

## ARTICLE H. - ALCOHOLIC BEVERAGES<sup>[5]</sup>

Footnotes:

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**Editor's note**— Ord. of 8-18-2016(1), §§ 1, 2, repealed the former Art. H, §§ 6-1201—6-1221, and enacted a new Art. H as set out herein. The former Art. H pertained to similar subject matter and derived from Ord. of 12-8-1998, §§ 6-1201—6-1205, 6-1207—6-1211, 6-1213—6-1221; Ord. of 12-21-2006; Ord. of 9-11-2007, § 1; Ord. No. 1, § 1, 12-15-2011; and Ord. of 5-5-2012(1).

**Cross reference**— Closing of existing alcohol establishments, § 6-2427; transport of alcoholic beverages into or out of a designated controlled zone, § 6-2428.

**State Law reference**— Alcoholic beverages, O.C.G.A. § 3-1-1 et seq.

### **Division 1. - General Provisions**

#### **Sec. 6-1201. - Title of article.**

This article shall be known and may be cited as "The Alcoholic Beverage Ordinance of 2017."

[\(Ord. of 8-18-2016\(1\), § 1\)](#)

#### **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 8-18-2016\(1\), § 1\)](#)

#### **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 8-18-2016\(1\), § 1\)](#)

#### **Sec. 6-1204. - Definitions; general provisions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (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 25 percent of its total annual gross sales.

- (b) *City council; council* means the mayor and ~~alderman~~ aldermen 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~~ aldermen 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 eight fluid ounces. Complimentary service of wine shall be limited to individual pours of no greater than six fluid ounces. Complimentary service may not be provided on Sunday between 2:00 a.m. and 11:59 p.m.
- (e) *Disciplinary action* means any citation or arrest arising out of the violation of any law, rule, regulation, resolution or ordinance of a governmental entity relating to the manufacture, distribution, sale or possession of alcoholic beverages against a licensee, an employee of a licensee or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.
- (f) *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.~~ 12:30 a.m. and 11:59 p.m.
- (g) *Governmental entity* means the United States government, any state government, any local government and any department, agency or instrumentality thereof.
- (h) *Licensee* means the person to whom a license is issued.
- (i) *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.
- (j) *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.
- (k) *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.

- (l) *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.
- (m) *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, and 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.
- (n) *Retail consumption 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.
- (o) *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 O.C.G.A., 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.
- (#p) *Sample* means the *gratis* provision by a manufacturer, 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.
- (q) *Scanner* means a properly functioning age verification device that reads government-issued identification cards and saves the information derived therefrom.
- (r) *Underage ~~permit~~-license* means a Class I license which may be issued to a retail consumption dealer with less than 50 percent of its gross annual sales derived from the sale of prepared food and which enables such retail consumption 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.
- (s) *Manufacturer* means a Class B license holder and refers to any maker, producer, or bottler of an alcoholic beverage as defined by Title 3 of the Official Code of Georgia Annotated, as amended, which also includes:
  - (1) In the case of distilled spirits, any person engaging in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits;
  - (2) In the case of malt beverages, any brewer; and
  - (3) In the case of wine, any vintner.

**Division 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.
- (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, as amended, the regulations issued pursuant thereto, as amended, or any other applicable law concerning the sale or dispensation of alcoholic beverages.

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 (Distiller = B1) (Brewer = B2)	1	2	3
C	Retail <a href="#">Consumption</a> Dealer (on-premises consumption)	1	2	3
D	Retail Package Store (off-premises consumption)	1 (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	1 (B1 is only compatible use)	2	3
I	Underage <b>Permit</b> <u>License</u>	—	—	—
<u>J</u>	<u>Event Venues</u>	<u>1</u> ( <u>J1 is incompatible with all other uses</u> )	<u>2</u> ( <u>J2 is incompatible with all other uses</u> )	<u>3</u> ( <u>J3 is incompatible with all other uses</u> )

([Ord. of 8-18-2016\(1\)](#), § 1; [Ord. of 9-28-2017\(1\)](#), § 4)

**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, pursuant to the determination of the alcoholic beverage licensing administrative hearing officer or the city council, as applicable.
- (b) *The applicant.* An applicant for a license to manufacture, distribute, dispense or sell alcoholic beverages within the corporate limits of the city 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 subsection 6-1204(j).
- (c) *Contents of application; contents to be furnished under oath.* An application containing information as specified by the city 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. 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, or J 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 \$1,000,000.00 per policy year. A 30-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, or J 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 \$1,000,000.00 in commercial general liability insurance coverage. A 30-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 and Class J 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.
  - i. 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

article, in addition to any other applicable statute, ordinance or regulation, and subject the licensee to the penalty provisions set forth in section 6-1221, 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 8-18-2016\(1\)](#), § 1)

**Sec. 6-1207. - Alcoholic beverage license ~~determinations~~[review](#).**

**6-1207A. 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;~~
  - [\(43\)](#) The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought;
  - [\(45\)](#) If the applicant is a person whose license issued under the police powers of any governing authority was previously suspended or revoked;
  - [\(56\)](#) The denial of an application or the revocation of a license which was based on the qualifications of the proposed location;
  - [\(67\)](#) 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;
  - [\(78\)](#) 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



- (89) 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.
- (11) Occasions on which the applicant, manager or any person with a financial interest in the establishment has voluntarily surrendered an alcoholic beverage license issued by the city within the five-year period immediately preceding the application date.**



- (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.
- (1) *Exceptions to State Distance Requirements.* Georgia Code (O.C.G.A. § 3-3-21(b)(3) and § 3-4-47) grants municipalities the power to regulate the distance requirement for the retail sale of alcoholic beverages for consumption on the premises and the manufacture, distribution, and package sales of alcohol as it relates to churches, schools, and colleges. Nothing contained in this Section shall prohibit the licensing of the sale of alcoholic beverages by:
- (i) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;
  - (ii) Hotels of less than 50 rooms for the retail sale of alcoholic beverages solely to occupants of the hotel and their guests by the drink for consumption only on premises;
  - (iii) Private social clubs which are open only to their members and their guests and not to the general public, which do not advertise for or solicit patrons, which have an operating dining room as an integral part of its facilities, which dispense alcoholic beverages solely to club members or their guests by the drink and for consumption only on the premises;
  - (iv) Restaurants that sell alcoholic beverages as a part of the meal or to restaurant patrons waiting for a table to be served a meal in a public place, licensed as a restaurant, and kept, maintained, advertised, and held out to the public as a place where meals are actually and regularly served, such place being provided with an adequate and sanitary kitchen and dining room equipment and seating capacity of at least 40 people, having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests with the serving of alcoholic beverages to be consumed on premises as only incidental thereto;
  - (v) No distance requirement shall apply to colleges within the Historic or Victorian Districts when the premises are zoned to allow such use;
  - (vi) For businesses classified as banquet ~~and~~, reception halls, or event venues whose dominant business activity and related gross sales receipts are from the rental of facilities and catering of food for banquets ~~and~~, receptions, and events, there shall be no distance requirements for businesses within the Historic District when the premises are zoned to allow such use and such businesses are otherwise determined eligible for a beverage alcohol license for consumption on premises.
- (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.
- (f) *Reporting disciplinary action to Georgia Department of Revenue.* Pursuant to O.C.G.A. § 3-3-2.1(c), as amended, the city shall report to the Georgia Department of Revenue any disciplinary action taken against a licensee. Such action shall be reported within 45 days of any officer, department, agency or instrumentality of the city taking such action. All notification and reporting of disciplinary actions shall be made by utilizing the reporting method implemented by the rules and regulations of the Georgia Department of Revenue.

**6-1207B. Alcohol Beverage Licensing Administrative Hearings.**

**There is hereby created the position of administrative alcoholic beverage licensing hearing officer (“hearing officer”) whose term and duties shall be set out below:**

- (a) **The hearing officer shall be ~~constituted with three persons~~ nominated and confirmed by the mayor and aldermen. The initial appointment shall run until [...]. Therefore, the term of office of the hearing officer shall run for a period of two years. The salary of the hearing officer shall be set by the mayor and aldermen. The hearing officer shall be an attorney who is a member in good standing of the state Bar of Georgia.**
- (b) **The duties of the hearing officer shall be the hearing of licensing and permitting issues arising under the Alcoholic Beverage Ordinance.**
- (c) **The hearing officer shall have original jurisdiction to determine whether or not to grant, renew, transfer, issue, suspend or revoke any license arising under this Article, except under those circumstances reserved for the city manager in Section 6-1207A(d)(2).**
- (d) **Any hearing before the hearing officer shall be on the date and time certain which shall be reflected on the notice of hearing issued to the person applying for or currently holding an alcoholic beverage license and, where applicable, the signage posted pursuant to Section 6-1208.**

- (e) The notice of administrative hearing shall contain a place, date and time certain and shall be served upon the applicant or current licensee:
  - (1) By certified mail, return receipt requested;
  - (2) By leaving a copy thereof at the premises of a current licensee with an employee working therein with a carbon copy mail via regular mail to the manager identified in the application for an alcoholic beverage license; or
  - (3) By personal service upon the requesting party or upon his/her/its agent authorized by law or appointment to receive service of process.
- (f) The hearing officer shall have the authority to hear evidence and compel the appearance of witnesses. Hearings generally shall be conducted in accordance with the requirements of due process, consistent with the United States Constitution and Constitution of the State of Georgia. The hearing officer shall entertain any and all evidence relevant to the matter without regard to evidentiary rules regarding hearsay. The hearing officer may promulgate rules of procedures not in conflict with this Article or other law.
- (g) The hearing officer shall record his or her decision in a dated, written report, which shall contain the hearing officer's factual and legal findings. The report shall be provided by the hearing officer to the clerk of council within seven (7) days of the administrative hearing. The clerk of council shall promptly serve, via first class mail postage prepaid, the report upon all interested parties, with a copy to the city manager for distribution to the mayor and aldermen.
- (h) Any applicant or licensee aggrieved by the hearing officer's licensing determination may apply to the mayor and aldermen for a hearing to review the determination. The standard of review shall be whether the ruling was arbitrary, capricious and an abuse of discretion.
  - (1) Any person applying to the mayor and alderman for review of the hearing officer's licensing determination shall, within 30 days of the date appearing on the hearing officer's report, file a written hearing request with the clerk of council. The request shall specifically state the factual and legal grounds supporting the appeal.
  - (2) A hearing on appeal before the mayor and alderman shall occur no later than 45 days from the date appearing on the hearing officer's report.
  - (3) The hearing officer cannot be compelled to appear before the mayor and alderman as a witness at a hearing reviewing alcoholic beverage licensing determinations.
- (i) The hearing officer shall have the right to seek counsel from the city attorney.
- (j) Whenever, from any cause, the hearing officer is unable to be in attendance, or it should appear that he or she is disqualified in any case, it shall be the duty of the hearing officer to appoint a hearing officer *pro hac vice* to preside over the hearing

in his/her place and stead. All actions of the appointee shall be undertaken consistent with this Section and be binding as if performed by the hearing officer.

- (k) In the event of any vacancy in the office of the alcoholic beverage licensing administrative hearing officer for any cause, whether by death, resignation, sickness, vacancy or rejection by the mayor and aldermen. The person or persons appointed to fill the vacancy shall serve for a term as set by resolution of the mayor and aldermen at the time of appointment and shall be a member in good standing of the State Bar of Georgia. The compensation of such hearing officer shall be set by the mayor and aldermen.
- (l) The mayor and aldermen may remove, by majority vote, an alcoholic beverage licensing administrative hearing officer for good cause shown.

(Ord. of 8-18-2016(1), § 1)

**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 14 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 8-18-2016(1), § 1)

**Division 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 30 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 30 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.
- (o) *Lewd or obscene conduct prohibited; findings and statement of purpose.* The mayor and aldermen find that live, public human nudity (either partial or total) under certain circumstances, particularly in circumstances related to the sale or consumption of alcoholic beverages, tends to beget criminal behavior and to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are prostitution, violent and sex-related offenses, drug trafficking and use, illegal dispensing of alcoholic beverages and disorderly conduct. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, in the interest of public health, safety, and welfare, the limitation of nudity and sex-related conduct in establishments holding an alcoholic beverage license is a matter of compelling governmental interest and concern because it will discourage and reduce the criminal behavior and undesirable community conditions normally associated with license-holding establishments that allow and/or encourage nudity or sex-related conduct.
- (1) *Licensee's responsibility.* A licensee is guilty of permitting obscene, lewd, or indecent conduct when the license holder, either actively or with constructive knowledge, allows performances which expose to view portions of the pubic area, anus, anal cleft, vulva or genitals or where the licensee fails to make reasonable and timely effort to halt or abate such activity or conduct.
- (2) *Prohibited under state law.* No licensee shall permit a person to perform any acts upon its premises that are in violation of O.C.G.A. § 16-6-8, as amended, regarding public indecency, nor permit any obscene, lewd, or indecent entertainment therein.
- (3) *Prohibited acts.* No licensee or agent thereof shall allow any person, regardless of such person's business or personal relationship (or lack thereof) to the license holder, to initiate or continue, in or around the premises:
- (iA) The employment or use of any person in any capacity in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the male or female pubic hairbands, anal cleft, vulva or genitals;
- (iiB) Live entertainment where any person appears in the manner described in the preceding subparagraph of this subsection or where any person engages in or simulates any of the following acts:
- (ai) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual act which is prohibited by law;
- (bii) The caressing or fondling of the breasts, buttocks, anus or genitals;

(ciii) The displaying of the male or female pubic hair, anus, vulva, or genitals;

(iiie) The holding, promotion, sponsoring, or allowance of any contest, promotion, special night, event, or other activity where patrons of the licensee are encouraged or allowed to engage in any of the conduct as described in the preceding subparagraph of this subsection.

This subsection shall not apply to or be construed to prohibit the live performance of a play, opera, or ballet at a theater, concert hall, museum, or educational institution which holds an alcoholic beverage license and which derives less than 20 percent of its gross receipts from the sale of alcoholic beverages.

([Ord. of 8-18-2016\(1\)](#), § 1; [Ord. of 1-19-2017\(4\)](#), § 1)

**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 8-18-2016\(1\)](#), § 1)

**Cross reference**— Zoning, § 8-3001 et seq.

**Sec. 6-1211. - Hours of operation; Sunday sales.**

- (a) Hours of sale and operation for retail consumption 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 1<sup>st</sup> and shall cease dispensing alcoholic beverages and close at 3:30 a.m. on January 1<sup>st</sup>. 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 percent 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 percent 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 percent 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 percent 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 percent 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 8-18-2016\(1\), § 1; Ord. of 9-28-2017\(1\), § 5\)](#)

**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 8-18-2016\(1\), § 1\)](#)

**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 8-18-2016\(1\), § 1\)](#)

**Sec. 6-1214. - Consumption of alcohol on city streets.**

- (a) Except for the area and circumstances specified in subsections (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 8-18-2016\(1\)](#), § 1; [Ord. of 9-28-2017\(9\)](#), § 1)

Cross reference— Motor vehicles and traffic, pt. 7.

**Sec. 6-1215. - Employee training regulations for retail consumption dealers, alcoholic beverage caterers and all others dispensing alcohol for consumption on premises.**

- (a) Every Class A, C and H licensee shall require that 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 for on premise consumption ~~to secure a background check from an entity certified with the Georgia Crime Information Center (GCIC) to register and file an application for a server permit with the revenue department, or a third party vendor, no later than three fourteen 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, sexual offense or possession sale of illegal drugs in the 36 months immediately preceding the date of the application shall be ineligible for employment to receive a server permit. Appeals may be heard by the hearing officer.~~
- ~~(c) Each applicant Employees 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~~ hearing officer. ~~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 background check and server training shall be completed not later than seven days after commencement of his/her employment and updated every 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 60 days prior to submission of an application for renewal.~~

- (fc) All licensees shall maintain on the licensed premises a register of all employees required to ~~have a background check and~~ 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.~~ Proof of a background check and completion of server training issued by the course-provider shall be maintained on the licensed premises. Upon the request of an ~~SCMPD~~ Savannah Police Department officer, a city deputy marshal or any other city code enforcement officer, the licensee or manager on duty must present a register manifest indicating employees on duty required to ~~have a background check and server training and supporting documentation hold a permit.~~ Such records and ~~register manifests~~ may be kept by a third party vendor who shall provide on-line access to ~~background checks and~~ 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.~~
- (ifd) All licensees shall report to the ~~city revenue department~~ Savannah Police 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 in writing to ABCunit@savannahga.gov 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 8-18-2016(1), § 1)

**Cross reference**— Streets and sidewalks, § 4-1001 et seq.

#### **Division 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 O.C.G.A., 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 8-18-2016\(1\), § 1\)](#)

#### **Division 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 8-18-2016\(1\), § 1\)](#)

##### **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 8-18-2016\(1\), § 1\)](#)

## **Division 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 percent 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 percent 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 percent 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 license.
  - (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, to the extent authorized by state law.
- (c) Nothing in this section shall be construed to prohibit any person less than 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 8-18-2016\(1\), § 1\)](#)

**Cross reference**— Personal conduct, § 9-1001 et seq.

### **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 8-18-2016\(1\), § 1\)](#)

## **Division 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 Recorders Court of Chatham County and to judicial penalties resulting therefrom.

[\(Ord. of 8-18-2016\(1\), § 1\)](#)

## **Division 8. – Special Provisions Related to Distillers and Brewers.**

### **Sec. 6-1222. Distillers and Brewers.**



Notwithstanding anything to the contrary set forth in this Article, distillers and brewers shall be permitted to provide Samples and shall have the same privileges as a Retail [Consumption Dealer](#) and a Retail Package Store, provided that such activities shall be subject to:

- (a) The limitations contained in Title 3 of the Official Code of Georgia, as amended; and
- (b) The license conditions and restrictions applicable to sales or dispensation conducted pursuant to Class C or Class D licenses set forth in the Article, respectively.

[\(Ord. of 9-28-2017\(1\), § 6\)](#)

**Editor's note**— [Ord. of 8-18-2016\(1\)](#), §§ 1, 2, repealed § 6-1222, which pertained to order required; disorderly conduct prohibited and derived from Ord. of 12-8-1998, § 6-1222.

**Sec. 6-1223. - Reserved.**

**Editor's note**— [Ord. of 8-18-2016\(1\)](#), §§ 1, 2, repealed § 6-1223, which pertained to drinking, possession of alcoholic beverages by minors unlawful and derived from Ord. of 12-8-1998, § 6-1223; Ord. of 2-16-2006, § 1; and Ord. of 6-19-2008, § 1.

**Sec. 6-1224. - Reserved.**

**Editor's note**— [Ord. of 8-18-2016\(1\)](#), §§ 1, 2, repealed § 6-1224, which pertained to occupancy monitoring; restrooms; cleanliness and code compliance and derived from Ord. of 12-8-1998, § 6-1224.

**Sec. 6-1225. - Reserved.**

**Editor's note**— [Ord. of 8-18-2016\(1\)](#), §§ 1, 2, repealed § 6-1225, which pertained to alcoholic beverage excise tax and derived from Ord. of 12-8-1998, § 6-1225.

**Sec. 6-1226. - Reserved.**

**Editor's note**— [Ord. of 8-18-2016\(1\)](#), §§ 1, 2, repealed § 6-1226, which pertained to penalties for violations and derived from Ord. of 12-8-1998, § 6-1226.

**Sec. 6-1227. - Reserved.**

**Editor's note**— [Ord. of 8-18-2016\(1\)](#), §§ 1, 2, repealed § 6-1227, which pertained to employee regulations for businesses classified as bars, lounges and hybrid restaurants and derived from Ord. of 11-19-2009.

**Secs. 6-1228—6-1250. - Reserved.**