

ORDINANCE NO. 2023-_____

AN ORDINANCE REPEALING THE EXISTING ALCOHOLIC BEVERAGES ORDINANCE; ADOPTING A NEW ORDINANCE FOR REGULATING THE SALE OF ALCOHOLIC BEVERAGES IN THE CORPORATE LIMITS OF THE CITY OF BLAKELY, GEORGIA; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and City Council of the City of Blakely desire to provide for the health, safety, and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Council have determined it necessary to regulate the sale and manufacture of alcoholic beverages within the corporate limits of the City of Blakely to protect the public health, safety, and welfare; and

WHEREAS, the Mayor and City Council have further determined it in the best interest of the City of Blakely and its citizens to impose a specific tax and to establish licensing qualifications and fees, and other regulations in connection with the sale of alcoholic beverages within the corporate limits of the City of Blakely; and

WHEREAS, in order to enforce the provisions required for the regulation of alcoholic beverages it is necessary to repeal an existing alcoholic beverages ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Blakely, and it is hereby ordained by authority of the same, as follows:

Section 1. The existing alcoholic beverages ordinance is repealed.

Section 2 The Alcoholic Beverages Ordinance attached hereto as "Exhibit A" is hereby adopted.

Section 3. All ordinances or parts of ordinances in conflict herewith are repealed.

SO ORDAINED, this 7th day of February, 2023.

CITY OF BLAKELY

By: 
Mayor, Travis Wimbush

Attest: 
Clerk, Melinda Crook



EXHIBIT "A"

Chapter 3

ALCOHOLIC BEVERAGES

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ARTICLE I. IN GENERAL

Section 3.1

Definitions.

For the purposes of this ordinance, the following definitions shall apply:

Bar means any premises at which a retailer licensed pursuant to this title to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises. Bar shall be permitted for the on-premise consumption of beer and wine only. Under no circumstances shall any bar be licensed for the sale of distilled spirits.

Bouncer means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.

City as used herein shall mean the incorporated area of the City of Blakely, Georgia.

City Council or *Council* shall mean the City Council of the City of Blakely, Georgia.

Conviction shall mean an adjudication of guilt or a plea of guilty, or a plea of nolo contendere or the forfeiture of bond by a person charged with a crime.

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.

Distance shall be measured by the most direct route traveled on the ground.

Distilled Spirits shall mean those beverages defined in O.C.G.A. Section 3-1-2(8).

Governmental entity means the United States government, any state government, any local government, and any department, agency, or instrumentality thereof.

License shall mean the authorization by the City Council of the City of Blakely to engage in the sale of malt beverages and/or wine.

Licensee means any person issued a license pursuant to this title by a governmental entity to operate a bar.

Malt Beverages and *Wine* shall mean those beverages defined by the Official Code of Georgia Annotated, § 3-1-2.

Minor shall mean any person to whom the sale of alcoholic beverages is prohibited by

O.C.G.A. § 3-3-23.

On Premise Consumption shall mean the consumption of an alcoholic beverage by the drink on the premise where the drink is purchased.

Person shall mean any individual.

Powdered alcohol means a powdered or crystalline substance that contains any amount of alcohol for direct use or reconstitution.

Premises shall mean the definite closed or partitioned-in locality, whether a room, shop, or building, wherein malt beverages and/or wine are sold and any and all surrounding and adjacent areas, whether enclosed or not, which are owned by or under the control of the person to whom the license is issued.

Restaurant means a business kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served for a period of at least five hours per day on at least five days per week with the exception of (i) holidays, (ii) vacations not exceeding two weeks duration, and (iii) periods of redecorating not exceeding 30 calendar days duration except to the extent extended by the city council in its discretion upon request therefor; and which meets all of the following requirements:

(1) Meets all health and sanitation requirements for food service establishments required under applicable federal, state and local laws, codes, ordinances, rules and regulations;

(2) Maintains upon the premises thereof in operative condition cooking and kitchen facilities and equipment appropriate to accommodate the preparation of meals for 30 food service customers at one time;

(3) Maintains upon the premises thereof seating facilities, at booths or tables designed for food service, sufficient for at least 30 food service customers at one time, not including seating provided by counters and stools, with booths and tables for purposes hereof being large enough to adequately accommodate at least two place settings of cutlery and dishes;

(4) Maintains at all times such additional facilities, equipment and items as well as employees as shall be necessary for the cooking, preparation and service of meals for consumption at tables or booths located upon the premises for at least 30 food service customers at one time;

(5) Is at all times during the hours of operation thereof prepared to serve full course meals with substantial entrees from a substantial variety of culinary choices, or substantial substitutes therefor, chosen by food service customers from a printed menu available to all food service customers at prices which are competitive with other restaurants in the community whether or not such other restaurants engage in the sale of alcoholic beverages; and

(6) Derives at least 50 percent of its total gross food and beverage sales from the sale of full course meals prepared, served and consumed upon the premises thereof.

(7) Restaurants as defined under this section shall not charge an entrance fee or cover charge of any kind.

(8) Restaurants as defined in this Section 3.1 of the Alcohol Ordinance of the City of Blakely shall apply to those restaurants applying for a license for on-premise consumption of distilled spirits. It shall have no application to restaurants in the City of Blakely who are not licensed for on-premise consumption of distilled spirits. A license for on premise consumption of distilled spirits shall only be issued for a restaurant as defined in this Section 3.1.

Retail Sale shall mean selling or offering for sale any malt beverage and/or wine to any member of the public.

School or College shall mean such state, county, city, church or other school that teaches the subjects commonly taught in the common schools of this state, to include licensed preschool and/or kindergarten facilities and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations, and other special subjects are taught.

Section 3.2 **Public Possession or Consumption.**

a. It shall be unlawful for any person to drink any alcoholic beverage upon property of the City or upon any open premises adjacent to any public business in the City, whether or not such person is located in a vehicle.

b. It shall be unlawful for any person to have in his or her hand any open container used, or which has been used, for alcoholic beverages, upon the property of the City or upon any open premises adjacent to any public business in the City.

c. Any portion of the premises outside the structure of the building where alcoholic beverages are consumed shall be completely enclosed by an opaque fence at least six (6) feet in height.

Section 3.3 **Possession, etc., by Minors.**

a. It shall be unlawful for a minor to attempt to purchase or purchase, or for any other person to purchase for a minor, any alcoholic beverage.

b. It shall be unlawful for a minor to exhibit any fake, forged, or borrowed credentials in an effort to obtain alcoholic beverages to which he or she is not legally entitled.

c. It shall be unlawful for a minor to have alcoholic beverages in his or her possession.

d. It shall be unlawful to sell any alcoholic beverage to any individual without first checking the purchaser's credentials which shall include a date of birth.

Section 3.4 **General Operational Regulations.**

a. No holder of a license authorizing the retail sale of alcoholic beverages in the City, or any agent or employee of the licensee, shall do any of the following upon the licensed premises:

1. Knowingly sell malt beverages and/or wine and distilled spirits to a minor.
2. Knowingly sell malt beverages and/or wine and distilled spirits to any person while such person is in an intoxicated condition.
3. Sell malt beverages and/or wine and distilled spirits upon the licensed premises, or permit the consumption of malt beverages and/or wine and distilled spirits upon the licensed premises, on any day or at any time when such sale or consumption is prohibited by law.
4. Permit on the licensed premises any disorderly conduct or breach of peace.

b. It shall be unlawful for establishments to permit the sale or consumption of any alcoholic beverage upon the premises without obtaining the appropriate license permitting such sale or consumption.

c. No person shall allow or require an individual under the age of 21 to serve as a bouncer on a premises or in an establishment where alcoholic beverages are dispensed, served, or sold pursuant to a license issued under Title III of the Georgia Code.

d. No individual under the age of 21 shall enter or be allowed to enter a bar unless he or she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older. This subsection shall not apply to an individual while he or she is attending a live musical concert or live presentation of the performing arts for which he or she has paid an admission charge.

e. Nothing contained in this Section shall be construed to prohibit any person under the age of twenty-one (21) from:

1. dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishment;
2. being employed in any establishment in which alcoholic beverages are distilled or manufactured;
3. taking orders for or having possession of alcoholic beverages as a part of

employment in a licensed establishment.

f. Notwithstanding anything contained in Paragraph d of this Section, no individual under the age of eighteen (18) shall enter or be allowed to enter any establishment with an on-premise consumption license other than a restaurant that has fifty percent (50%) or more of its gross income from the sale of food unless he or she is accompanied by their parent, guardian or spouse who is twenty-one (21) years of age or older.

Section 3.5 **Hours of Operation.**

a. Establishments with on-premise consumption licenses issued pursuant to this chapter shall not engage in the sale of alcoholic beverages except between the hours of 6:00 a.m. and 12:00 midnight, Monday through Saturday.

b. The license holder and all employees shall vacate the premise within one (1) hour after closing time. Closing time shall be the time after which alcoholic beverages may not be sold. No alcoholic beverages may be consumed on the premises after closing time.

c. Establishments having an on-premise consumption license where fifty percent (50%) of the gross revenue is from the sale of food or from establishments renting rooms for overnight lodging may engage in the sale of alcoholic beverages for consumption on-premises on Sundays from 12:30 p.m until 11:30 p.m.. No alcoholic beverages may be served on Christmas Day or any other day prohibited by law.

d. Retail and wholesale dealers of malt beverages, wine, and distilled spirits shall not permit their places of business to be opened for the sale of such beverages on Christmas Day, or any other days prohibited by state law. Retail and wholesale dealers of malt beverages, wine, and distilled spirits may engage in the package sale of such beverages on Sunday between the hours of 12:30 p.m. and 11:30 p.m.

Section 3.6 **Use of Licensed Wholesalers.**

Alcoholic beverages shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the State of Georgia and a license from the City to make deliveries in the City. Transportation of such beverages by any other means shall be grounds for revocation of the retail license or wholesale license.

Section 3.7 **Statutes Adopted.**

All state laws and regulations pertaining to the sale of alcoholic beverages are incorporated herein and considered a part of this article.

Section 3.8 **Penalties.**

A violation of any provision of this Chapter shall constitute an offense punishable as provided in Section 1.7 of the City Code of the City of Blakely.

Section 3.9 **Powdered Alcohol.**

a. No person shall manufacture, use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered alcohol.

b. No person licensed or issued a license shall use powdered alcohol as an alcoholic beverage or use powdered alcohol to create an alcoholic beverage.

c. This ordinance section shall not apply to the use of powdered alcohol for bona fide research purposes by a:

1. Health care provider that operates primarily for the purpose of conducting scientific research;
2. State institution;
3. Private college or university; or
4. Pharmaceutical or biotechnology company.

Section 3.10 **Notification to State Revenue Department of Violations.**

a. Within 45 days of disciplinary action, the licensee shall notify the Georgia Department of Revenue of the details of such disciplinary action, in a format determined by the department, including:

1. The date such action was taken;
2. The nature of such action;
3. Other information required by the department.

b. Pursuant with O.C.G.A. § 3-3-2.1(c), within 45 days of taking the disciplinary action, the City clerk must report all disciplinary action to the Georgia Department of Revenue.

ARTICLE II. MALT BEVERAGES, WINE AND DISTILLED SPIRITS

Division 1. Generally.

Section 3.11 Title.

This article shall be known as the "Blakely Alcoholic Beverage Ordinance."

Section 3.12 General Provisions.

- a. The sale of alcoholic beverages shall be legal in the City of Blakely, subject to the following terms, conditions, and restrictions, and upon full compliance by all persons engaged in business under the provisions of this ordinance.
- b. The license granted hereunder shall be a mere grant or privilege to carry on a business during the terms of the license, subject to all the terms and conditions imposed herein and by related laws located in the applicable provisions of the Official Code of Georgia Annotated and other City ordinances relating to business licenses.
- c. Licenses may be granted for the purpose of package sales of malt beverages and/or wine.
- d. Licenses may be granted for the sale of malt beverages and/or wine to be consumed on the premises.
- e. Licenses may be granted for the purpose of package sales of distilled spirits.
- f. Licenses may be granted for the purpose of the sale of distilled spirits by the drink for consumption on premises only at restaurants as defined by Section 3.1 of the Alcoholic Beverage Ordinance of the City of Blakely.

Section 3.13 Excise Tax—Malt Beverages.

- a. There is hereby levied and imposed upon all wholesale dealers selling malt beverages within the City a specific excise tax in the amount of \$.05 per 12-ounce container or any portion thereof so as to graduate the tax on bottles, cans, and containers of various sizes of malt beverages sold by each wholesale dealer within the City, and an excise tax on tap or draft beer in the amount of \$6 for each container sold, as hereinafter specified, containing not more than 15½ gallons and at a like rate for fractional parts, where the beverage is sold in or from a barrel or bulk container, such beverage being commonly known as tap or draft beer.
- b. *Against whom levied:* The malt beverage excise tax is levied against and shall be paid by each licensed wholesale dealer in malt beverages in the City.
- c. *Due date and required report:* The malt beverage excise tax shall be paid on or

before the tenth day of the month following the calendar month in which the beverages are sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of malt beverages sold for the preceding calendar month by size and type of container.

Section 3.14 **Excise Tax--Wine.**

a. *Rate of levy:* There is hereby set and levied on the sale of wine, excluding fortified wine, an excise tax in the sum of \$.22 per wine gallon and in similar proportion for bottles and containers of various sizes.

b. *Against whom levied:* The wine excise tax shall be paid by each licensed wholesale dealer in wine in the City.

c. *Due date and required report:* The wine excise tax shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of, and payment shall be accompanied by a report itemizing the exact quantities of wine sold for the preceding calendar month by size of container.

Section 3.15 **Excise Tax--Distilled Spirits.**

a. *Rate of levy:* There is hereby levied an excise tax computed at the rate of \$0.22 per liter on all distilled spirits sold, displayed, or stored in the City.

b. *Against whom levied:* The distilled spirits excise tax shall be paid by each licensed wholesale dealer in distilled spirits in the City.

c. *Due date and required report:* The distilled spirits excise tax shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of and payment shall be accompanied by a report itemizing the exact quantities of distilled spirits sold. The tax imposed by this section shall be prorated down on one-half pints, pints, fifths, quarts, half-gallons, wile gallons and other authorized sizes so that each bottle or each individual size container shall be taxed on the basis set forth in this section.

Sections 3.16 - 3.19 **Reserved.**

Division 2. Licenses.

Section 3.20 **Application Fee.**

There shall be non-refundable fee of \$75.00 which must be submitted simultaneously with an application for any license covered under this Chapter, no such application shall be processed and considered by the city Council until such fee has been paid. The application fee for alcohol license renewals shall be a non-refundable fee of \$75.00 which must be submitted simultaneously with an application for any license covered under this Chapter. No such application shall be processed and considered by the City Council until such fee has been paid.

This fee encompasses the \$44.00 background check and administrative costs.

Section 3.21 **Licensee Qualifications.**

All applicants shall be investigated by the City of Blakely Police or by such other person or entity as may be designated by the City Council. The report of such investigation shall be presented to the City Council for consideration with the application.

No alcoholic beverage license required by this chapter shall be issued:

a. To any person who is not a resident of the City of Blakely unless such person designates a resident of the City who shall be responsible for any matter relating to the license.

b. To a person who, in the opinion and judgment of the governing body, is not of good moral character and reputation in the community in which such person resides.

c. To a person found by the governing body to have been guilty of the violation of any federal, state, or local law or regulation respecting the manufacture, possession, or sale of any alcoholic beverage within the last five years, or who has forfeited a bond to appear in court to answer charges for any such violation within the last five years.

d. To any person who is the previous holder of an alcoholic beverage license and is, in the judgment and discretion of the governing body, an unfit person to have a license because of the manner in which such person conducted business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any laws or regulations relating to such business.

e. For a location not suitable in the judgment and discretion of the governing body because of traffic congestion, general character of the neighborhood, or by reason of the effect which such establishment would have on the adjacent and surrounding properties.

f. For a location within an area where, in the judgment of the governing body, the number of alcoholic beverage licenses already granted makes it contrary to the public interest and welfare of the citizens of the City.

g. For a location at which a previous alcoholic beverage license has been denied, revoked, or suspended, and where, in the judgment of the governing body, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the best interest of public health, safety, welfare, or morals that the sale of alcoholic beverages be permitted at such location.

h. To any person who has made any false statement on an application for a license under this chapter or any previous application for a license under this chapter.

i. To any person who has been convicted of a felony unless ten years has elapsed

since the completion of their sentence, or has been convicted of a violation of the laws or regulations of any state or political subdivision relating to the use or sale of drugs or alcoholic beverages within the last ten years, or who has been convicted of a misdemeanor involving the use of firearms, theft, violence, or a crime of moral turpitude within the last ten years. The forfeiture of bond or collateral or a plea of nolo contendere or a plea of guilty shall be considered a conviction for the purpose of this section.

j. To a person who is related within the first degree of consanguinity and affinity, as computed according to the Cannon law, to any person who has been previously denied a license or had a license revoked or suspended, if such previous applicant or holder of a license has any ownership interest in the applicant's business.

k. To a person who has had a license revoked within the last five years.

l. For a location for the sale of distilled spirits within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds or college campus.

m. For a location for the sell of malt beverages and wine within 100 yards of any school building, educational building, school grounds or college campus.

n. For a location which does not have adequate off-street facilities or other parking available for its patrons.

o. To any corporation unless all directors, officers and stock holders are residents of the City of Blakely unless such corporation designates a resident of the City who shall be responsible for any matter relating to the license.

p. To any employee or elected official of the City including the Mayor and City Council or any employee of the Blakely Police Department.

q. To anyone making a statement on an application for a license that is found to be false.

Section 3.22 **Malt Beverages--License Required.**

Each brewer, wholesale dealer, and retail dealer of malt beverages, as such terms are defined in O.C.G.A. §§ 3-1-2 and 3-5-1, who does business within the City shall be required to obtain an annual license from the City Clerk. Each brewer, wholesale dealer, and retail dealer shall make application in the manner prescribed by the City Clerk prior to January 1 of each year. Each application shall be considered by the City Council no later than the first regularly scheduled meeting in January. No new applicant for an alcohol license may engage in the sale of alcohol without approval by the City Council. Applicants for renewal may continue the sale of alcohol beverages until the license application is denied by the Council.

Section 3.23 **Same--Fees.**

The annual license fee for malt beverage brewers, retail dealers, and wholesale dealers shall be \$300.

Section 3.24 **Wine--License Required.**

Each retail or wholesale dealer of wine, as such term is defined in O.C.G.A. §§ 3-1-2 and 3-5-1, who does business within the City shall be required to obtain an annual license from the City Clerk. Each such dealer shall make application in the manner prescribed by the City Clerk prior to January 1 of each year. Each application shall be considered by the City Council no later than the first regularly scheduled meeting in January. No new applicant for an alcohol license may engage in the sale of alcohol without approval by the City Council. Applicants for renewal may continue the sale of alcohol beverages until the license application is denied by the Council.

Section 3.25 **Same--Fees.**

The annual license fee for each place of retail wine distribution in the City shall be \$300. The annual license fee for each wholesale dealer of wine shall be \$300.

Section 3.26 **Distilled Spirits--License Required.**

Each retail or wholesale dealer of distilled spirits, as such term is defined in O.C.G.A. § 3-1-2 who does business within the City shall be required to obtain an annual license from the City Clerk. Each such dealer shall make application in the manner prescribed by the City Clerk prior to January 1 of each year. Each application shall be considered by the City Council no later than the first regularly scheduled meeting in January. No new applicant for an alcohol license may engage in the sale of alcohol without approval by the City Council. Applicants for renewal may continue the sale of alcohol beverages until the license application is denied by the Council.

Section 3.27 **Same--Fees.**

The annual license fee for retail package stores and wholesale distributors of distilled spirits shall be \$2,500.00.

Section 3.28 **On Premise Consumption – Beer and Wine.**

a. On premise consumption of malt beverages and wine is permitted subject to the payment of license fee provided herein. As provided in Section 3.26, the renewal of a license for on premise consumption shall be required annually.

b. License fees for the on-premise consumption of malt beverages shall be \$200.00 for each premise. License fees for the on-premise consumption of wine shall be \$200.00 for

each premise.

c. Any bar as defined by section 3.1 with a license for on-premise consumption of alcoholic beverages shall be required to provide security personnel. A minimum of one POST certified law enforcement officer shall be present at all times and upon all occasions. When any establishment shall have more than one hundred patrons present on the premises of the establishment between the hours of 8:00 P.M. and closing time, the establishment shall provide an additional security officer for every one hundred patrons or any part thereof, in addition to the first hundred (100) patrons. For example, should there be one hundred and one (101) patrons present or two hundred (200) patrons present at any establishment between the hours of 8:00 P.M. and closing time, the establishment would be required to have at least two (2) security officers present. However, should there be two hundred and one (201) patrons present or three hundred (300) patrons present at any such establishment between the hours of 8:00 P.M. and closing time, the establishment will be required to have three (3) security officers present. Notwithstanding the fact that security personnel shall be compensated by the establishment, security officers shall file a written report of any violation on the licensed premises whether such violation be by a patron or an employee of the establishment, or the licensee; and the security officer shall take such action as may be necessary to enforce or seek enforcement of this or any other applicable, local, state or federal law or ordinance.

d. Any premise permitted for the on-premise consumption of beer and wine shall have an unobstructed view of the interior of the facility outside the premises.

Section 3.29 **On Premise Consumption - Distilled Spirits.**

a. On premise consumption of distilled spirits is permitted, subject to the payment of the license fee provided herein. A license for on-premise consumption of distilled spirits shall be issued only to restaurants as defined in Section 3.1 of this ordinance and shall be issued only to establishment which realize fifty percent (50%) or more of its gross income from the sale of food. As provided in Section 3.26, the renewal of a license for on premise consumption shall be required annually. The annual application of a license for this purpose shall include a certification by a certified public accountant that fifty percent (50%) of the gross income at the establishment shall be from the sale of food. Applicants for an initial license shall not be required to include certification required herein but shall be required to submit a sworn affidavit that they shall derive fifty percent of their income from the sale of food and shall comply with the requirements of a restaurant as provided in Section 3.1. Should they not comply with the conditions of the affidavit, they will not be issued a license for a subsequent year.

Financial Requirements. The City may at any time require an audit of the financial records establishments holding a license for on-premise consumption of distilled spirits. Licensee shall be noticed of the date, time and place of the audit at least five days in advance. Licensee shall cooperate with the audit. Should the licensee fail to cooperate, the City shall revoke the on-premise consumption license as provided in Section 3.30.

All premises licensed for on-premises consumption of distilled spirits shall maintain the

following records for a three year period:

1. Quarterly income and operating statements;
2. Daily sales receipts showing distilled spirits, beer, wine and food and other items sold;
3. Daily receipts from all transactions;
4. Monthly State Sales and Use Tax Reports;
5. All invoices or documents reflecting the purchase of alcohol by the licensee.
6. A summary of financial records shall be submitted to the City every six months.

The City Clerk shall be the depository for any financial data and shall evaluate the data received and determine compliance with this ordinance.

b. Any premises permitted for on-premise consumption of distilled spirits shall have an unobstructed view of the interior of the facility from outside the premises.

c. Any restaurant as defined by section 3.1 with a license for on-premise consumption of alcoholic beverages shall be required to provided security personnel. A minimum of one POST certified law enforcement officer shall be present at all times and upon all occasions. When any establishment shall have more than one hundred patrons present on the premises of the establishment between the hours of 8:00 P.M. and closing time, the establishment shall provide an additional security officer for every one hundred patrons or any part thereof, in addition to the first hundred (100) patrons. For example, should there be one hundred and one (101) patrons present or two hundred (200) patrons present at any establishment between the hours of 8:00 P.M. and closing time, the establishment would be required to have at least two (2) security officers present. However, should there be two hundred and one (201) patrons present or three hundred (300) patrons present at any such establishment between the hours of 8:00 P.M. and closing time, the establishment will be required to have three (3) security officers present. Notwithstanding the fact that security personnel shall be compensated by the establishment, security officers shall file a written report of any violation on the licensed premises whether such violation be by a patron or an employee of the establishment, or the licensee; and the security officer shall take such action as may be necessary to enforce or seek enforcement of this or any other applicable, local, state or federal law or ordinance.

License fees for on premises consumption of distilled spirits on each premise permitted shall be \$2,000.00. The foregoing license fees for consumption on premises shall be in addition to all other fees imposed by this ordinance.

Section 3.30 **Change of Location and/or Licensee.**

A license issued under the provisions of this section shall permit the sale or manufacture of alcoholic beverages only on the premises described in the application under the supervision of the named licensee. Any license transfer to a location other than the premises described in the original application. There shall be an application fee of \$50 for the transfer to a new location. No license under this article shall be transferable to any person. It shall be the duty of the licensee to immediately surrender this/her license to the City Council when he/she ceases to operate the business.

Section 3.31 **Suspension and Revocation--Grounds for Suspension or Revocation.**

a. The City Council may suspend or revoke any alcohol license. Should the Council revoke a license, such license may not be reinstated for five years. Provided further, a license shall not be granted to any person who is related in the first degree of consanguinity and affinity as is computed according to common law or to any person who has had an ownership interest or management with responsibility of the applicant's business. Should the Council suspend any license, the license shall be suspended for a specific period of time and shall be reinstated at the end of the suspension period upon payment of a reinstatement fee as provided in paragraph (e) of this section without further action by the City Council. Provided, however, should an alcohol license be suspended beyond the end of the calendar year, the City Council shall approve or deny the license at the conclusion of the suspension period as provided in Sections 3.22, 3.24, and 3.26 hereof. Upon such approval, the applicant shall pay a \$150 reinstatement fee and the annual license fees prescribed herein.

b. The following shall be grounds for the suspension or revocation of an alcoholic beverage license; whether or not such grounds exist shall be determined by the governing body in its sole discretion:

1. The violation by the license holder of any federal, state, or local law or ordinance relating to the use and sale of drugs or alcoholic beverages or involving the use of firearms, theft, violence, or a crime of moral turpitude.
2. The failure of the license holder to report promptly to the City Police Department any violation of law or municipal ordinance, breach of the peace, disturbance, or altercation occurring inside the premises.
3. Any conduct on the part of the license holder or license holder's employee on or off premises contrary to the public health, safety, or morals of the citizens of the City.
4. Operating or conducting the business on the licensed premises in a manner contrary to the public welfare, safety, health, or morals of the citizens of the City or in such manner as to constitute a nuisance.

5. Upon the business or the operation or location thereof, or the owner or any person connected therewith, ceasing to meet any of the qualifications for the issuance of a license as stated under Section 3.21 hereof.
6. The failure of the license holder or license holder's employees to keep the licensed premises free and clear of any disturbances of the peace; loud or boisterous conduct; lewd, obscene, or immoral entertainment; violation of any federal, state, or local law or ordinance relating to the use and sale of drugs or alcoholic beverages or involving the use of firearms, theft, violence, or a crime of moral turpitude.
7. Prohibited noises as provided in Section 14.10 of the City Code of the City of Blakely.

c. The determination of whether the license holder or license holder's employee has violated this section shall be made by the governing body. An actual conviction in a court for any offense shall not be necessary in order to suspend or revoke the license.

d. The Police Chief shall report any violation of this ordinance or any state or federal law by any license holder or any disturbance or violation law of any kind at any location alcoholic beverages are sold to the City Clerk. The report shall be placed on the agenda at the next regularly scheduled meeting of the City Council. The Police Chief shall cause a citation to be issued for any violation of this ordinance and report any violation to the Georgia Department of Revenue within forty-five days of the incident.

e. Should the Mayor and City Council find that the licensee has committed a violation of any regulation affecting the operation of the licensed premises, the City shall at minimum suspend the license for seven days with a \$500.00 reinstatement fee. On the second offense within a five-calendar year period, the City shall suspend the license for fourteen days with a \$1,000.00 reinstatement fee. On the third offense within the five-year period, the license shall be revoked. Notwithstanding the foregoing, the City Council may take action up to and including revocation depending on the circumstances of the violation.

Section 3.32

Same--Procedure; Appeal.

a. After the governing body shall deny any application for a license or the transfer of any license or shall suspend or revoke any existing license, the applicant or license holder, as the case may be, shall be given notice in writing with the reasons therefor stated.

b. Any applicant or license holder aggrieved by the decision of the governing body shall have the right to request, within 10 days after receipt of notice, a hearing on such decision. Upon receipt by the governing body of a request for such hearing, a hearing shall be scheduled within 20 working days; and the applicant or license holder, as the case may be, shall be notified of the date, time, and place of such hearing. At such hearing, the licensee or applicant shall have the right to appear in person and by attorney and to have witnesses appear on his/her behalf

and to cross examine opposing witnesses. The witnesses shall testify under oath, and the technical rules of evidence shall not apply.

Section 3.33 **Closing for Emergency.**

a. The Police Chief shall have the authority to close any location having an alcohol license for a period not in excess of twenty four (24) hours if there shall occur on premises or arise from activities on the premises any violation of law or municipal ordinance, breach of the peace, disturbance, altercation, resulting in violence, or other occurrence which is contrary to public health, welfare, safety and morals of the City when in the judgment of the Chief of Police such action is necessary to protect the public health, welfare, safety or morals.

b. The City Council shall have the authority to close any location holding an alcohol license for a period not in excess of thirty (30) days without a hearing if there shall occur on premises or arise from activities on the premises any violation of law or municipal ordinance, breach of the peace, disturbance, altercation resulting in violence, or other occurrence which is contrary to public health, welfare, safety and morals of the City when in the judgment of the City Council such action is necessary to protect the public health, welfare, safety or morals.

Sections 3.34 - 3.35 **Reserved.**