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ARTICLE I

Alcoholic Beverages Code

Purpose. An Ordinance to repeal an ordinance adopted December 13, 1985; to bring ordinance into compliance with new Saturday requirements; to repeal conflicting ordinances; and for other purposes.

§17-101 Title. The Title of the Ordinance shall be "The Chatham County Alcoholic Beverage Ordinance."

§17-102 Definitions.

1. Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine, wine coolers or fortified wine as defined in this section.
2. Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.
3. Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 6 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term "malt beverage" does not include sake known as Japanese rice wine.

When the words "person," "retail consumption dealer," retail dealer," "wholesale dealer" or "wholesaler" and "wine" are used in this Section that follow, they shall be used and applied as defined in the O.C.G.A. SSA-102.

§17-103 Jurisdiction. This Ordinance shall be effective and applicable in Chatham County, Georgia, outside the corporate limits of any municipality therein.

§17-104 Business Must Apply for License. From and after the passage of this Ordinance every person engaged in either a retail or wholesale alcoholic beverage business, as approved by the General Assembly of the State of Georgia, shall file an application for a license to conduct such business with the Business License Department of Chatham County, Georgia, to be approved by the Chatham County Commissioners, before engaging in or continuing said business.

§17-105 Expiration of Licenses. License shall expire at the end of each calendar year, and may be renewed only in the manner

and form as provided in this Ordinance for the original granting of licenses. Failure to renew Business License by January 31 of each year shall incur the following penalty charges.

1. An execution of one half the regularly required fee.
2. Failure to renew business license by March 1 of any year shall be subject to subpoena to the Recorder's Court of Chatham County for violation of this Ordinance.

§17-106 Fees. The license fees are hereby fixed and assessed on an annual basis or on a prorated basis as set forth in subsection (9) of this Ordinance. Fees shall be paid annually to the Chatham County Commissioners. In addition, a one time non-refundable application processing fee of \$25.00 shall be charged for all new business license applications. The following classification of each business is hereby established.

1. Each retail beer dealer shall pay an annual license fee as described in Chapter 16, Article I., Classification and Fees. (Amended January 29, 1993)
2. Each wholesale beer dealer shall pay an annual license fee as described in Chapter 16, Article I., Classification and Fees. This license shall include the right to sell only to wholesalers or retailers holding licenses to sell beer. (Amended January 29, 1993)
3. Each retail liquor dealer selling liquor by the package only and each retail establishment selling liquor by the drink, shall pay an annual license fee as described in Chapter 16, Article I., Classification and Fees. When a retail liquor package store and retail establishment selling liquor by the drink are both located in the same building and both are under one ownership, the combined license fee shall be the sum of the combined license fees, less 25%; otherwise the license fee shall be as described in Chapter 16, Article I., Classification and Fees. (Amended January 29, 1993)
4. Each wholesale liquor dealer shall pay an annual license fee as described in Chapter 16, Article I., Classification and Fees. This shall include the right to sell only to wholesalers or retailers holding licenses to sell liquor. (Amended January 29, 1993)
5. Each distiller or manufacturer of alcoholic beverages shall pay an annual license fee as described in Chapter 16, Article I., Classification and Fees. (Amended January 29, 1993)

6. Each retail wine dealer shall pay an annual license fee as described in Chapter 16, Article I., Classification and Fees. (Amended January 29, 1993)
7. Each wholesale wine dealer shall pay an annual license fee as described in Chapter 16, Article I., Classification and Fees. This license shall include the right to sell only to wholesalers and retailers holding licenses to sell wine. (Amended January 29, 1993)
8. Every person engaged in more than one of the businesses provided for in this section and in the Ordinance shall pay the aforesaid license fees for each business engaged in and each such beverage sold. The business name as it appears on license must be the same as advertised name at the business location.
9. Every person engaged in any of the business provided for in this section and in the Ordinance shall pay the aforesaid license fees for every separate place in which he transacts or engages in business. Any person engaging in said business after July 1, shall pay the balance of said annual fee as follows: 60% of the fee, as described in Chapter 16, Article I., Classification and Fees. There shall be no deduction in annual license fee for wholesalers. (Amended January 29, 1993)
10. To transfer a license during the calendar year, any person engaged in any type of business provided for in this Ordinance must make a written application to the License Department, to be approved by the Chatham County Police Department and pay a fee of twenty-five dollars (\$25.00).
11. Application for new alcoholic or malt beverage license must be advertised in a local newspaper prior to being placed on the agenda for the Chatham County Commissioners approval. The fee charged for such advertising shall be paid by the applicant.

§17-107 Tax on Wholesalers. Each wholesale dealer in malt beverages, spirituous liquors, or wines shall pay, in addition to the regular license provided by this Ordinance, a tax on beverages sold to retailers located within the unincorporated area of Chatham County, in accordance with the following schedule:

Rates are established by this Ordinance in accordance with the State of Georgia Uniform Local Beer excise Tax Act of 1974.

1. Malt Beverages

- a. One dollar and twenty cents (\$1.20) per case of 48 bottles or cans when each bottle or can contains 6 ounces.
- b. One dollar and forty cents (\$1.40) per case of 48 bottles or cans when each bottle or can contains 7 ounces.
- c. One dollar and twenty cents (\$1.20) per case of 36 bottles or cans when each bottle or can contains 8 ounces.
- d. One dollar (\$1.00) per case of 24 bottles or cans when each bottle or can contains 10 ounces.
- e. One dollar and twenty cents (\$1.20) per case of 24 bottles or cans when each bottle or can contains 12 ounces.
- f. One dollar and forty cents (\$1.40) per case of 24 bottles or cans when each bottle or can contains 14 ounces.
- g. One dollar and sixty cents (\$1.60) per case of 24 bottles or cans when each bottle or can contains 16 ounces.
- h. One dollar and sixty cents (\$1.60) per case of 12 bottles or cans when each bottle or can contains 32 ounces.
- i. Forty-four cents (44) per barrel, keg, or drum with a capacity of one and one eighth (1.125) gallons.
- j. Eighty-seven cents (\$.87) per barrel, keg, or drum with a capacity of two and one quarter (2.25) gallons.
- k. One dollar fifty cents (\$1.50) per barrel, keg, or drum with a capacity of (3.875) gallons (1/8 barrel).
- l. Three dollars (\$3.00) per barrel, keg, or drum with a capacity of seven and three quarters (7.75) gallons (1/4 barrel).
- m. Six dollars (\$6.00) per barrel, keg, or drum with a capacity of fifteen and five tenths (15.5) gallons (½ barrel).
- n. Twelve dollars (\$12.00) per barrel, keg, or drum with a capacity of thirty-one (31.0) gallons (one barrel).

2. Distilled Spirits and Wines

For liquor sold to retailers located within the unincorporated area of Chatham County for sale either by the package or by

the drink, the tax shall be computed as follows: Eighty cents (\$.80) per gallon; forty cents (\$.40) per half-gallon; twenty cents (\$.20) per quart; sixteen cents (\$.16) per one-fifth gallon; ten cents (\$.10) per point; eight cents (\$.08) per one tenth gallon; and five cents (\$.05) per one-half pint or smaller or computed on the basis of \$.22 cents (\$.22) per liter and a proportionate tax at like rates on all fractional parts of a liter.

3. Due Dates, Allowances, Penalties and Report Process

All taxes on malt beverages, distilled spirits and wines paid or collected by wholesale dealers are due and payable to the Chatham County Finance Department on or before the tenth day of the month following the collection in which beverages are sold by the wholesale dealer.

Dealers collecting the tax authorized by Section 17-107 of the Ordinance shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be 1% of the amount due.

There shall be a penalty of not less than \$5.00 nor more than 3% of the amount due assessed on all remittances not submitted by the proper due date.

All remittances of alcoholic beverage taxes must be accompanied by a completed report form approved by the Chatham County Finance Office. All reports must be supported by appropriate dealer records and must be made available for inspection by County officials upon request.

§17-108 Sale Prohibited if Taxes Are Not Paid. It shall be unlawful for any person to sell at retail or for consumption any malt beverages, wines or spirituous liquors on which the taxes provided for in this Ordinance have not been paid to the wholesale dealer or distributor for the County.

It shall likewise be unlawful for any wholesale or other person to deliver any malt beverages, wine or distilled spirits to any retail dealer or in the county without first collecting the taxes as provided in this Ordinance.

§17-109 Possession by Retailers Prohibited Unless Taxes Are Paid. It shall be unlawful for any retail dealer to have in his possession any alcoholic beverages unless the tax required by the County has been paid to the wholesaler, distributor or other source delivering or causing the beverages to be delivered to the retail dealer. Whenever any such beverages are found in the possession of

a retail dealer and the records of the payment of taxes do not appear upon the records of the wholesaler, it will be presumed that the tax has not been paid and the burden shall be upon the retailer or seller to prove such fact. All aforesaid beverages found in the possession of any retail dealer on which the tax has not been paid shall be subject to confiscation by the County authorities and shall be sold by the County authorities and the receipts thereof paid into the County treasury.

§17-110 Granting the License. The Commissioners of Chatham County shall grant a license hereunder when the same is found to be in the public interest and general welfare.

The Chatham County Commissioners in determining whether or not any license or permit applied for hereunder shall be granted, shall consider the following standards.

1. The applicant's reputation, character, and mental and physical capacity to conduct a business engaged in the sale of wine, beer, and/or alcoholic beverages.
2. The location for which the license is sought as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.
3. The number of license previously granted for similar businesses in the trading area of the place for which license is sought.
4. The proximity of the location of said establishment to schools, churches, libraries, and other public buildings in the surrounding area as provided for in Section 17-111.
5. Whether applicant is a previous holder of a license to sell wine, beer, and/or alcoholic beverages, and whether applicant has violated any law, regulation or ordinance relating to such business.
6. If applicant is a previous holder of a license to sell wine, beer, and/or alcoholic beverages, whether unusual police observation and inspection were required, including the number and frequency of complaints filed by citizens objecting to the manner of conducting business at said location.

§17-111 Rules and Regulations. The following rules and regulations are hereby established and shall govern the conduct and operation of every such place of business and of every person owning and operating such place of business:

1. All establishments duly licensed hereunder must fully comply with all sanitary requirements promulgated by the Chatham County Health Department, and current International Building Code and National Fire Protection Association (NFPA-96) and all life safety requirements as determined by the Department of Inspections. (Amended December 16, 2011; effective January 1, 2012)
2. All musical units or amusement machine installed in any establishment licensed hereunder must be properly registered with the Office of the Chatham County License Department.
3. Illegal gambling or any other illegal activity conducted on the premises of any establishment located in Chatham County jurisdiction licensed hereunder shall be cause for revocation of such license.
4.
 - a. No alcoholic beverages provided for in this Ordinance shall be kept for sale or given away, in any building, store-house, place of business or vehicle located within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus. (Amended May 24, 1991)
 - b. Measurements to determine distances required by this ordinance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner: (Amended May 24, 1991)
 - i. from the front door of the structure from which beverage alcohol is sold or offered for sale; (Amended May 24, 1991)
 - ii. in a straight line to the nearest public sidewalk, walkway, street, road or highway; (Amended May 24, 1991)
 - iii. along such public sidewalk, walkway, street, road or highway by the nearest route; (Amended May 24, 1991)
 - iv. to the front door of the building, or to the nearest portion of the grounds; (Amended May 24, 1991)
 - v. but in no case less than 100 feet between buildings as measured along a straight line on the ground. (Amended May 24, 1991)

No alcoholic beverages provided for in this Ordinance shall be kept for sale or given away, in any building, store-house, place of

business or vehicle located within 100 yards of the property line of any school ground, college campus, church or recognized place of worship, as measured along a straight line on the ground between the two property lines. (Amended January 12, 1990)

5. Disorderly conduct in any place of business or other place where the beverages provided for in the Ordinance are permitted to be sold is expressly forbidden by this Ordinance, and every person owning and/or operating a place of business for which a license has been granted, and for which the license fee has been paid, shall be subject to license revocation, in the manner provided for in this Ordinance, for permitting any disorderly conduct in such places of business.
6.
 - a. All persons holding an alcoholic beverage license within Chatham County shall be permitted to sell alcoholic beverages on any election day, local and statewide. However, no sale of alcoholic beverages shall be permitted within two hundred fifty (250) feet of any polling place or of the outer edge of any building within which such polling place is established.
 - b. Election days shall include all elections as defined in Office Code of Georgia, Section 3-3-20.
7. Retail establishments selling alcoholic beverages by the drink shall not open before 9 a.m. and shall not close later than 2 a.m. except on Sunday when the closing shall be no later than 2:55 a.m. When New Year's Eve falls on Sunday, then the establishment licensed hereunder may open at 12:01 a.m. on January 1. (Amended December 16, 2011; effective January 1, 2012)
8. No person shall serve or sell distilled spirits or alcoholic beverages by the drink on Sunday unless a valid license for Sunday sales has been issued by the Chatham County Commissioners as provided for in Section 17-113. (Amended December 16, 2011; effective January 1, 2012)
9. Retail establishments selling alcoholic beverages by the package shall not open before 9 a.m. and shall not close later than 2 a.m., except on Sunday between the hours of 12:30 p.m. and 11:30 p.m. (Amended December 16, 2011; effective January 1, 2012)
10. Retail dealers shall keep their place of business sufficiently lighted to protect the health and safety of patrons and persons lawfully on the premises.
11. Retail grocery establishments selling malt beverages an/or wine shall permit sales only between the hours of 9:00 a.m. and

2:00 a.m., except on Sunday between the hours of 12:30 p.m. and 11 :30 p.m. (Amended December 16, 2011; effective January 1, 2012)

12. Chatham County reserves the right to promulgate additional regulations or ordinances pertaining to the conduct of the business of selling alcoholic beverages and any person licensed hereunder shall be subject to such additional regulations that may be promulgated from time to time by the Commissioners of Chatham County.
13.
 - 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.
 - 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.
 - f. Any owner and/or holder of an alcoholic beverage license or his/her employee who is convicted of violating paragraph 12(a), shall be required to pay a fine of no less than \$750.00 nor more than \$1,000.00, as determined by the Court pursuant to O.C.G.A. §33-3-23.1 (b) (1), for each violation involving each minor.
 - g. The conviction of any owner and/or holder of an alcoholic beverage license for violating paragraph 12 (a) shall be cause for revocation of his/her alcoholic beverage license. The Board of Commissioners shall determine whether the first offense shall result in the revocation of the alcoholic beverage license. Any revocation shall be in addition to the required fine imposed by the Court. This subparagraph shall apply to a first offense.

The conviction of an employee of an owner and/or holder of an alcoholic beverage license for violating paragraph 12(a) shall result in placing the alcoholic beverage license of the owner and/or holder on probation for one year. Notice shall be sent to the owner and/or license holder notifying him/her of the violation and probationary status of his/her alcoholic beverage license. This probationary status shall be in addition to the required fine placed by the Court.

The second offense by the owner and/or holder of an alcoholic beverage license or his/her employee shall result in the revocation of the alcoholic beverage license.

(Amended July 27, 2001 - §17-111, new paragraph 12, and subparagraphs a through i were added.)

(Paragraph numbers were changed when amendments of December 16, 2011, adopted. Numbers indicated in paragraph above due to amendments On July 27, 2001, are no longer accurate as stated.)

§17-112 Bar Cards. It shall be unlawful for any holder of wine, beer, or alcoholic beverage licenses as forementioned to permit himself or any other person(s) to work or to serve in or about his place of business in which said wine, beer and alcoholic beverages are sold for consumption on the premises unless said person has a registration card issued by the Chief of Chatham County Police, setting forth therein the name of the employer, employee and the location of the place of employment.

The registration card, or bar card, shall be issued annually and shall not be transferable from one bar owner to another, nor from one location to another. Each person holding a registration card, or bar card, shall annually, likewise, get a health certificate from the Chatham County Health Department. The fee shall be \$5.00 for each registration card, or bar card, and shall be paid by the bar owner.

§17-113 Sunday Sales. The following definitions and criteria for license application and renewal are hereby established.

1. Sunday Sales. The sale of alcoholic beverages for consumption on the premises in eating establishments or inns between the hours of 12:30 p.m. and 12:00 midnight on Sunday.
2. Eating Establishment shall mean an establishment which is licensed to sell distilled spirits, malt beverages or wine and which derives at least fifty percent (50%) of its total annual gross food and beverage sales from the sale of prepared meals or food. A commercial eating establishment shall have an area specifically designed, set aside, set up and operating to serve meals and food on the premises and shall have a fully-equipped commercial kitchen to include an appropriate stove, refrigerator, food preparation area, sink, and other items required by the County Health Department and Inspections Department for the preparation of foods, and such commercial kitchen shall meet the code requirements referred to in Section 17-111 paragraph (1) of this Code. Further, an eating establishment shall have a printed or posted menu from which

selections of prepared meals can be made. (Amended January 12, 1990)

3. Inn as used in this section, means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
4. Policy Statement. The intent of this Sunday Sales Ordinance is to allow those full service restaurants that serve the public as part of the community's tourism business to sell alcoholic beverages with the meals on Sunday. It is not the intent of this Ordinance to encourage neighborhood taverns and bars to serve alcoholic beverages on Sunday via the mechanism of serving incidental meals on Sunday. (Amended January 12, 1990)

§17-114 License Application Classifications. The following three license application classifications and criteria for Sunday Sales licenses are hereby established and defined as follows:

1. New Applicant at New Location shall mean an establishment that has not been licensed for alcohol beverage sales for any purpose for at least one year prior to application at this place of business.
2. Application at Existing Location shall mean an application for a Sunday sales license at a location which has an alcohol beverage license under the same ownership and licensee, or the previous business ownership and licensee within the previous license year. (Amended April 24, 2009)
3. Application at existing location with alcohol and Sunday Sales license, transfer and/or renewal shall mean a transfer or renewal of a Sunday Sales license by the current owner and former licensee or new licensee of an existing licensed location, licensed within the previous licensed year. (Amended April 24, 2009)

§17-115 Licensing Procedures.

1. An applicant for a "New Location" as defined above shall include an affidavit by the applicant certifying to the intent to meet the requirements of Section 17-113. Each new applicant, after having operated for a period for twelve (12) months, must provide to the Department of Inspections an affidavit as discussed in the third paragraph of this section. (Amended April 24, 2009)
2. An application for an "Existing Location" as defined above shall include an affidavit by the applicant certifying to the

intent to meet the requirements of Section 17-113. (Amended 24, 2009)

3. An applicant shall include for a "Transfer or Renewal" license as defined and shall submit an affidavit to be attached to said application for each yearly license attesting to the accuracy of financial information supplied by applicant, and that the gross revenue for the last twelve (12) months of business under the present and previous ownership and licensee comprise at least fifty (50%) percent of the business' gross revenues from food or in the case of an "Inn," room rental.

In the absence of this data, the business owner will not be considered for Sunday liquor sales until such time as an affidavit is submitted for the twelve (12) months preceding the time the application for Sunday Sales license. The same applicant at the same location who fails to review its license shall not reapply for a license for a period for twelve (12) months. (Amended April 24, 2009)

4. Each serving location or place under the same ownership and within the same building or structure under one roof shall be considered one business under the terms of this ordinance and shall be licensed by one application and one license issued.
5. A separate license shall be required for serving locations in separate buildings under the same ownership or management control, and for all locations under separate ownership or management or ownership control.
6. A separate license shall be required for a serving location within a building or structure. If that serving location is under separate ownership or management control from other serving locations within the same building or structure and in such case each serving location shall meet the appropriate criteria for a Sunday Sales license without considering either food sales or room rental of the other serving locations within the same building or structure.
7. Furthermore, the accounting and purchasing records for each license issued must be maintained in a manner that is separate and distinct from any other business or activity.
8. A non-refundable application fee of Twenty-five dollars (\$25.00) is required for all Sunday Sales applications. The license fee for Sunday Sales of alcoholic beverages shall be as described in Chapter 16, Article I., Classification and Fees, which shall be refundable if application is not approved. A license application for the sale of distilled spirits for those establishments described above shall be completed by December 31 of the year preceding the year for

which the license is bought and returned to the Business License Department of Chatham County before March 1 for approval. Failure to return the application or failure to supply all information requested will result in disapproval of the application and disapproval of the license. (Amended January 29, 1993)

9. An affidavit for a new license shall be completed by the Licensee. The applicant shall provide such information as may be requested for consideration of the transfer or renewal of license. Failure to provide the affidavit, or failure to comply with the terms of the affidavit, or submittal of information requested, will result in the disapproval of the application and the disapproval of the license. Chatham County and its authorized agents, employees and representatives shall have the right to audit all records and financial books of applicants and license holders for purposes of determining the validity of information supplied pursuant to Section 17-115. (Amended February 6, 1998)
10. Each dealer licensed under this ordinance is authorized to sell distilled spirits, malt beverages or wine for consumption on the premises in those establishments above on Sundays in compliance with the Georgia Alcoholic Beverage Code, OCGA Section 3-3-1, et seq.
11. In enforcing this ordinance, Chatham County and its authorized agents, employees and representatives have the right to audit the records and financial books of applicants and license holders. Chatham County and its authorized agents, employees and representatives also have the right to enter upon the premises of applicants and license holders to inspect the premises and determine whether they comply with this ordinance.
12. The provisions of this Amendment shall become effective January 1, 2012. (Amended December 16, 2011; effective January 1, 2012)

§17-116 Public Facilities. Except as set forth herein below, it shall be unlawful to sell, possess or consume any alcoholic beverages or to own or possess any controlled substance on any County-owned property or within any County-owned building or facility. For the purpose of this section, the term "controlled substance" shall mean and include those substances scheduled or prohibited in the "Georgia controlled Substances Act" (O.C.G.A. Section 16-13-1 through 96). The sale of alcohol beverages shall be allowed at the Tybee Pier and Pavilion. The consumption of alcoholic beverages shall be permitted at boat ramps, fishing piers, and at the Tybee Pier and Pavilion, except at those boat ramps and fishing piers, or

at the Tybee Pier and Pavilion which the Commission has determined to be places that which an undue number of breaches of the peace have occurred and/or undue maintenance has been required due to the consumption of alcoholic beverages at such boat ramps, fishing piers, or the Tybee Pier and Pavilion. After the Board of Commissioners has made a determination that the consumption of alcoholic beverages should not be allowed at a particular boat ramp, or fishing pier, or at the Tybee Pier and Pavilion, such facility shall be posted by the County Police Department and/or other appropriate County staff with an appropriate sign prohibiting the consumption of alcoholic beverages. (Amended July 12, 2002)

§17-117 Enforcement. Failure to comply with any of the requirements and provisions of these regulations, including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Ordinance. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than Five hundred dollars (\$500),, or imprisoned in the County jail for not more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

§17-118 Revocation of License.

1. In addition to any criminal penalty that may be imposed by Section 17-117 of this Ordinance, the Commissioners of Chatham County shall have the right to deny, suspend or cancel any license if:
 - a. The license application is not filed in good faith or is filed by some person as a subterfuge for any other person.
 - b. Any applicant for a license or any licensee under this Ordinance wilfully fails to comply with any provision of this Ordinance.
 - c. Any person to whom a license has been issued is no longer engaged in the dealing of alcoholic beverages or no longer qualifies as a licensee under this Ordinance.
2. Before any denial, suspension or cancellation of a license granted under this Ordinance, the applicant or licensee shall be afforded notice and a hearing as follows:

- a. The notice shall be served personally or by certified mail not less than twenty (20) days before the hearing. The notice shall include:
 - i. A statement of the time, place and nature of the hearing;
 - ii. A statement of the legal authority under which the hearing is to be held;
 - iii. A reference to the sections of the ordinances and statutes involved.
 - iv. A short and plain statement of the matters asserted;
 - v. A statement as to the right of any party to representation by legal counsel at the hearing, the right of any party to present evidence on all issues, and the right of any party to subpoena witnesses and documentary evidence.
- b. At the hearing, all parties may be represented by legal counsel, and may respond to and present evidence on all issues involved.

§17-119 Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances of Chatham County concerning "Alcoholic beverages" enacted prior to this ordinance, resolution, or regulation are hereby repealed in their entirety and any other Ordinance, resolution or regulation that is inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

§17-120 Severability. If any provision of this Ordinance is declared unconstitutional or null and void, the remaining provision shall continue in full force and effect.

§17-121 Effective Date. This Ordinance shall become effective September 8, 1989.

§17-122 The provisions of this ordinance shall apply to all site seeing water craft excursion boats which shall be defined as: "A water craft which transports members of the general public within the water ways of Chatham County for compensation" and, in addition to having a business license, such water craft shall, upon serving alcoholic beverages by the drink during an excursion, comply with all provisions of Section 17-111 "Rules and Regulations" in the eating establishment required under Section 17-113. (Amended February 4, 2005)

§17-123 Alcoholic Beverage Excise Tax. Each bar or restaurant within Chatham County shall pay in addition to the regular license provided by this ordinance, an excise tax of 3% on distilled spirits sold by the drink in accordance with the following Municipalities that currently levy an excise tax on distilled spirits sold by the drink are hereby exempt from this provision.

1. Report Process, Due Date and Penalties

- a. True and correct records of all sales of such beverages; such records shall be preserved for a period of one year and to be made available on request for inspection by any duly authorized representative of Chatham County;
- b. Collect from each drink the amount of tax due under the ordinance and hold the same in trust for the County until such amount is remitted to the County, as provided in this section;
- c. All taxes on distilled spirits sold by the drink are due and payable to the Chatham County Finance Department on or before the tenth day of the month;
- d. There shall be a penalty of not less than \$5.00 or 3% which ever is greater, on all remittances not submitted by the proper due date;
- e. All remittances of excise taxes must be accompanied by a completed report form approved by the Chatham County Finance Department. All forms must be supported by records that must be made available for inspection by County Officials upon request.

2. Sale Prohibited if Taxes Are Not Paid. It shall be unlawful for any person to sell distilled spirits by the drink that taxes provided for in this ordinance have not been paid to the County.

(Amended July 21, 2006, 17-123 added, to become effective September 1, 2006)

ARTICLE II

County Restrictions

§17-201 County Facilities. Except as set forth herein below, it shall be unlawful for any person to sell or consume any alcoholic beverage or to own or possess any controlled substance on any County-owned property or within any County-owned building or facility. For the purpose of this section, the term "controlled substance" shall mean and include those substances scheduled or prohibited in the "Georgia Controlled Substances Act" (O.C.G.A. § 16-13-1 through 96).

The consumption of alcoholic beverages shall be permitted at boat ramps, fishing piers and at the Tybee Pier and Pavilion, except at those boat ramps, fishing piers, or at the Tybee Pier and Pavilion which the Commission has determined to be places that which an undue number of breaches of the peace have occurred and/or undue maintenance has been required due to the consumption of alcoholic beverages at such boat ramps, fishing piers, or the Tybee Pier and Pavilion. After the Board of Commissioners has made a determination that the consumption of alcoholic beverages should not be allowed at a particular boat ramp, fishing pier, or the Tybee Pier and Pavilion, such facility shall be posted by the County Police Department and/or other appropriate County staff with an appropriate sign prohibiting the consumption of alcoholic beverages. (Amended December 6, 1996)

The sale and consumption of alcoholic beverages shall be permitted at county facilities and parks with an approved application for a Special Event Permit through the Department of Building Safety and Regulatory Services and approval by the Commission during any of its duly-organized meetings. (Amended March 25, 2011)

§17-202 Penalties for Violation. Failure to comply with any of the requirements and provisions of these regulations, including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Ordinance. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than \$500, or imprisoned in the County Jail for not more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

§17-203 Repeal of Conflicting Code Provisions. Section 11-2019 "Prosecution of Violators" and Section 11-2020 "Public Gatherings at Memorial Stadium" of the Code of Chatham County, Georgia, of 1972 as amended are rescinded in their entirety. All ordinances or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§17-204 Severability. Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court or competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

ARTICLE III

The Chatham County Nude Dancing Ordinance

§17-301 Title. The title of the Ordinance shall be "The Chatham County Nude Dancing Ordinance."

§17-302 Jurisdiction. This Ordinance shall be effective and applicable in Chatham County, Georgia outside the corporate limits of any municipality therein.

§17-303 Findings; Public Purpose.

1. Based on the experience of other urban counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Richmond County, Georgia; Fort Lauderdale; Palm Beach, Manatee County, Florida, Indianapolis, Indiana; Austin, Texas; Phoenix, Arizona; and Los Angeles, California; all of which are relevant to the problems and conditions prevailing in Chatham County, Georgia, we take note of the notorious and self-evident conditions attendant to the commercial within our country. Moreover, it is the finding of the Commission that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude-bars" or establishments offering so-called "nude entertainment," begets criminal behavior and trends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. 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 herein above described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this Ordinance is hereby adopted.
2. Enactment. The following types of entertainment, attire, and conduct are prohibited upon any premises licensed to sell, serve, or dispense alcoholic beverages, as defined by

O.C.G.A., Section 3-1-2, for consumption on such premises within the unincorporated area of Chatham County.

- a. The employment or use of any person, in any capacity, in the sale or service of alcohol beverages which such person is unclothed or in such attire, costume or clothing, as to expose in view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and genitals.
- b. Live entertainment where any person appears in the manner described in paragraph (1) of this section or where such persons (or person) perform(s) act of or acts which simulate any of the following:
 - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.
 - ii. The caressing or fondling of the breasts, buttocks, anus or genitals.
 - iii. The displaying of the male or female pubic hair, anus, vulva or genitals.
3. The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in paragraphs (1) and (2) above.

Provided, however, that nothing contained in this Section II shall apply to the premises of any mainstream performance house, museum or theater which derives less than twenty (20) per cent of its gross annual income from the sale of alcohol beverages.

§17-304 Enforcement. Failure to comply with any of the requirements and provisions of this Ordinance shall constitute a violation. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00), imprisonment in the County jail for 30 days, or labor on the work gang for 60 days for any single offense, or any combination thereof, and shall pay all costs and expenses. each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

§17-305 Severability. It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph, or section hereof shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same could have been enacted by the Board of Commissioners without the Incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.

§17-306 Repeal of Conflicting Ordinance. All Ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE IV

Alcoholic Beverage Caterer Ordinance

(Article IV adopted in its entirety
on March 26, 2010)

§17-401 Title. The title of the ordinance shall be "The Chatham County Alcoholic Beverage Caterer Ordinance."

§17-402 Definitions.

1. Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine, wine coolers or fortified wine as defined in this section.
2. Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.
3. Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 6 percent alcohol by volume, and including ale, porter, brown, stout, lager beer, and strong beer. The term "malt beverage" does not include sake known as Japanese rice wine. When the words "person," "retail consumption dealer," "retail dealer," "wholesale dealer" or "wholesaler" and "wine" are used in this section that follow, they shall be used and applied as defined in the O.C.G.A. SSA-102.
4. Authorized catered event means any establishment which obtains and holds all the required licenses and permits and otherwise complies with the provisions obtained in these regulations shall be authorized to sell, transport, deliver and dispense alcoholic beverages for which he/she is licensed.
5. Licensed alcoholic beverage caterer means any retail dealer who has been licensed by the State of Georgia for the sale of distilled spirits, malt beverage or wine, off premises and in connection with an authorized catered event.

§17-403 Jurisdiction. This ordinance shall be effective and applicable in Chatham County, Georgia, outside the corporate limits of any municipality therein.

§17-404 Eligibility for Off-Premises License: Application: Fee.

1. Any licensed alcoholic beverage caterer who additionally holds a valid license from a County or Municipality which authorizes

the licensee to sell malt beverages or wine by the drink for consumption on the premises may be issued from the same licensing authority an off-premises license which authorizes such licensed alcoholic beverage caterer to sell malt beverages or wine by the drink off-premises and in connection with an authorized catered function.

2. Any licensed alcoholic beverage caterer who additionally holds a valid license from a County or Municipality which authorizes the licensee to sell malt beverages or wine by the package for consumption off the premises may be issued from the same licensing authority an off-premises license which authorizes such licensed alcoholic beverage caterer to sell malt beverages or wine by the drink off-premises and in connection with an authorized catered function.
3. Any licensed alcoholic beverage caterer who additionally holds a valid license from a County or Municipality which authorizes the licensee to sell distilled spirits by the drink for consumption on the premises may be issued from the same licensing authority an off-premise license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by the drink off premises and in connection with an authorized catered function.
4. Any licensed alcoholic beverage caterer who additionally holds a valid license from a County or Municipality which authorizes the licensee to sell distilled spirits by the package for consumption off the premises may be issued from the same licensing authority an off-premise license which authorizes such licensed alcoholic beverage caterer to sell distilled spirits by the drink off premises and in connection with an authorized catered function.
5. An alcoholic beverage caterer shall make application for an off-premise license as provided in subsections 1 and 3 or subsections 2 and 4 of this code section with the appropriate local licensing authority and shall pay to the local licensing authority an annual license fee as fixed by the local licensing authority, provided that the total of such local license fees shall not exceed \$5,000.00 for any one licensed location.

§17-405 Business Must Apply for License. From and after the passage of this ordinance every person engaged in the retail sales of alcoholic beverages off-premises shall file an application for a license to conduct such business with the business license/occupational tax division of Chatham County, Georgia, to be approved by the Chatham County Commissioners, before engaging on or continuing said business.

§17-406 Expiration of License. License shall expire at the end of each calendar year, and may be renewed only in the manner and form as provided in this ordinance for the original granting of licenses. Failure to renew business license by January 31 of each year shall incur the following penalty charges:

1. As execution of one half the regularly required fee.
2. Failure to renew business license by March 1 of any year shall be subject to subpoena to the Recorder's Court of Chatham County for violation of this ordinance.

§17-407 Fee. The license fee is hereby fixed and assessed on an annual basis or on a prorated basis as set forth herein. Fees shall be paid annually. A one time non-refundable application processing fee of \$25.00 shall be charged for all new business license applications.

§17-408 Event Permits. In order to sell or distribute distilled spirits, malt beverages, wine at an authorized catered function, a licensed alcoholic beverage caterer shall be required to:

1. Apply to the local governing authority of the jurisdiction where the function is to be catered for an event permit. The application shall include the name of the caterer; the date, address and time of the event; and the license alcoholic beverage caterer's license number. When the catered function is domiciled in a local political subdivision which issues the alcoholic beverage caterer's license, that local governing authority shall be authorized to charge an event permit fee of \$50.00 and levy excise taxes on the total quantity of alcoholic beverages brought into such political subdivision by the caterer;
2. Provided satisfactory reports to the commissioner on forms provided by the department stating the quantity on any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized catered function and such other information as required by the commissioner; and
3. Maintain original local event permits and documents required by the department in the vehicle transporting the alcoholic beverages to the catered function at all times.

§17-409 Violations.

1. It shall be unlawful for a food caterer to distribute or sell distilled spirits, malt beverages, or wine off the premises of

the food caterer's business without a license issued pursuant to this chapter. This subsection shall not affect any other provisions of this title which may require a food caterer who has license to sell alcoholic beverages on the premises of the food caterer's business.

2. It shall be unlawful for a licensed alcoholic beverage caterer licensed under this chapter to distribute or sell distilled spirits, malt beverages, or wine off premises except in connection with an authorized catered function within the scope of the event permit.
3. It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell distilled spirits in any jurisdiction which does not permit the sale of malt beverages or wine by the drink for consumption only on the premises.
4. It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell malt beverages or wine in any jurisdiction which does not permit the sale of malt beverages or wine by the drink for consumption only on the premises.
5. It shall be unlawful for a licensed alcoholic beverage caterer to sell distilled spirits, malt beverages, or wine during any hours in which the sale of alcoholic beverages by the drink for consumption only on the premises is not permitted in the jurisdiction.
6. It shall be unlawful for a licensed alcoholic beverage caterer to employ any person under 21 years of age who, in the course of such employment, would dispense, serve, sell or handle alcoholic beverages. It is the intent of this subsection to prevent any person employed by such caterer, or any other employee, to knowingly violate any prohibitions contained in code section 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age.
7. Nothing in this chapter shall be construed to authorize the sale of alcoholic beverages by a caterer to any jurisdiction where the sale of distilled spirits by the drink for consumption only on the premises has not been legalized.

§17-410 Enforcement. Failure to comply with any of the requirements and provisions of these regulations, including with grants or variance or special exception, shall constitute a violation of this ordinance. Any person who violates this ordinance shall, upon conviction thereof, be fined not more than \$500.00, or imprisoned in the County jail for not more than 30 days, or labor on the work gang for not more than 60 days for any single offense, or any combination thereof, and

in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this ordinance.

§17-411 Revocation of License. In addition to any criminal penalty that may be imposed by section §17-410 of this ordinance, the Commissioners of Chatham County shall have the right to deny, suspend or cancel any license if:

1. The license application is not filed in good faith or is filed by some person as a subterfuge for any other person.
2. Any applicant for a license or any licensee under this ordinance wilfully fails to comply with any provision of this ordinance.
3. Any person to whom a license has been issued is no longer engaged in the dealing of alcoholic beverages or no longer qualifies as a licensee under this ordinance.

§17-412 Repeal of Conflicting Ordinances. All ordinances or parts of ordinances of Chatham County concerning "Alcoholic Beverage Caterer" enacted prior to this ordinance, resolution, or regulation are hereby repealed in their entirety and any other ordinance, resolution or regulation that is inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

§17-413 Severability. If any provision of this ordinance is declared unconstitutional or null and void, the remaining provision shall continue in full force and effect.

§17-414 Effective Date. This ordinance shall become effective March 26, 2010.