist in the sale of alcoholic beverages for driving under the influence of alcohol within the past five years based upon the date of the conviction.

(Res. of 9-14-06, § 1; Res. of 12-10-09(2), § 1; Res. of 4-14-22(2), § 9)

#### **5.60.190. Hearing on revocation or suspension of license.**

- A. License holders shall be entitled to a hearing whenever an alleged violation or other allegation could result in the revocation or suspension of the license.
- B. Upon receipt of any report of a violation of this chapter by a license holder or his or her employees or agents, the business license director shall investigate the report and determine whether a suspension or revocation of a license may be warranted. If, in the discretion of the business license director, the reported violation may warrant the suspension or revocation of a license, the director shall schedule a hearing before a hearing officer qualified to hear such matters and to determine the facts and the law applicable thereto. The director shall then provide written notice to the registered agent of the license holder at issue that the license holder and/or managing agent appear at the scheduled hearing to show cause as to why the license should not be revoked or suspended.
- C. The written notice from the business license director to the license holder shall notify the license holder or managing agent of the nature of the violation or offense charged against the license holder including sufficient facts to allow for a response, shall specify the time and place for the hearing, and shall give any further information necessary to provide the license holder/managing agent the opportunity to be heard at the hearing. The hearing shall be initially scheduled for a date not less than five days nor more than twenty days from the date of the service of the notice, although the parties may by agreement continue the hearing until a time and date convenient for all those involved.
- D. Should the business license director determine that the facts underlying the violation or offense are such that continued sales of distilled spirits at the location would pose a danger to the health or safety of the community, the business license director shall present those facts to the county administrator, who shall have the power to temporarily suspend a license issued under this chapter for a period of not more than 20 days from the date that the county became aware of the underlying facts. Any such temporary suspension

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shall remain in place for no more than 20 days pending the hearing on whether the license should be further suspended or revoked.

- E. At the hearing before the hearing officer, the license holder or managing agent shall be afforded the opportunity to show cause as to why the license should not be suspended or revoked. The license holder or managing agent shall be entitled to utilize an attorney to present his or her case, and be entitled to present documents and testimony of any witness willing to testify as to relevant facts. The business license director or his or her representative shall also be entitled to present documents and testimony, and both sides shall be entitled to cross-examine all witnesses presented by the other side and to make appropriate legal arguments. The technical rules of evidence applicable to court cases shall not apply, but the hearing officer may restrict the parties' presentations to relevant, non-harassing, and non-duplicative matters. The hearing officer shall determine the proper procedures to employ during the hearing so as to afford both parties the opportunity to be heard in an orderly and efficient manner.
- F. Within ten days following the end of the hearing, the hearing officer shall prepare and issue a written recommendation to the board of commissioners as to whether the license should be suspended (and if so for how long) or revoked. The recommendation should include any factual findings, conclusions, and legal authorities upon which the recommendation is based, including the provisions of the county Code. The recommendation should be transmitted to the clerk of the board of commissioners with copies to the license holder/managing agent, the business license director, and the county administrator. The board of commissioners should place the matter on the agenda for its next regular meeting (or at a sooner special called meeting if the board so desires) for a decision on the recommendation of the hearing officer. The board shall not hear evidence or hold a hearing on the recommendation, but shall determine the suspension (and length thereof if any) or revocation based upon the recommendation of the hearing officer. The decision of the board shall be by majority vote of the members present, provided that three members must vote to approve any suspension or revocation.
- G. The decision of the board of commissioners shall be transmitted in writing by the clerk to the license holder/managing agent and his or her registered agent. The decision of the board shall be effective immediately, regardless of service on the license holder/managing agent or his or her registered agent.
- H. Except as otherwise provided herein, a licensee who has had his license revoked may reapply for a license after 30 days have passed from the effective date of the revocation. Such a reapplication shall conform with all procedural requirements applicable to a new application. The board of commissioners shall consider all matters relevant to the application, including any previous revocation(s).

(Res. of 9-14-06, § 1; Res. of 4-14-22(2), § 10)

### **5.60.200. Excise taxes on mixed drinks consumed on the premises.**

- A. *Imposition and rate of tax.* There is hereby imposed and levied upon every purchaser of a distilled spirit for beverage purposes by the drink within Hall County a tax in the amount provided in O.C.G.A. 3-4-131.
- B. *Authority and requirement of licensee to collect the tax.* Every licensee or his agent is hereby authorized and directed to collect the tax imposed herein from purchasers of distilled spirits by the drink within the licensed premises. Such licensee or agent shall furnish such information as may be required by the county to facilitate the collection of the tax.
- C. *Collection of tax; records; rules and regulations.* In all cases where the collection of food and drinks is by deferred payment or credit, the licensee is liable at the time of and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The county shall have authority to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.
- D. *Determination, returns and payments.*

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1. *Due date of taxes.* The tax imposed by this section shall become due and payable from the purchaser at the time of purchase of any mixed drink in this county. All amount of such taxes collected by the licensee shall be due and payable to the county monthly on or before the 20th day of every month next succeeding each respective monthly period for which this tax is imposed; provided, however, that upon a proper showing that the tax imposed will not be collected until after a regular billing period of the collecting agent, then the collection of the tax may be deferred by the county for an additional period not exceeding 30 days.
  2. *Return; time of filing; persons required to file; contents.* On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the county in such form as the county may prescribe by every licensee liable for the payment of tax hereunder. All returns shall show the gross receipt of the sale of distilled spirits by the drink and the amount of the tax collected on such drinks.
  3. *Collection fee allowed licensees.* Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if such amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the "Georgia Retailers' and Consumers' Sales and Use Tax Act," approved February 20, 1951, as now or hereafter amended (O.C.G.A. § 48-8-1 et seq.).

E. *Deficiency determinations.*

1. If the county has cause to believe that the return or returns of the tax or the amount of the tax required to be paid to the county by any person is not proper, it may compute and determine the amount required to be paid upon the basis of any information that is within or may come into its possession. One or more deficiency determinations may be made of the amount due for one or more monthly period.
2. *Interest on deficiency.* The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof from the due date of taxes.
3. *Notice of determination; service.* The county or its designated representatives shall give to the licensee written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at his address as it appears in the records of the county. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.
4. *Time within which notice of deficiency determination to be mailed.* Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

F. *Determination if no return made.*

1. *Estimates of gross receipts.* If any person fails to make a return, the county shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total sales in this county which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is in possession of or may come into the possession of the county official. Written notice shall be given in the manner prescribed in paragraph E(3).
2. *Interest on amount found due.* The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof, from the tenth day of the month following the monthly period, for which the amount or any portion thereof would have been returned, until the date of payment.

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- G. *Penalty for nonpayment.* Any person who fails to pay the tax herein imposed or fails to pay any amount of the tax required to be collected and paid to the county within the time required shall pay a penalty of 25 percent of the tax or amount of the tax, in addition to the tax or amount of the tax plus interest on the unpaid tax or any portion thereof as set forth in paragraph F(2).
- H. *Action for tax; tax credit, penalty or interest paid more than once or erroneously collected.*
1. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the county may bring an action in the courts of this state, of any other state, or of the United States in the name of the county itself to collect the amount of the delinquency together with penalties, interest, court fees, filing fees, attorneys' fees, and other legal fees incident thereto. Whenever the amount of any tax, penalty, or interest has been paid more than once, or has been erroneously or improperly collected or received by the county under this section, it may be offset against any future liability for the tax. If the licensee determines that he or she has overpaid or paid more than once, which fact has not been determined by the county, he or she will have three years from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The claim shall then be audited by the county. If the claim is approved by the commission, the excess amount paid the county may be credited on any amounts then due and payable from the person by whom it was paid, or from his or her administrators or executors.
  2. *Duty of successors or assignees of licensee to withhold tax from purchase money.* If any licensee liable for any amount under this article sells his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the business license director either a receipt reflecting full payment or a certificate stating that no amount is due.
  3. *Liability for failure to withhold.* If the purchaser of a business fails to withhold tax as required, he or she shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.
- I. *Administration.*
1. *Records required from licensee:* Every licensee for the sale of alcoholic beverages by the drink in the county shall keep such records, receipts, invoices and other pertinent papers in such form as the county may require.
  2. *Examination of records and audits:* The county or any person authorized in writing by the county may examine the books, papers, records, financial reports, equipment and other facilities of any licensee for sale of distilled spirits by the drink and any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.
  3. *Authority to require reports:* In administration of the provisions of this paragraph, the county may require the filing of reports by any person or class of persons having in such person's or persons' possession or custody information relating to purchases which are subject to the tax. Reports shall be filed with the county when required by the county and shall set forth the purchase price for each purchase, the date or dates of purchase, and such other information as the county may require.
- J. *Violations.* Any person violating any of the provisions of this subsection shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in section 1.50.020 of the Official Code of Hall County. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the subsection is committed, continued or permitted by such person, and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made, or fails or refuses to furnish a supplemental return or other data required by the county or who

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renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid.

(Res. of 9-14-06, § 1; Res. of 4-14-22(2), § 11)

### **5.60.210. Brown bagging.**

- A. *Brown bagging* as defined in this chapter means possession of an open glass bottle, can, or other container containing an alcoholic beverage or consumption of an alcoholic beverage on premises:
  - 1. For which a county business license has been issued; and
  - 2. Which occurs at a location different from where said alcoholic beverage was purchased.
- B. Subject to the exception contained in subsection D of this Section, it shall be unlawful for a licensee or any other business to allow customers to bring with them their own alcoholic beverages which is known as "BYOB" or "brown bagging".
- C. Subject to the exception contained in subsection D of this Section, it shall be unlawful for any owner or person in possession of any business establishment for which a Hall County Business/Occupation Tax Certificate has been issued and which business establishment has no alcoholic beverage license issued by Hall County to permit any person to serve, store, consume, or bring any alcoholic beverage onto the premises of such business establishment.
- D. The prohibitions and restrictions in subsections B and C shall not apply to a private function in which attendance is by invitation only and during which distilled spirits are served if all of the following provisions apply:
  - 1. All alcoholic beverages served at the private function shall be provided by the person renting the venue or otherwise having the right of temporary possession of the venue;
  - 2. The cost of the alcoholic beverages served at the private function shall be paid by the person renting the venue or otherwise having the right of temporary possession of the venue;
  - 3. No merchandise shall be bought or sold on the premises during the private function;
  - 4. There shall be no cost to attend the private function either by donations or any other means; and
  - 5. The person renting the venue or otherwise having the right of temporary possession of the venue shall employ a bartender with the appropriate training and experience to ensure the safety of all persons attending the private function.

(Res. of 6-27-13(1), § 1; Res. of 2-27-20(1), § 2)

### **5.60.220. Distribution of required forms.**

- A. Any forms required by this chapter shall be printed by the county and furnished to applicants and license holders.
- B. License forms shall be printed by the county and signed by the person in charge of issuing licenses for the county.
- C. A copy of this chapter shall be furnished to each license holder by the county.

(Res. of 9-14-06, § 1)

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### **5.60.230. Violations; penalty.**

Any person, firm, corporation, association or partnership violating any provision of this chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this chapter as the same exists or as it may hereinafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia section 1.50.020 for each violation in the discretion of the Court.

(Res. of 9-14-06, § 1)

### **5.60.240. Additional remedies.**

In the event any provision of this chapter has been violated or is being violated, in addition to other remedies, Hall County may revoke the license or permit and/or may institute injunction, mandamus, or other appropriate action or proceeding to prevent or abate such violation.

(Res. of 9-14-06, § 1)

### **5.60.250 County parks.**

The possession, use, consumption, and sale of distilled spirits or any other alcoholic beverage in parks and recreational facilities owned and/or operated by Hall County, Georgia shall be governed by sections 2.50.140 to 2.50.260 of this Code and by the terms of any lease by which Hall County leases its parks and recreational facilities from any other party, including the U.S. Army Corps of Engineers.

(Res. of 4-14-22(2), § 12)