

**AN ORDINANCE TO AMEND PART 6, LICENSING AND REGULATION,  
CHAPTER 1, BUSINESS AND OCCUPANTIONS,  
ARTICLE H. ALCOHOLIC BEVERAGES,  
OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA;  
TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH  
AND FOR OTHER PURPOSES**

**BE IT ORDAINED** by Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

**SECTION 1:** That Section 6-1204 be deleted in its entirety and a new section 6-1204 be inserted in lieu thereof as follows:

**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 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 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 12:30 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 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 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.

**SECTION 2:** That Section 6-1205(c) be deleted in its entirety and a new section 6-1205(c) be inserted in lieu thereof as follows:

- (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 Consumption 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 License	—	—	—
J	Event Venues	1 (J1 is incompatible with all other uses)	2 (J2 is incompatible with all other uses)	3 (J3 is incompatible with all other uses)

**SECTION 3:** That Section 6-1206 be deleted in its entirety and a new section 6-1206 be inserted in lieu thereof as follows:

**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. 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, 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, 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, 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 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.

**SECTION 4:** That Section 6-1207 be deleted in its entirety and a new section 6-1207 be inserted in lieu thereof as follows:

**Sec. 6-1207. –Alcoholic beverage license review.**

6-1207A. *Alcoholic Beverage License Determinations.*

- (a) The city, 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 number of licenses already granted for similar businesses in the trading area of the place for which the license is sought;
  - (4) If the applicant is a person whose license issued under the police powers of any governing authority was previously suspended or revoked;
  - (5) The denial of an application or the revocation of a license which was based on the qualifications of the proposed location;
  - (6) 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;
  - (7) 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
  - (8) 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 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, 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, 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 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 serviced 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 witnesses 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 the 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.

**SECTION 5:** That Section 6-1209(o) be deleted in its entirety and a new section 6-1209(o) be inserted in lieu thereof as follows:

- (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:

- (i) 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;
- (ii) 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:
  - (a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual act which is prohibited by law;
  - (b) The caressing or fondling of the breasts, buttocks, anus or genitals;
  - (c) The displaying of the male or female pubic hair, anus, vulva, or genitals;
- (iii) 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.

**SECTION 6:** That Section 6-1210(a) be deleted in its entirety and a new section 6-1210(a) be inserted in lieu thereof as follows:

**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 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.

**SECTION 7:** That Section 6-1211(a) be deleted in its entirety and a new section 6-1211(a) be inserted in lieu thereof as follows:

**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.

**SECTION 8:** That Section 6-1215 be deleted in its entirety and a new section 6-1215 be inserted in lieu thereof as follows:

**Sec. 6-1215. - Employee 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 all persons employed as managers, servers, bartenders, doorpersons, or any other employee, agent or subcontractor with the responsibility for 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) no later than fourteen days after commencement of his/her employment.
- (b) 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 sale of illegal drugs in the 36 months immediately preceding the date of the application shall be ineligible for employment. Appeals may be heard by the hearing officer.
- (c) 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 hearing officer.
- (d) The background check and server training shall be updated every two years from the date of issuance and shall be renewed no less than 30 days prior to expiration.
- (e) All licensees shall maintain on the licensed premises a register of all employees required to attend mandatory server training and attend mandatory server training. 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 a 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 indicating employees on duty required to have a background check and server training and supporting documentation. Such records and register may be kept by a third party vendor who shall provide on-line access to background checks and employee training records to the city upon request.
- (f) All licensees shall report to the 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.

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

**SECTION 9:** That Section 6-1222 be deleted in its entirety and a new section 6-1222 be inserted in lieu thereof as follows:

**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.

**SECTION 10:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 11:** This ordinance shall become effective when signed by the Mayor.

ADOPTED AND APPROVED: \_\_\_\_\_, 2018.

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Eddie W. DeLoach, Mayor

ATTEST:

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Luciana Spracher, Acting Clerk of Council