

Article H. ALCOHOLIC BEVERAGES

Chapter 1. General Provisions.

Sec. 6-1201. Title of Article.

This Article shall be known and may be cited as "The Alcoholic Beverage Ordinance of 201__."

(Ord. of __-__-201__, § 6-1201)

Sec. 6-1202. Privilege, Not a Right.

Nothing in this Article shall be construed as giving a person a right to sell or otherwise deal in alcoholic beverages. Manufacture, distribution and sale of alcoholic beverages are declared to be privileges in the City of Savannah, not rights.

(Ord. of __-__-201__, § 6-1202)

Sec. 6-1203. Purpose; Intent.

This article is enacted for purposes of establishing reasonable and ascertainable standards for the regulation and control of alcoholic beverages in a manner designed to promote the health, safety and general welfare of the community, while giving effect to zoning and land use plans, preserving residential areas with reasonable consideration for their character and with the general intent of promoting desirable living conditions and sustaining the stability of neighborhoods and property values.

(Ord. of __-__-201__, § 6-1203)

Sec. 6-1204. Definitions; General Provisions.

As used in this Article:

(a) *"Ancillary retail package store"* means a Class E license holder and refers to an establishment that:

- (1) Engages in the retail sale of malt beverages or wine in unbroken packages, not for consumption on the premises; and
- (2) Derives from such retail sale of malt beverages or wine in unbroken packages less than 75 percent of its total annual gross sales.

An ancillary retail package store is prohibited from distributing, dispensing or selling bottled distilled spirits.

(b) "*City Council; Council*" means The Mayor and Alderman of the City of Savannah in council assembled, the legislative body of the City.

(c) "*City of Savannah*" or "*City*" means The Mayor and Alderman of the City of Savannah, a municipal corporation of the State of Georgia: such definition to include all geographical area within the corporate limits of the City of Savannah, to include any and all areas annexed following adoption of this Article.

(d) "*Complimentary service*" means a Class G license holder and refers to the *gratis* provision of malt beverages or wine to patrons upon the premises pursuant to such license. No other alcoholic beverages may be provided *gratis*. Complimentary service of malt beverages shall be limited to individual pours of no greater than 8 fluid ounces. Complimentary service of wine shall be limited to individual pours of no greater than 6 fluid ounces. Complimentary service may not be provided on Sunday between 2:00 a.m. and 11:59 p.m.

(e) "*Event venue*" means a location that is only open to the public for artistic presentations, live or recorded musical presentations, theatrical performances, films or other similar expressive events of a limited duration. An event venue shall not be open on a daily basis for events, shall not have a permanent bar and shall only be authorized to sell alcoholic beverages beginning one hour before the scheduled event and no later than one hour after the conclusion of the event. Event venues may not sell, serve or dispense alcohol on Sunday between 2:00 a.m. and 11:59 p.m.

(f) "*Licensee*" means the person to whom a license is issued.

(g) "*Live entertainment*" means a vocal or instrumental performance by a natural person(s) who is physically present in the establishment while delivering the performance and specifically excludes disc jockeys and karaoke performances.

(h) "*Manager*" means a natural person, over the age of 21, who has responsibility for day-to-day management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is the owner or a full-time employee of the corporation, partnership, proprietor or other ownership entity. Such person shall actively operate the licensee's business on a day-

to-day basis and reside within a 50-mile radius of the establishment for which said individual is responsible for day-to-day management of the licensee's operations.

(i) "*Occupant load*" means the maximum number of people allowed in an establishment pursuant to the Life Safety Code or any other fire prevention based-code, as may, from time-to-time, be amended and adopted by City Council.

(j) "*Person*" means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, receiver, fiduciary or other group or combination.

(k) "*Premises*" includes the entire space or area owned, leased and/or exclusively controlled by a licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served or consumed, except when such room is located in a hotel, motel, inn or similar facility. Premises may include adjoining patios, decks, porches or, where applicable, permitted sidewalk cafes. A floor plan for each licensed premises must be submitted with each application for a license under this Article.

(l) "*Retail dealer*" means a Class C license holder and refers to any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

(m) "*Retail package store*" means a Class D license holder and refers to a retail business establishment:

- (1) Primarily engaged in the retail sale of distilled spirits, malt beverages or wine in unbroken packages, not for consumption on the premises, except as authorized by Title 3 of the Official Code of Georgia Annotated, as amended; and
- (2) Which derives from such retail sale of alcoholic beverages in unbroken packages, at least 75 percent of its total annual gross sales.

(n) "*Sample*" means the *gratis* provision by a retail package store or ancillary retail package store of a one ounce or less portion of wine or malt beverage to a person over the age of 21.

(o) *"Scanner"* means a properly functioning age verification device that reads government-issued identification cards and saves the information derived therefrom.

(p) *"Underage permit"* means a Class I license which may be issued to a retail dealer with less than 50% of its gross annual sales derived from the sale of prepared food and which enables such retail dealer to allow persons between the ages of 18 and 21 to enter the premises to attend live entertainment performances. Class I license holders shall utilize a scanner at all points of entry to screen patrons in order to distinguish between those patrons above and below the age of 21.

(Ord. of __-__-201__, § 6-1204)

Chapter 2. Alcoholic Beverage Licensing.

Sec. 6-1205. License Required.

(a) No malt beverage, wine, distilled spirits or any other alcoholic beverage may be sold, dispensed or manufactured in the City except upon obtaining a license issued pursuant to the terms of this Article by the office of the Revenue Director for the City of Savannah.

(b) The requirements of this Article shall be in addition to any other requirements for business tax certificates under this Code and if other provisions of this Code conflict with this Article, then this Article shall control.

(c) The following licenses, or any combination thereof, may be issued pursuant to this Article; provided, however, that such combination is not prohibited by Title 3 of the Official Code of Georgia Annotated, the regulations issued pursuant thereto, as amended, or any other applicable law to which this Article is subject:

LICENSE CLASS	APPLICANT CLASSIFICATION	DISTILLED SPIRITS	MALT BEVERAGE	WINE
A	Licensed Alcohol Caterer	1 (A1 is incompatible with Class E, F and G uses)	2 (A2 is incompatible with Class E, F and G uses)	3 (A3 is incompatible with Class E, F and G uses)
B	Manufacturer (Brewer = B2)	1	2	3
C	Retail Dealer (on-premises consumption)	1	2	3
D	Retail Package Store (off-premises consumption)	1 (B1, C1 and D1 are incompatible uses)	2 (C2 and D2 are incompatible uses)	3
E	Ancillary Retail Package Store	X (ineligible use)	2	3
F	Wholesaler	1	2	3
G	Complimentary service	X (ineligible use)	2	3
H	Samples	X	2	3
I	Underage Permit	-----	-----	-----

(Ord. of __-__-201__, § 6-1205)

Sec. 6-1206. Application for License; Applicant; Contents of Application.

(a) *Application for license.* It shall be unlawful to manufacture, distribute, sell, dispense or offer to sell any alcoholic beverage without first applying for and obtaining a license to do so from the City Council. A person applying for a license to manufacture, distribute, sell, dispense or offer alcoholic beverages shall obtain separate licenses,

consistent with the provisions of Section 6-1205, for each premises. No license may be transferred without the approval of the City of Savannah.

(b) *The applicant.* An applicant for a license to manufacture, distribute, dispense or sell alcoholic beverages within the corporate limits of the City of Savannah shall be a citizen or resident alien of the United States. Each person applying for a license under this Article shall designate a manager in compliance with the requirements set forth herein at Sec. 6-1204(h).

(c) *Contents of application; contents to be furnished under oath.* An application containing information as specified by the City of Savannah shall be completed and filed with the office of the Revenue Director by each applicant for a license, or any combination of licenses, to conduct any business involving the manufacture, distribution, dispensation or sale of alcoholic beverages within the City. The contents of such form shall include intended license class/applicant classification code, date of filing, business location, information concerning the applicant and his/her/its background, proof of financial responsibility and all other related information as may be deemed necessary by the City of Savannah. All applications for an alcoholic beverage license shall be given under oath and in the presence of an attesting officer, duly authorized by law to administer oaths.

(d) *Additional material that must accompany an application.*

- (1) An application for alcoholic beverage license shall include payment of all applicable licensing fees, as set forth in the annual Revenue Ordinance.
- (2) *Proof of Financial Responsibility- Dram Shop Insurance.*
Applicants seeking a Class A or C alcoholic beverage license, shall file with their application a certificate of liquor liability insurance (dram shop), in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing an annual aggregate policy limit for dram shop insurance of not less than \$1,000,000 per policy year. A thirty day notice of cancellation in favor of the City must be endorsed to the policy and attached to the certificate.
- (3) *Proof of Financial Responsibility- General Liability Insurance.*
Applicants seeking a Class A, B (to the extent the applicant offers or intends to offer tastings as defined in this Article), C, D, E, G or H

alcoholic beverage license, shall file with their application a certificate of liability insurance, in effect for the license period and issued by an insurer required to be licensed pursuant to state law, providing at least \$1,000,000 in commercial general liability insurance coverage. A thirty day notice of cancellation in favor of the City must be endorsed to the policy and attached to the certificate.

- (4) *Public Safety Plan.* Class C licensees that operate or intend to operate establishments where persons under the age of 21 are not permitted and Class I licensees shall prepare and submit with their application a written public safety plan, which shall be subject to the approval of the Chief of the Savannah-Chatham Metropolitan Police Department or his/her designee prior to the issuance of any alcoholic beverage license. A public safety plan shall include the following:
- (A) Identification of the days and hours of operation;
 - (B) Specific measures and procedures to address crowd management, both within and outside the premises;
 - (C) Identification of any parking areas either owned or controlled by the licensee;
 - (D) Means of controlling access to the premises and parking areas;
 - (E) Security staffing;
 - (F) Specific measures and procedures to combat underage consumption of alcoholic beverages;
 - (G) Specific measures and procedures to combat the risk of fire; and
 - (H) Discussion of matters related to managing emergencies, including fire, evacuation tactics, assignment of specific emergency management duties to particular personnel,

coordination with public safety officers and emergency medical matters.

- (l) Where applicable, discussion of measures the licensee will undertake to visibly distinguish between patrons under and over the age of 21.

A licensee may be required to revise and resubmit its public safety plan, to include implementation of additional public safety measures, which may include, without limitation, the installation of security cameras with technical capabilities as specified by the police chief, where it appears that the operation of the licensee's business has resulted in an extraordinary expenditure of public safety resources. The failure of a licensee or its employees, agents and servants to adhere to the terms and conditions of an approved public safety plan shall constitute a violation of this Chapter, in addition to any other applicable statute, ordinance or regulation, and subject the licensee to the penalty provisions set forth in Section 6-1220, as amended.

(e) Nothing contained in this Article shall prohibit the sale of alcoholic beverages by a grocery store licensed for the retail sale of only wine and malt beverages for consumption off premises within 100 yards of a college campus. As used herein, "grocery store" means a retail establishment which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space and otherwise meets the criteria for obtaining an alcoholic beverage license.

(Ord. of ___-201___, § 6-1206)

Sec. 6-1207. Alcoholic Beverage License Determinations.

(a) The City Council, in determining whether or not to grant, renew, transfer or issue a license, may, in the interest of public safety and welfare, and in addition to all other provisions of this Article, consider the following:

- (1) Whether the applicant previously held or currently holds a license under this Article or any previous related ordinance, or the designated manager previously managed a licensed establishment, and, if so, the experience of the City, including City Council, with such licensee or manager, including but not limited to their compliance with applicable laws and regulations;

- (2) If the owner, the applicant, the designated manager or any other person associated with the business has conducted previous business activities, the manner in which the previous business activities were conducted with regard to considerations of public safety, fire safety and compliance with the Fire Code;
- (3) The location for which the license is sought, as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values;
- (4) The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought;
- (5) If the applicant is a person whose license issued under the police powers of any governing authority was previously suspended or revoked;
- (6) The denial of an application or the revocation of a license which was based on the qualifications of the proposed location;
- (7) Evidence that a substantial number of incidents requiring police intervention have occurred within an area reasonably attributable to the premises during the 12 months immediately preceding the date of the application;
- (8) The applicant or licensee is not compliant with all matters bearing upon the conduct of any business ventures within the City, including, but not limited to, permitting, taxes, licenses and fees; or
- (9) Evidence that the type and number of schools, religious institutions, libraries, public recreation areas or other circumstances in the vicinity of the premises cause minors to frequent the immediate area, even though there is compliance with the minimum distances as provided by state law.

(b) The City Council may consider in denying, suspending, revoking or refusing to renew any alcoholic beverage license one or more of the following:

- (1) The violation by the applicant, manager, licensee or licensee's employees of any state or federal law or regulation or any provision of this Code or other municipal ordinance, at any time adopted, relating to the sale, use, possession or distribution of drugs or alcoholic beverages while on or about the licensed premises;**
- (2) The failure of the applicant or licensee to pay required fees and taxes;**
- (3) The failure of the applicant or licensee to provide required valid information, documents and the like, including but not limited to proof of insurance;**
- (4) The submission of false or misleading information, or the omission of required information, in the application or attached documents;**
- (5) Residency of the manager beyond the 50-mile radius surrounding the concerned establishment;**
- (6) A prior conviction or plea of nolo contendere of the owner, applicant or designated manager of any felony during the ten years immediately prior to the filing of the application or a prior conviction or plea of nolo contendere of the applicant or designated manager of two or more misdemeanors or any state or of the United States or any municipal ordinance, except traffic violations, within the two years immediately prior to the filing of the application;**
- (7) The failure of the licensee or its employees promptly to report any violation of law or this Article, or other applicable law, including any breach of the peace or altercation occurring in or adjacent to the licensee's premises;**
- (8) The failure of the licensee or its employees to cooperate with law enforcement personnel, as provided in this Article;**
- (9) The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a public nuisance or the operation of a licensed business where violation of federal, state or local laws frequently or regularly occur; or**

- (10) The revocation or suspension by the State of Georgia of any state license to sell any alcoholic beverage shall result in the automatic revocation of the license issued under this Article without any action by the City, including any bureau or employee thereof.

(c) No license shall be issued under this Article to a person where the premises for which a license is sought does not meet the requirements of all state, county and city laws, ordinances and regulations which apply to said premises, including, but not limited to building, zoning fire and sanitation codes.

(d) *Notice and hearing; due process.* No alcoholic beverage license may be revoked, suspended, subject to refusal of renewal or transfer prohibited without notice and an opportunity for a hearing as provided herein:

- (1) Such hearing shall only occur following written notice to and advising the applicant or the license holder of the grounds therefor; the date, time and place of the hearing; and advising the applicant of the opportunity to appear, to present evidence, and be represented by counsel; and
- (2) Notwithstanding the foregoing, the City Manager, whether personally or by designee, may temporarily suspend any license provided for in this Article, including but not limited to underage permits and server permits (see Section 6-1215), for any reasons stated in this Section pending a hearing and action by the City Council.

(e) *Waiting periods.* When any license is revoked as provided under this article, no further license shall be issued to such license holder for a period of six months from the date of revocation; and if there has been a prior revocation at the location within the preceding 24 months, no further license shall be issued to any person, firm or corporation at such location for a period of six months from the date of revocation.

(ord. of __-.-201__, § 6-1207)

Sec. 6-1208. Advertisement of License Application; Erection of Sign.

After application is submitted to the City for a license to manufacture, distribute, dispense or sell alcoholic beverages, the applicant shall pay the fee in force at such time for the cost of obtaining a sign, which shall be placed on the premises for which the

applicant is requesting the issuance of a license. The sign shall have a minimum size of 28 square inches, with both language preprinted on it and information inserted pertinent to the license for which application has been made. The sign shall specify the nature of the license being requested, that the application applies to the premises on which it is posted and any other information specified by the City. The sign shall be posted on the premises in a conspicuous place which is observable by pedestrian and vehicle traffic passing such location for at least fourteen days and shall not be removed until the applicant receives a license to manufacture, distribute, dispense or sell alcoholic beverages within the corporate limits of the City of Savannah.

(Ord. of ___-___-201___, § 6-1208)

Chapter 3. Conditions of Operation Pursuant to Alcoholic Beverage License.

Sec. 6-1209 License Conditions and Restrictions.

(a) No alcoholic beverage may be sold, bartered, exchanged, given, provided or furnished to any person who is in a state of noticeable intoxication.

(b) No person may either in his own right or as an associate of or through any company or agency own at any time more than two Class D licenses.

(c) It shall be unlawful for any person to sell, dispense, offer for sale or keep for sale in a place of business any alcoholic beverage when such person or establishment has not been licensed to manufacture, distribute or sell under this Article.

(d) Any person possessing a Class C license shall establish a procedure for monitoring the number of people in the establishment and shall be in continuous compliance with the occupancy limit as shown on the certificate of occupancy for the premises.

(e) Any person possessing a Class C license shall at all times while open to the public keep restrooms open and operating in sufficient numbers to accommodate the needs of its customers. Such establishment shall be in continuous compliance with city building, plumbing and life safety code requirements regarding public restrooms.

(f) It shall be the responsibility of a Class C licensee to employ crowd management techniques to assure that patrons are adequately disbursed throughout the establishment in compliance with the occupant load of the specific area or areas of the establishment.

(g) It shall be the responsibility of all Class C licensees to see that the occupant load is not exceeded.

(h) To the extent patrons may assemble outside licensed premises awaiting entry or upon exiting, it shall be the responsibility of the licensee to see that those patrons are not blocking the sidewalk, street, public ways or entrances to other establishments.

(i) It shall be the responsibility of a licensee to routinely monitor all on-site and off-site areas associated with the licensed premises to prevent such areas from becoming outdoor gathering places. It shall be the responsibility of the licensee's personnel to clear all on and off-site areas associated with the licensed premises within thirty minutes of closing.

(j) To the extent utilized by a licensee, all security personnel shall be readily and uniformly identifiable by such means as a badge or other form of identification to assist patrons and public safety officers. All security personnel shall review and have a firm working knowledge of the public safety plan pertaining to the applicable premises.

(k) It shall be the responsibility of a licensee to assist persons in entering and leaving the establishment in an orderly manner. In the event any person is disorderly or otherwise is engaged in illegal conduct, personnel shall contact law enforcement.

(l) A licensee's premises, including the sidewalks and adjacent public ways, shall be kept clean and free of litter or trash, and such premises shall be and remain in full compliance with all requirements of the city inspections department.

(m) Those establishments required to submit a public safety plan shall conduct business pursuant to the terms of the plan submitted to the City and shall timely furnish, in no event more than thirty days thereafter, in writing, material changes to the plan to the Revenue Director with a contemporaneous copy to the Chief of SCMPD or his/her designee.

(n) *Posting of licenses, occupant load certificate, etc., required.* Any person licensed to manufacture, distribute, dispense or sell alcoholic beverages within the City of Savannah shall post together, or as otherwise directed by a deputy city marshal, in a conspicuous place in clear public view:

- (1) The alcoholic beverage license issued for the premises by the City of Savannah, and all other related permits, if any;
- (2) All other licenses/business tax certificates required for the premises;
- (3) An alcoholic beverage license for the premises issued by the State of Georgia;
- (4) An Occupant Load Certificate issued by Savannah Fire and Emergency Services showing the maximum number of persons who may occupy the premises at any one time; and
- (5) Any certificate of inspection and approval as may be required by the Chatham County Health Department.

(Ord. of __-__-201__, § 6-1209)

Sec. 6-1210. Open to Inspection; Cooperation with Law Enforcement.

(a) A licensee shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the Savannah-Chatham Metropolitan Police Department, Savannah Fire and Emergency Services, licensing inspector of the City or any designee of the office of the Director of Revenue or City Manager.

(b) No licensee, or employee, agent or servant of a licensee, shall refuse or fail to cooperate with any law enforcement officer in the performance of such officer's duties to enforce this Article or any provision of federal, state or local law. The duty to cooperate shall include providing, without hindrance or delay, access to the licensed premises, access to its records and materials relating to the sale or purchase of alcoholic beverages and access to any other material that concerns or depicts conduct related to or emanating from the sale or dispensation of alcoholic beverages in and around the licensed premises. This paragraph shall be read to include, but not be limited to, furnishing law enforcement with audio/video footage generated by security cameras under the control of the licensee, its owners, employees and agents.

(c) Every person possessing an alcoholic beverage license shall keep, during business hours, the ingress doors of the premises unlocked.

(Ord. of __-__-201__, § 6-1210)

Sec. 6-1211. Hours of Operation; Sunday Sales.

(a) *Hours of sale and operation for retail dealers.* No Class B, C, G or H licensee may sell or dispense any alcoholic beverages between the hours of 2:55 a.m. Sunday and 7:00 a.m. Monday. Nor may they sell or dispense any alcoholic beverages between the hours of 3:00 a.m. and 7:00 a.m. on other days. All Class B, C, G and H licensees shall close no later than 2:55 a.m. on Sunday and shall not open before 7:00 a.m. on Monday. They shall also be closed between the hours of 3:00 a.m. and 7:00 a.m. on all other days. However, when New Year's Eve falls on Sunday, then Class B, C, G and H licensees may open and begin dispensing alcoholic beverages at 12:01 a.m. on January 1st and shall cease dispensing alcoholic beverages and close at 3:30 a.m. on January 1st. No Class B, C, G or H licensee may sell or dispense alcohol on election days within 250 feet of any polling place or the outer edge of any building within which such polling place is established.

(b) *Hours of sale for retail package stores and ancillary retail package stores.* No Class D or E licensee may sell alcoholic beverages at any time on Thanksgiving Day or Christmas Day. Class D licensees may not sell distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday and between the hours of 12:30 p.m. and 11:30 p.m. on Sundays. Class D and E licensees may not sell malt beverages or wine between the hours of 11:45 p.m. Saturday and 12:30 p.m. Sunday or between the hours of 11:30 p.m. Sunday and 8:00 a.m. Monday.

(c) A Class C licensee, upon obtaining a Sunday sales permit, may serve alcoholic beverages between the hours of 12:30 p.m. Sunday and 2:00 a.m. Monday provided the licensee or applicant, as appropriate, complies with the following provisions, evidence of which shall be provided to the office of the Revenue Director by certification made under oath by a certified public accountant by a deadline to be specified by the Revenue Director:

- (1) In the case of a current licensee filing an annual renewal, operation of an establishment where at least 50% of the total annual gross sales are derived from the sale of prepared meals or food during the previous calendar year.
- (2) In the case of a current licensee that does not possess a Sunday sales permit but intends to change its operational plan, when such planned operational change is, in good faith, intended and expected to result in at least 50% of total annual gross sales being

derived from the sale of prepared meals or food, such licensee shall submit no later than six months after receiving an interim Sunday sales permit a certification made under oath by a certified public accountant evidencing that at least 50% of the licensee's total gross sales were derived from the sale of prepared meals or food during the interim Sunday sales permit period;

- (3) In the case of a new licensee, then the new licensee must, in good faith, intend and expect to derive at least 50% of its total annual gross sales from the sale of prepared meals or food. Six months after receipt of a new Sunday sales permit, the new licensee shall submit a certification made under oath by a certified public accountant evidencing that at least 50% of the licensee's total gross sales were derived from the sale of prepared meals or food during the initial Sunday sales permit period;
- (4) Possesses or has applied for a business tax certificate to operate a restaurant; and
- (5) Prepared meals or food will be served on the premises during the time in which the establishment is open to the public.
- (6) Failure to comply with the provisions of this section may result in revocation of the licensee's Sunday sales permit.

(Ord. of __-__-201__, § 6-1211)

Sec. 6-1212. Sale; Consumption Outside Licensed Premises.

(a) No Class B, C, G or H licensee may sell or permit the sale of alcoholic beverages except within the licensed premises under its exclusive custody and control. Any area not under the exclusive custody and control of such licensee shall not be considered a part of the premises. Alcoholic beverages may not be sold, served or delivered in, into or within such areas, unless a temporary event permit has been obtained. All Class B, C, G and H licensees shall be responsible for consumption and possession of alcoholic beverages by any person located on their premises.

(b) No detached bar, whether permanent or temporary, may be erected on a licensee's premises within or on any outside area.

(Ord. of __-__-201__, § 6-1212)

Sec. 6-1213. Dispensing Alcohol to or by Persons in Motor Vehicles.

(a) It shall be unlawful for any person to dispense, furnish, or permit to be furnished any alcoholic beverage to any person situated within a motor vehicle, when such vehicle is parked or otherwise occupies space on any city street, alley, lane, parking lot or other roadway, except to make a delivery for consumption subsequent thereto.

(b) It shall be unlawful for any person situated within a motor vehicle, when such vehicle is parked or otherwise occupies space on any city street, alley, lane, parking lot or other roadway to dispense, furnish, or permit to be furnished any alcoholic beverage to any person.

(Ord. of __-__-201__, § 6-1213)

Sec. 6-1214. Consumption of Alcohol on City Streets.

(a) Except for the area and circumstances specified in subparagraphs (b) and (c) herein, it shall be unlawful for any person to possess an alcoholic beverage in an open container, either on their person, in a motor vehicle or otherwise on the streets, sidewalks, parks, squares or other public places within the City of Savannah.

(b) Within the area of the City bounded on the north by the city limits, on the west by the centerline of the Talmadge Memorial Bridge extended south on West Boundary Street to Jones Street , on the south by Jones Street extended east to the railroad track, and on the east by a line extending north along the centerline of the railroad track to the Savannah River east of the Marriott Hotel, then across the Savannah River to include all portions of Hutchinson Island that are within the city, the following regulations apply:

- (1) Any Class C licensee may sell one alcoholic beverage in a paper or plastic cup for removal from the premises; provided, however, that the alcoholic beverage is not placed in a can, bottle or other glass container and, further provided, that the licensee may dispense no more than one alcoholic beverage per person, and no person shall remove more than one alcoholic beverage from the premises;
- (2) Any alcoholic beverage dispensed pursuant to this section shall not exceed 16 fluid ounces in size and no person shall possess an open container containing an alcoholic beverage in excess of 16

fluid ounces on the streets, sidewalks, parks, squares or other public places within the area described in this section;

- (3) Unless specifically provided otherwise by ordinance, the regulations provided by this section shall be in full force and effect during the Saint Patrick's Day Festival and any other festival.

(c) Persons age 21 and over may possess alcoholic beverages as provided by subsection (b)(2) during events of a limited duration conducted within Forsyth Park sponsored either by the City or those for which a special event permit has been obtained from the Revenue Department.

(Ord. of ___-___-201___, § 6-1214)

Sec. 6-1215. Employee Regulations for Retail Dealers, Alcoholic Beverage Caterers and All Others Dispensing Alcohol for Consumption on Premises.

(a) Every Class A, C and H licensee shall require all persons employed as managers, servers, bartenders, doorpersons, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic beverages to register and file an application for a server permit with the Revenue Department, or a third party vendor, no later than three days after commencement of his/her employment. The applicant for the permit shall pay a permit fee as provided for in the annual revenue ordinance or as specified in a contract between the City and a third party vendor. The City may select one or more vendors to provide an electronic data-based system for server permits.

(b) Each applicant shall be fingerprinted and submit an executed waiver permitting a criminal background check. Any person who has been convicted of a violation of any law, ordinance or regulation governing the sale of alcoholic beverages, a violent crime or possession of illegal drugs in the 36 months immediately preceding the date of the application shall be ineligible to receive a server permit.

(c) Each applicant shall complete server training, which training shall include, at a minimum, alcohol awareness training and other topics, as may from time-to-time be identified by the City Manager or his/her designee. Proof of completion of server training issued by the course-provider shall be submitted electronically by the vendor to the City prior to the issuance of a server permit.

(d) Upon submission of satisfactory evidence of eligibility, including successful completion of server training, a server permit may be electronically issued. An electronic copy of the permit shall be provided to the employer and to the Savannah-Chatham Metropolitan Police Department by the vendor. The permit will expire two years from the date of issuance and shall be renewed no less than 30 days prior to expiration.

(e) Applicants for renewal shall follow the procedure outlined in this Section, including submitting to updated criminal background checks and providing proof of completion of server training issued by the course provider no more than sixty days prior to submission of an application for renewal.

(f) All licensees shall maintain on the licensed premises a register of all employees required to attend mandatory server training and required to obtain a manager or server permit along with a copy of the training certificate, copy of government issued photo identification and a copy of the manager or employee permit required for each employee. Upon the request of an SCMPD officer, a City Deputy Marshal or any other City Code enforcement officer, the licensee or manager on duty must present a manifest indicating employees on duty required to hold a permit. Such records and manifests may be kept by a third party vendor who shall provide on-line access to employee training records, testing results and employee server permits to the City upon request.

(g) The holder of an alcoholic beverage employee permit shall keep the same on their person at all times while working in any licensed premises and shall display the same upon the request of any police officer or code enforcement official of the City. Expired, suspended or revoked permits shall be confiscated upon presentation.

(h) The City of Savannah, through a third party vendor, will maintain an electronic registry and track the status of all permitted managers and employees required to obtain permits herein described.

(i) All licensees and all individuals holding employee permits shall report to the City Revenue Department any citation, conviction or administrative sanction imposed upon them by any court or governmental agency within ten days of the permit-holder's receipt of notification regarding the adjudication of the occurrence, incident or event giving rise to a citation.

(j) Any holder of an alcoholic beverage server permit who is cited for a violation of this chapter or any state law governing dispensation of alcohol and who

either enters a plea of guilty or *nolo contendere* or is convicted of such violation shall be subject to sanction to include revocation or suspension of his/her permit.

- (1) Permit holders cited for violations as described in this section shall be subject to the penalties of Section 6-1220.
- (2) Cause for suspension or revocation of a permit shall be as follows:
 - (A) Violation of any city ordinance or state law governing the dispensation of alcoholic beverages;
 - (B) Criminal offenses, arrests or convictions as described in Section 6-1215(b);
 - (C) Any material false statement or omission relating to any alcoholic beverage manager or employee permit issued, including but not limited to any material false statement, omission or misrepresentation on any permit application.

(Ord. of __-__-201__ § 6-1215)

Chapter 4. Specific Provisions Related to Malt Beverages.

Sec. 6-1216. Home Brew Special Events.

(a) *"Home brew special event"* means an organized event that consists of a contest, tasting, judging or other similar such competitive event that is not open to the general public that occurs at locations which do not constitute premises under this Article and where malt beverages that have been manufactured in a private residence are consumed only by participants in and individually designated judges of such events.

(b) Malt beverages brewed in a person's private residence may be removed from such residence, in a quantity not to exceed 25 gallons and otherwise provided such removal complies with the provisions of Title 3 of the Official Code of Georgia Annotated, as amended, for purposes of home brew special events.

(c) Prior to conducting a home brew special event, the sponsor shall apply for and obtain a home brew special event permit on a form provided by the office of the Revenue Director.

(d) Home brew special events shall not be open to the general public and shall be limited to the event participants and/or individually designated judges.

(Ord. of __-__-201__, § 6-1216)

Chapter 5. Specific Provisions Related to Authorized Catered Event Functions.

Sec. 6-1217. Licensed Alcoholic Beverage Caterers.

Licensed alcoholic beverage caterers may operate in the City of Savannah only pursuant to a license issued by the Revenue Director and pursuant to the terms and conditions specified in this Chapter.

(Ord. of __-__-201__, § 6-1217)

Sec. 6-1218. Eligibility for Alcoholic Beverage Caterer License; Application and Fee.

(a) Any Class C licensee in possession of a current City license may apply for an off premises license, to the extent of the holder's on-premises consumption alcoholic beverage license in effect at the time of application, to act as a licensed alcoholic beverage caterer whereby such licensee is permitted to sell or dispense alcoholic beverages, consistent with its on-premises consumption license, by the drink in connection with authorized catered functions of a limited duration, which shall be set forth in the licensing application.

(b) Any Class D licensee in possession of a current City license may apply for an-off premises license, to the extent of the holder's package dealer alcoholic beverage license in effect at the time of application, to act as a licensed alcoholic beverage caterer whereby such licensee is permitted to sell or dispense alcoholic beverages, consistent with its retail package dealer license, by the drink in connection with authorized catered functions of a limited duration, which shall be set forth in the licensing application.

(c) The application for each such authorized catered function license shall be made upon a form provided by the City, identifying the name of the caterer, the date, address and time of the event and the licensed alcoholic beverage caterer's license number. The application shall be submitted with payment of a license fee as set forth in the annual revenue ordinance.

(Ord. of __-__-201__, § 6-1218)

Chapter 6. Persons Under the Age of 21.

Sec. 6-1219. Lawful Presence of Persons Under the Age of 21 on Licensed Premises.

(a) Persons under the age of 21 are permitted upon licensed premises only as follows:

- (1) In establishments where no less than 50% of the licensee's annual gross sales are derived from the sale of prepared food, provided; however, that during the time the establishment is open to the public its mode of operation remains unchanged and full menu service is available, and further provided that persons under the age of 21 at no time shall be permitted at the bar.**
- (2) In establishments where less than 50% of annual gross sales are derived from the sale of prepared foods only when live entertainment is available, provided; however, that only persons above the age of 18 shall be permitted upon the premises during live performances, for which he or she has paid an admission charge, and only following issuance of a Class I license. In no event shall persons below the age of 18 be permitted on the premises of an establishment that derives less than 50% of its annual gross sales from the sale or prepared foods.**
- (3) In event venues.**
- (4) In establishments possessing a valid Class D, E, G or H licenses.**
- (5) In recreation facilities, including, but not limited to, bowling alleys, billiard parlors, skating facilities, golf course clubhouses and other similar such family-oriented establishments where the majority of the establishment's annual gross revenue is derived from fees obtained in the furtherance of recreational activities.**
- (6) In hotels, motels, inns, auditoriums, athletic facilities or stadiums.**
- (7) In other locations where alcohol is dispensed pursuant to a temporary event permit.**

(b) Nothing in this section shall be construed to prohibit any person between the ages of 18 and 21 from dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishment.

(c) Nothing in this section shall be construed to prohibit any person under 18 years of age from selling or handling alcoholic beverages sold for consumption off the premises as a part of employment in any grocery store, convenience store, brewery or drugstore.

(Ord. of __-__-201__ § 6-1219)

Sec. 6-1220. Drinking, Possession, Furnishing of Alcoholic Beverages to Underage Persons Illegal.

Except as otherwise authorized by law:

(a) No person knowingly, directly or through another person, shall furnish, cause to be furnished or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age;

(b) No person under 21 years of age shall purchase, attempt to purchase or knowingly possess any alcoholic beverage;

(c) No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage;

(d) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age; or

(e) No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

(Ord. of __-__-201__ § 6-1220)

Chapter 7. Penalties for Violations.

Sec. 6-1221. Penalties.

(a) A violation of any state statute, regulation or city ordinance regulating a person licensed thereunder and committed by the licensee or any person, directly or indirectly, employed thereby shall be punished by a fine against the licensee, license

suspension or revocation, following adequate warning, notice and failure by the licensee or person employed thereby to correct the infraction within a reasonable time, as follows:

- (1) First offense: Minimum fine of \$500.00.
- (2) Second offense: If within 12 months of the first, \$750.00.
- (3) Third offense: If within 18 months of the first, minimum fine of \$1,000.00.
- (4) Any offense after the third: If within 24 months of the first, issuance of notice to appear to show cause why license should not be revoked.

(b) A licensee shall be notified in writing of the time, date, place and nature of the violation and the time and date when the licensee shall be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses. Proof of a criminal conviction for the violation shall not be required. The burden of proof shall be by a preponderance of the evidence.

(c) When a license has been revoked, no further license shall issue under this Article to the former licensee for a period of 24 months from the date of revocation.

(d) Any person who violates this Article or any other state law, regulation or local ordinance may also be subject to citation and subpoena to the Records Court of Chatham County and to judicial penalties resulting therefrom.

(Ord. of __-__-201__, § 6-1221)