



Authorized Catered Event Permit Application

Caterer seeking issuance of permit:

Name of Caterer: _____ License Number: _____

If not licensed in Barrow County, submit the name of the jurisdiction issuing the off-premises catering license and photocopy of the license: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Authorized Representative Attending Event: _____

Representative Phone Number: _____

Representative Email: _____

Host or Sponsor Organization:

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

Email: _____

Property Owner (attach signed permission document):

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

Email: _____

Date of Event: _____

Hours of the Event: _____

Estimated Number of attendees: _____

Description of the amount and type of alcohol to be provided (include approximate cost): _____

Description of the amount and type of food to be provided (include approximate cost): _____

If food is not being provided by the applicant, provide the name and phone number of the person providing the food at the event: _____

Description of the Event Plan (Including all locations where alcohol will be consumed, location of guest parking, and whether security, valet parking or additional restrooms will be provided): _____

Provide distance calculation if required by Section 6-56(C) of this Ordinance: _____

A copy of this application along with an administrative filling fee of \$25.00 and an Authorized Catered Event Permit fee of \$50.00 must be filed with the Department of Economic & Community Development no less than 15 calendar days before the date upon which the event is to be held.

Applicant Signature

Date



U.S. Citizen/Qualified Alien Affidavit

By executing this affidavit under oath pursuant to O.C.G.A. § 50-36-1(e), as an applicant for a Barrow County Special Event Permit, I swear or affirm under oath the following with respect to my application for a Barrow County Special Event Permit for:

Business Name

Check (✓) one of the following:

A _____ I am a United States Citizen and 18 years of age or older.

A copy of a valid and verifiable ID must be presented as part of this affidavit.

OR

B _____ I am either a legal permanent resident of the United States or qualified alien or non-immigrant under the Federal Immigration and Nationality Act and 18 year of age or older and lawfully present in the United States of America.

Alien Registration Number for non-citizens: _____ (Required)

Verification of your Affidavit will be made through the Systematic Alien Verification of Entitlement (SAVE) program operated by the United States Department of Homeland Security. Therefore, a front and back copy of one of the following documents must be attached to the Affidavit:

1. Valid, Unexpired Foreign Passport with Form I-94
2. Temporary Resident Alien Card (I-551)
3. Employment Authorization Card (EAD, I-766 or I-688A)
4. Employment Authorization Document (I-765)
5. Refugee Travel Document (I-589)

Any person who knowingly or willfully makes a false, fictitious or fraudulent statement or representation in this affidavit shall be guilty of a violation of Official Code of Georgia §16-10-20.

Executed this the ____ day of _____, 20____ in _____ (city), _____ (state).

Signature of Applicant

Printed Name of Applicant

SUBSCRIBED AND SWORN BEFORE ME

ON THIS THE ____ DAY OF _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

(NOTARY STAMP)



Private Employer Affidavit Pursuant To O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer, I swear or affirm the following with respect to its application for a Barrow County Special Event Permit as referenced in O.C.G.A. § 36-60-6(d):

Section 1. Please check only one:

(A) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed more than ten (10) employees.

*** If you select Section 1(A), please fill out Section 2 and then execute below.

(B) _____ On January 1st of the below-signed year, the individual, firm, or corporation employed ten (10) or fewer employees.

*** If you select Section 1(B), please skip Section 2 and execute below.

Section 2.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as follows:

Name of Private Employer

Federal Work Authorization User Identification Number

Date of Authorization

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, ____, 20____ in _____ (city), _____ (state).

Signature of Applicant

Printed Name and Title of Applicant

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 20____.

(Notary Stamp)

NOTARY PUBLIC
My Commission Expires: _____

**To determine the number of employees for purposes of this affidavit, a business must count its total number of employees company-wide, regardless of the city, state, or country in which they are based, working at least 35 hours a week.*

Chapter 6 - ALCOHOLIC BEVERAGES

*Footnotes:**--- (1) ---*

Editor's note— *An ordinance adopted May 12, 2020, repealed the former Ch. 6, §§ 6-1, 6-31—6-33, 6-51—6-56, and enacted a new Ch. 6 as set out herein. The former Ch. 6 pertained to similar subject matter and derived from Ord. of 1-14-1997, §§ 1—8; Ord. of 6-12-2001; Ord. of 5-10-2005; Ord. of 6-14-2005, §§ 1, 2; Ord. of 9-11-2012, §§ 1—7; Ord. of 2-14-2017, §§ 1—5; Ord. of 6-13-2017, §§ 1—3.*

Cross reference— *Alcoholic beverages and controlled substances in erotic dance establishments, § 10-117; businesses, ch. 26.*

State Law reference— *Georgia Alcoholic Beverage Code, O.C.G.A. §§ 3-1-1 et seq.; local permit or license required for wholesale or retail sales of alcoholic beverages, O.C.G.A. § 3-3-2(a); governing authority to set forth ascertainable standards pertaining to the granting, refusal, suspension or revocation of alcoholic beverage permits or licenses, O.C.G.A. § 3-3-2(b) (1); authority to impose excise tax on sale of distilled spirits by the drink, O.C.G.A. § 3-4-131; authority to adopt rules and regulations relating to manufacture, sale and distribution of distilled spirits, O.C.G.A. § 3-4-49; public drunkenness, O.C.G.A. § 16-11-41.*

ARTICLE I. - TERRITORIAL APPLICABILITY

Sec. 6-1. - Definition of county.

Wherever the term "county" is used in this chapter, unless context indicates a reference to the governing authority of Barrow County, such term shall be construed to mean the unincorporated areas of Barrow County. This chapter applies to those portions or areas of Barrow County not within the corporate limits of a municipality.

(Ord. of 5-12-2020)

ARTICLE II. - CONSUMPTION

Sec. 6-2. - Open containers.

- (a) *"Open container" defined.* The term "open container," as used in this section, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term "open container" shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption.
- (b) *"Semipublic parking facility" defined.* The term "semipublic parking facility," as used in this section, shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building,

church, school, or multiple-family residential building.

- (c) *Possession prohibited in public places and parking facilities.* It shall be unlawful for any person to have in his possession any alcoholic beverages in any open container while on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the county.
- (d) *Exemptions for special events.* The prohibition in subsection (c) of this section shall not apply to any exceptions or exemptions as may be provided for special events within the county.
- (e) *Sidewalk cafes.* The prohibition in subsection (c) of this section shall not apply to patrons of a sidewalk cafe. If such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the county.
- (f) *Possession by persons in motor vehicles at special events.* The exemption contained in subsection (d) of this section shall not apply to persons in automobiles.
- (g) *Possession in motor vehicle prohibited.* It shall be unlawful for any person to have in his possession any alcoholic beverages in any open container while an occupant of any motor vehicle, whether such vehicle is underway or not, while such vehicle is on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the county. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger or is not located in a locked glove compartment, locked trunk or other locked nonpassenger area of the vehicle.
- (h) *Applicability of subsection (g) to passengers of limousines, buses and campers.* Subsection (g) of this section shall not apply to:
 - (1) A passenger of a limousine or other similar vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for hire and such driver holds a valid commercial driver's license pursuant to Georgia law or the law of any other state;
 - (2) A passenger of a bus in which the driver holds a valid commercial driver's license pursuant to Georgia law or the law of any other state;
 - (3) The occupants in the living quarters of a camper or motor home.
- (i) *Posting of notice by licensed establishments.* All licensed alcohol establishments are hereby required to post in a conspicuous location inside such establishment a notice informing patrons that open containers are prohibited on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the county.

(Ord. of 5-12-2020)

Secs. 6-3—6-30. - Reserved.

ARTICLE III. - SALE

Footnotes:

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State Law reference— *Authority to impose excise tax on sale of distilled spirits by the drink, O.C.G.A. § 3-4-131; levy of tax on sale of distilled spirits by the package authorized, O.C.G.A. § 3-4-80.*

DIVISION 1. - GENERALLY

Sec. 6-31. - Definitions.

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

Alcohol: Ethyl alcohol, hydrated oxide or ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage: All alcohol, distilled spirits, beer, malt beverages, wine, or fortified wine as defined in this section.

Authorized catered function: An event for which an authorized catered event permit has been issued pursuant to this section for the sale and/or distribution of alcoholic beverages by the drink for consumption at such event.

Authorized catered event permit: A permit allowing the sale and/or distribution of alcoholic beverages by the drink for consumption at a place that is not specifically licensed for that purpose under this section.

Brewer: A manufacturer of malt beverages.

Brew Pub: An eating establishment in which malt beverages are manufactured, when such establishment meets the definition of Brew Pub set forth in O.C.G.A. § 3-1-2(3).

Distilled spirits: Any alcoholic beverage containing more than 24 percent alcohol by volume.

Educational building: see definition of "School building."

Election day: That period of time beginning with the opening of the polls and ending with the closing of the polls on a day in which a general election of county, state, municipal or federal officials is held.

Financial interest: Includes, but is not limited to, holding any indebtedness or security interest in a business.

Governing authority: The county board of commissioners.

"Hard cider": An alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including, but not limited to, flavored or carbonated cider. The term does not include "sweet cider."

Hotel: A building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests whether transient, permanent or residential. Motels meeting the qualifications set out in this article for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant or nightclub in their premises and the holder of such franchise shall be included in the definition of hotel thereunder.

License: The authorization by the governing authority to engage in the sale and consumption on the premises of alcoholic beverages.

Licensed alcoholic beverage caterer: A holder of any class A, B, C or D alcoholic beverage license issued under this article and who otherwise qualifies with the provisions set forth in O.C.G.A. tit. 3, ch. 11.

Licensee means a person, real or artificial, holding any class of license issued under the terms of this chapter.

Malt beverage: Any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in a water containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine. For purposes of this chapter, hard cider shall be deemed a malt beverage.

Manufacturer: Any maker, producer or bottler of an alcoholic beverage. The term also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits.
- (2) In the case of any malt beverages, any brewer.
- (3) In the case of wine, any vintner.

Package: Any bottle, can, keg, barrel or other original consumer container.

Person: Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic, or political subdivision, whether public, private or quasi-public.

Place of business: The premises described in the licenses issued pursuant to this article.

Private club: A corporation organized and existing under the laws of the state, actively in operation within the county at least one year immediately prior to the application for a license under this article, having at least 75 members regularly paying monthly, quarterly, semi-annual or annual dues, organized and operated exclusively for pleasure, recreation and other nonprofitable purposes, no part of the net earnings of which

inures to the benefit of any shareholder or member and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of servants and employees for cooking, preparing and serving meals for its members and guests; provided that no member or officer, agent or employee of the club is paid or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of alcoholic beverages to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

Public entertainment facility: Any building which is open to the public and provides entertainment, amusements or dancing, charges an admission fee and permits alcoholic beverages to be consumed on the premises by the business invitee.

Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. A restaurant shall derive at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals and foods.

Retailer: Any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to the consumers and not for resale.

School building: State, county, city, or church school buildings and such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of Georgia and which are public schools or private schools as defined in subsection (b) of O.C.G.A. § 20-2-690.

Wholesaler and wholesale dealer: Any person who sells alcoholic beverages to other wholesale dealers, or to retailers.

Wine: Any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruit, berries or grapes either by natural fermentation or natural fermentation with brandy added. The term includes but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(Ord. of 5-12-2020)

Cross reference— Definitions generally, § 1-2.

Sec. 6-32. - Dives prohibited.

- (a) *Definition.* As used in this section, the term "dive" shall mean any place or establishment where illegal drugs are found, possessed, kept or sold; or where any person possesses or consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or where any person commits any illegal sexual act; or where any person engages in gambling activities.
- (b) *Prohibition.* It shall be unlawful for any person to have, operate or maintain any place or establishment defined as a dive.
- (c) *Penalty.* There shall be a fine of not less than \$500.00 for the violation of any of the provisions of this section.

(Ord. of 5-12-2020)

Sec. 6-33. - Alcohol promotions.

No licensee or employee or agent of a licensee shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages:

- (1) The giving away of any ticket, token or any other item that can be exchanged for any alcoholic beverages with the sale of any other alcoholic beverage.
- (2) The sale of two or more alcoholic beverages for a single price, or the sale of one alcoholic beverage with a ticket, token or any other item redeemable for a subsequent alcoholic beverage. Also prohibited under this section is the sale of all such beverages a customer can or desires to drink at a single price.

(Ord. of 5-12-2020)

Secs. 6-34—6-50. - Reserved.

DIVISION 2. - LICENSE

Footnotes:

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Cross reference— *Business and occupational license, §§ 26-31 et seq.*

Sec. 6-51. - Required; classes; fees.

- (a) *License required.* It shall be unlawful for any person to manufacture, sell or offer for sale, at retail or wholesale, within the county, any alcoholic beverage, including malt beverages or wine, without having a manufacturer's license or retail or wholesale alcoholic beverage dealer's license

or in violation of the terms of such license or this article. This requirement shall not apply to entities expressly exempted from local licensing requirement by state law, including farm wineries under O.C.G.A. § 3-6-40.

(b) *Classes.* The licenses shall be divided into the following classes:

- (1) Class A, retail liquor (distilled spirits) package store.
- (2) Class B, retail package beer and/or wine.
- (3) Class C, retail beer and/or wine by the drink.
- (4) Class D, retail liquor (distilled spirits) by the drink.
- (5) Class E, wholesale liquor (distilled spirits).
- (6) Class F, wholesale beer and/or wine.
- (7) Class G, licensed alcoholic beverage caterer.
- (8) Class H, brewer, manufacturer of malt beverages.
- (9) Class I, brew pub operator.
- (10) Class J, vintner, manufacturer of wine.
- (11) Class K, manufacturer, distiller, rectifier or blender of distilled spirits.

(c) *Amount of fees.* The amount of the fees for each type of license listed in subsection (b) of this section shall be as established and amended from time to time by resolution of the board of commissioners. A list of applicable fees shall be maintained by the director of the planning department or his designee.

(d) *Amount of fee when business transferred to new owner.* If an ongoing business licensed under this section is sold, the new owner's fee shall be determined by the transferor's sales at the time of transfer. A new owner or new location shall pay the base fee for his initial license.

(e) *Payment of fee.* The fees referred to in this section shall be payable annually on a calendar-year basis, except for the initial year, when they will be prorated for the number of quarters remaining in the calendar year at the time the license was purchased. If the license is purchased and is not used for a full calendar year, there shall be no refunds of any portion of the fees.

(Ord. of 5-12-2020)

Sec. 6-52. - Application; renewal.

(a) *Filing of application; applications to be public record.* The applicant for a license under this article shall make a written application under oath on the form as provided by the director of the county planning department or his designated representative. Such application shall be a public record and open to public inspection by any citizen of the county, at a reasonable time and place.

(b)

Investigation fee. The applicant shall, upon turning in his completed application to the director of the planning department or his designated representative, at the same time provide a certified check for \$100.00 made payable to the county for the investigation fee.

- (c) *Required information for corporations with ten or less stockholders.* All applicants who are corporations having ten or less stockholders shall list the names and addresses of all stockholders and the percentage of stock owned by each. If a named stockholder therein is another corporation, the same information shall be given for the stockholding corporation. If during the life of the license the identity of the stockholders or their percentage of ownership should change, that information shall be sent to the director of planning or his designated representative for processing.
- (d) *Required information for all corporations; designation of agent.* All corporate applicants, without regard to the number of stockholders, shall list the names and addresses of the officers of the corporation. In addition thereto, they shall name an agent, whose name shall appear as such on the license issued to the corporation. The corporation shall provide the name and address of the agent, who shall be the individual who does in fact have regular managerial and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the corporation in addition to all other methods allowed for serving a corporation by the laws of the state.
- (e) *Investigation.* The director of the planning department or his designated representative shall submit the application, within two business days after filing, to the county sheriffs department. The sheriffs department shall make an arrest and conviction investigation concerning any applicants under this section if individuals and the officers and the designated investigation to the director of the planning department or his designated representative within 30 days of submission.
- (f) *Making false application.* Any person making a false statement in any application for a license or statement in connection with renewal thereof, shall be guilty of an offense and punished as provided by state law relating to false swearing, and further, a license, if previously granted or renewed, may be revoked for the violation. It shall be an offense for any person to give other than the true and correct legal name of the intended licensee, and a conviction for a violation thereof shall be punished as provided by state law relating to false swearing, and in his discretion, the judge of the magistrate court may revoke, suspend or probate any license for such violation.
- (g) *Duration; renewal.* All licenses are issued only on a calendar-year basis and shall come up for renewal each year following issuance. Each licensee shall make a written application for renewal on or before November 15 of each calendar year which shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts which are different from the prior year's application. The form shall be approved by the director of planning or his designated representative. All fees shall be tendered with the application.

- (h) *Penalty for late renewal.* There shall be a penalty fee charged to any licensee for filing an alcoholic beverage renewal application and license fee payment after the date specified in subsection (g) of this section, which penalty fee shall be established and amended from time to time by resolution of the board of commissioners. If an alcoholic beverage license renewal application and license fee payment has not been submitted to the planning office by January 15 of the calendar year for which renewal of the license is required, the license shall be declared to be abandoned and any re-licensing shall require a new application.
- (i) If the office of director of the planning department is vacant or defunct, all references to the director of the planning department in this chapter, and all attendant duties of same under this chapter, shall mean the county planning supervisor or his designee.

(Ord. of 5-12-2020)

Sec. 6-53. - Catering licenses.

- (a) *Limited to current class C or D license holders.* Any person who holds a valid class C or class D license to sell alcoholic beverages for consumption on the premises (as provided for in this Ordinance) may be issued a class G catering license that permits said person to sell and/or distribute alcoholic beverages by the drink off-premises at an authorized catered function. Any person seeking an off-premises catering license shall make application therefore, which shall be processed and decided according to the same guidelines set forth for other licenses under section 6-52 of this division, with the exception that a separate investigation fee, as specified under section 6-52(b), shall not be required.
- (b) *Applicable restrictions.* All general regulations pertaining to licensees as set forth in section 6-55 shall apply to class G licensees, with the exception of section 6-55(b), (f) and (i). When serving alcohol off-premises in a venue that it does not control, a class G licensee shall not serve alcohol while the venue is not in compliance with all applicable requirements of section 6-55.

(Ord. of 5-12-2020)

Sec. 6-54. - Persons ineligible for license.

Issuance of licenses required under section 6-51 is limited as follows:

- (1) No license shall be issued to a person who is not a legal resident of the United States and at least 21 years of age.
- (2) No license shall be issued to a person who has been convicted of a felony or a crime involving moral turpitude, or convicted of three violations of the ordinances of the city or county governing alcoholic beverages licensed under this article within a five-year period, or the violation of any state laws or federal laws pertaining to the manufacture, possession,

transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof, all within the last five years immediately prior to the filing of the licensee's application with the director of the planning department or his designated representative.

- (3) Any person having two convictions for selling alcohol to underage persons within a three-year period shall not be eligible for a license for 12 months immediately succeeding the last conviction.
- (4) No person shall hold a license in any retail category under this article and a license under any wholesale category at the same time.

(Ord. of 5-12-2020)

Sec. 6-55. - General regulations pertaining to all licensees.

- (a) *Employment of underage persons.* It shall be unlawful for any person to allow or require a person in his employment under the minimum age designated by law (currently age 18) to dispense, serve, sell or take orders for any alcoholic beverages.
- (b) *Change of location of business.* Each license is issued for a specific location only and may not be transferred to another location without making a new application.
- (c) *Compliance with applicable regulations; suspension or revocation of license.* Each licensee shall be subject to and comply with all ordinances and laws of the county, the state or unit thereof and the federal government. Upon the violation thereof by a licensee, any license may, after a hearing before the judge of magistrate court, be revoked, suspended or put on probation under conditions in addition to the punishment allowed under state law. Notwithstanding the provisions of this section, any license holder convicted of selling alcoholic beverages to underage persons shall have his license suspended by such judge for a minimum of 30 days.
- (d) *Transfer of license to other person.* No alcoholic beverage license shall be transferred from one person to another during the year in which the license was obtained, except in the case of the death of a person holding a license, in which event his executor or administrator may continue to operate under the license for six months from the date of his qualification.
- (e) *Operation by new owner under prior license.* Upon the sale of any business licensed under this article, the new owner may operate the business under the old license under this article, but in no event for longer than 60 days or until his application is granted or refused under this article, whichever shall first occur.
- (f) *Location of premises.*
 - (1) With the exception of class G, class J and class K licenses, none of the licenses listed in this article shall be issued except in the following zones as defined by the applicable local zoning ordinances:
 - a. C-1 local commercial district.

- b. C-2 general commercial district.
 - c. C-3 heavy commercial district.
 - d. O-I office and institutional district.
 - e. M-1 and M-2 industrial districts.
 - f. PUD planned unit developments (if applied to C-1, C-2, C-3, HCO or O-I designations).
 - g. HCO highway corridor overlay district.
- (2) a. Class A alcoholic beverage licenses shall not be issued for a location in or within:
- i. 100 feet of a private dwelling located within a single-family residentially zoned district;
 - ii. 300 feet of an alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein;
 - iii. 300 feet of any church building or within 600 feet of any school building, educational building, school grounds, or college campus; or
 - iv. 1,500 feet of any other business licensed to sell package liquor at retail; provided, however, that this limitation shall not apply to any hotel licensed under this chapter. Further, this subparagraph shall not apply at any location for which a new license is applied if the sale of such alcoholic beverages was lawful at such location, and for which a valid alcoholic beverage license existed, at any time during the 12 months immediately preceding such application.
- b. Class B alcoholic beverage licenses shall not be issued for a location in or within:
- i. 100 feet of a private dwelling located within a single-family residentially zoned district;
 - ii. 300 feet of an alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein; or
 - iii. 300 feet of any school building, school grounds, or college campus. This subparagraph shall not apply at any location for which a new license is applied if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application. Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 300 feet of any school building, school grounds, or college campus. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space.
- c.

Excluded from the "private dwelling" restrictions under this paragraph (f)(2) is any private dwelling that has been unoccupied for at least 12 months immediately prior to the application being filed. Nor shall this

- (3) a. Class C and D alcoholic beverage licenses shall not be issued for a location in or within 1,000 feet of any church building, or within 1,000 feet of a school building or educational building on a college campus, or within 100 feet of the property line of a private dwelling located within a single-family residentially zoned district which is in existence at the time of the issuance of the original license. This subparagraph shall not apply at any location for which a new license is applied for if the sale of such alcoholic beverages was lawful at such location, and for which a valid alcoholic beverage license existed, at any time during the 12 months immediately preceding such application.
 - b. Class C and D alcoholic beverage licenses shall not be issued for a location in or within 300 feet of any housing authority property. As used in this chapter, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8 of the Georgia Code. This subparagraph shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.
- (4) Class J licenses shall be issued only in such areas which have been designated agricultural (AG) as defined by the applicable local zoning resolutions.
- (5) Class K licenses shall be issued only in such areas which have been designated industrial (M-1) as defined by the applicable local zoning resolutions.
- (6) Class H, I, J & K licenses for businesses that intend to sell alcoholic beverages at retail (where authorized by law) shall be subject to the additional restrictions of paragraphs (f)(2) and (f)(3) above.
- (7) The minimum distance requirements of this subsection (f) shall not apply to:
 - a. Hotels of 50 rooms or more that have been in continuous operation for a period of at least five years preceding July 1, 1981; or
 - b. Bona fide private clubs that own their own homes.
- (8) At the time of application, a plat from a registered surveyor shall be attached to the application which shall certify that all state and local distance requirements for the proposed location have been met.
- (9) All licenses which are in existence and valid as of the date of passage of any new restriction in this subsection (f) may continue to be renewed even though they may be in violation of such new restriction; furthermore, that location may continue to be licensed under this article so long as the premises are continuously used for the sale of alcoholic beverages under this article, even though not under the same owner. At such time as the license for the premises is

revoked, is not renewed or is allowed to lapse or a new license is applied for and granted for the location within 60 days of the expiration or termination of the previous license, this subsection (f) and the prohibitions in this subsection shall apply to any new application for that location.

- (10) Unless otherwise provided by law, all measurements, to determine distance required by this chapter, for the issuance of alcoholic beverage licenses, shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
- a. From the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;
 - b. In a straight line to the nearest public sidewalk, walkway, street, road, or highway by the nearest route;
 - c. Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - d. To the main entrance of the dwelling, church building, school building, or educational building.
- (g) *Issuance of license to public employees.* No license shall be granted to any county, state or federal employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.
- (h) *Inspection of books and accounts.* Upon demand by the director of the planning department or his designated representative, any person holding a license under this chapter shall open to the director or his designated representative, his place of business for the purpose of enabling the director or his representative to ascertain and gain such information as may be necessary for determination of the proper classification of such license holder for license fee purposes and determination of the correct amount of license fee to which such person is subject. Upon demand by the director or his designated representative, any person holding a license from the county shall furnish the director or his representative, during normal business hours at such person's place of business, all books of account, invoices, papers, reports and memoranda containing entries showing amounts of purchases, sale receipts, inventory and other information ascertained and from which the correct amount of the fee to which he is subject may be determined, including exhibition of bank deposit books, bank statements and copies of sales tax reports and any other such documents as the county may deem necessary. Any person holding a license from the county shall secure, preserve, maintain and keep for a period of three years the records and documents enumerated and referred to in this subsection
- (i) *Failure to open business.* All holders of licenses issued under this article must, within six months after the issuance of such license, open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made

to the license holder.

- (j) *License eligibility requirements for officers of clubs.* In the case of a private club or fraternal or veterans' order, its chief officer and general manager shall meet the same requirements that any individual applicant must meet and maintain.
- (k) *Separation of package stores.*
 - (1) All package stores holding a class A license shall be within a building or room totally physically separate from any other business activities. The only ingress and egress for customers and their purchases shall be through a door opening to the outside or to an area for public pedestrian traffic and not from or into any other business establishment. This outside door shall open facing a public street or public pedestrian area.
 - (2) Any opening of any type shall be prohibited between any area licensed as class A and any other business area. The only means of ingress and egress for both customer and employee shall be through a door open to the outside and facing a public street or public pedestrian area.
 - (3) In a class A establishment, the total commercial transactions shall take place within the area licensed for retail alcoholic package sales.
 - (4) Retail beer and wine by the package (class B) shall be permitted in food stores, grocery stores, supermarkets, convenience food stores and discount/general merchandise stores as an item incidental to the sale of foodstuffs and groceries.
- (l) *Selling or furnishing alcoholic beverages to persons under legal age.* It shall be unlawful to provide alcoholic beverages to any person under the age permitted by O.C.G.A. § 3-3-23.
- (m) *False representation of age.* It shall be unlawful for any person to falsely misrepresent his age in any manner whatsoever for the purposes of purchasing or otherwise acquiring any beverage licensed under this article.
- (n) *Prohibitions relating to by-the-drink retailers.* It shall be unlawful for any licensee engaged in the retail sale of alcoholic beverages by the drink to:
 - (1) Knowingly allow gambling of any kind or character to be carried on in his place of business.
 - (2) Knowingly allow any person to frequent his place of business for the purpose of soliciting for prostitution.
 - (3) Knowingly allow any criminal act to be perpetuated on the premises, such as the sale of drugs, the sale of non-tax-paid alcoholic beverages, the sale of stolen property or other offenses.
 - (4) Fail to report to the county sheriffs department, at the earliest possible time known, incidents of a criminal nature that happened on his premises.
 - (5)

Willfully withhold from any law enforcement agency any information pertaining to any crime that may have happened on his premises and to which he was a witness.

- (o) *Adding to or refilling bottles; misrepresentations as to quantity or quality.* It shall be unlawful for a licensee under this article or his agents to add to the contents of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name of any beverage licensed under this article.
- (p) *Hours of operation generally.* The following hours of operation shall apply to the sale of alcoholic beverages licensed under this article:
 - (1) Class A, retail liquor package store: 8:00 a.m. to 11:30 p.m., Monday through Saturday.
 - (2) Class B, retail package beer and/or wine: 7:00 a.m. to 11:30 p.m., Monday through Saturday.
 - (3) Class C, retail beer and/or wine by the drink: Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday morning; Sunday from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
 - (4) Class D, retail liquor by the drink: Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday morning; Sunday from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
 - (5) Class G, catering: Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday morning.
 - (6) Class I, brew pub operator: Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday morning; Sunday from 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served, and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.
 - (7) Public entertainment facilities: It shall be unlawful to keep any public entertainment facility which permits the consumption of alcoholic beverages on its premises open for business or permit the facility to be used or patronized at any time except during the hours provided in

O.C.G.A. § 6-3-5(3) and (4).

- (q) *Clearing of service areas after closing hours.* All licensees for the sale of malt beverages and/or wine for consumption on the premises or distilled spirits by the drink shall remove or cause to be removed from the area of the premises utilized by the customers or patrons all alcoholic beverages within one hour after the times specified in subsection (p) of this section as the hours of operation.
- (r) *Sales restricted on certain days.* Alcoholic beverages licensed under this article shall not be sold on Christmas Day or Sunday, except as provided for in subsection (p) of this section. The sale of alcoholic beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.
- (s) *Suspension of sales during civil emergency.* The chairman of the board of commissioners may, upon determining that there is an immediate danger of civil disorder or natural disaster or any other immediate threat to the public peace and order, by executive order, suspend the sales of all beverages licensed under this article until such danger or threat has passed and for a reasonable period of time thereafter.
- (t) *Signs.* No sign of any kind, painted or electric, advertising any brand or price of distilled spirits shall be permitted on the exterior or in the window of any premises licensed under this article. No plaque or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any distilled spirits sold therein, provided that a tag showing the price of individual bottles or containers or to the edge of the shelf wherein such bottles or containers are located.
- (u) *Open containers prohibited on premises of retail package stores; sale of draft beer at retail package stores.* The original retail containers of any alcoholic beverage sold by a package store retail licensee under this article shall not be opened on the lot or premises of the location licensed for the sale thereof. The sale of draft beer from a tap in a retail malt beverage package store shall not be in less than one-half-gallon quantities.
- (v) *Display of name and license number by package stores.* Each licensee for the sale of beverages by the package at retail licensed under this article shall have printed on the front window of the licensed premises the name of the licensee together with the inscription "Barrow County License Retail Number _____," in uniform letters not less than four inches in height, except private clubs and hotels; provided, however, that if a licensee so desires, he may have his name displayed on the inside of the window in neon or other electric lights.
- (w) *Bringing beverages purchased elsewhere or deadly weapons onto premises.* No licensee for the sale of malt beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto the premises malt beverages, wine or distilled spirits purchased elsewhere; nor shall any such licensee authorize or permit any patron or customer to bring or carry any deadly

weapon or firearm on the premises except a law enforcement officer on duty or other person authorized by federal or state law; nor shall the licensee act as a keeper, bailee or custodian of any kind of deadly weapon or firearm for any customer or patron thereof.

(x) Reserved.

(y) *Entrance to package stores to be visible from public street.* No licensee for the sale of alcoholic beverages by the package shall operate under the license unless the front entrance to the licensed premises is clearly visible from the public street; provided, however, that this restriction shall not apply where the licensee is a motel, hotel or private club or is located in a shopping center or multiple-story business building.

(z) *Visibility of interior of package stores.* No screens, blinds, curtains, partitions, articles or things which shall prevent a clear view into the interior shall be permitted in the window or from the doors of any retail store for the sale of alcoholic beverages by the package and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each store shall be so lighted that the interior of the store is visible day and night.

(aa) *On-premises entertainment.*

(1) No holder of a license for the sale of alcoholic beverages issued under this article shall knowingly allow any performance or entertainment or act on the licensed premises of which, when applied to contemporary standards, the dominant theme taken as a whole appeals to the prurient interests or is licentious or obscene.

(2) It shall be unlawful to permit on the premises so licensed any contest or form of entertainment which consists of the wetting or soaking of the upper torso of a female or the pelvic areas of a male or female.

(3) Upon the violation of this subsection by any licensee, such license may, after a hearing before the judge of magistrate court, be revoked, suspended or put on probation under conditions.

(bb) *Sales areas generally; consumption on premises of package store.* It shall be unlawful for any licensee to make delivery of any alcoholic beverages licensed to be sold except inside of the premises or area licensed for sale thereof. No package store licensee shall permit the consumption of alcohol sold by him by the package on the lot or premises where such packages on the lots or premises where the licensed establishment is holding a class A and B license. Provided, however, that such licensee may sell package malt beverages or wines by means of a drive-in window, provided that any such drive-in window shall be well lighted and clearly visible from the street or sidewalk and shall not be located at the rear of any licensed premises.

(cc) *Extension of sales area; curb sales.* Any licensee for the sale of malt beverages and/or wine for consumption on the premises or distilled spirits by adjoining building, addition, patio or deck area, or expansion on the same piece of property or an adjoining lot, so long as the business

operation is under the same business management and licensed area under the same ownership; provided, however, the sale of alcoholic beverages shall be prohibited in parking lots or "at curb."

- (dd) *Possession of unlicensed beverages.* All licensees under this article are forbidden to possess, keep, maintain or otherwise store or keep any alcoholic beverages for which the licensee does not hold a license on the premises so licensed.

(Ord. of 5-12-2020)

Sec. 6-56. - Authorized catered functions.

- (a) *Permit requirement.* An authorized catered event permit is required to sell alcohol by the drink at any place other than a place of business subject to a class C or D license.
- (b) *Persons who may apply for an authorized catered event permit.*
- (1) Class G licensees. Any holder of a class G license may apply for an authorized catered event permit.
 - (2) Caterers licensed by other jurisdictions. If a person is licensed by a Georgia municipality or county (other than Barrow County) to sell alcoholic beverages by the drink for consumption on the premises and also holds a valid off-premises catering license issued by the same licensing authority, such person may sell and/or distribute alcoholic beverages by the drink, provided that such person obtains an authorized catered event permit.
- (c) *Zoning and distance requirements.*
- (1) No authorized catered event permit shall be issued for a location except in the following zones as defined by the applicable local zoning ordinances:
 - a. C-1 local commercial district.
 - b. C-2 general commercial district.
 - c. C-3 heavy commercial district.
 - d. O-I office and institutional district.
 - e. M-1 and M-2 industrial districts.
 - f. PUD planned unit developments (if applied to C-1, C-2, C-3, IICO or O-I designations).
 - g. IICO highway corridor overlay district.
 - (2) The restrictions in subsection (1) above notwithstanding, an authorized catered event permit may be issued for any parcel located in any zone when such parcel is owned by a governmental body or authority that is legally exempt from regulation under the police power of Barrow County and exempt from the regulations contained in the Development Code.
 - (3) No authorized catered event permit shall be issued for a location in or within 1,000 feet of any church building, or within 1,000 feet of a school building, educational building on a college campus or housing authority building, or within 100 feet of the property line of a private

dwelling located within a single-family residentially zoned district. The requirements in this paragraph for minimum distance from a school building or educational building on a college campus shall not apply to permits granted for events held at any cultural arts center or amphitheater located on Barrow County Tax Parcel # 107 016, # 107 016A, or # 107 016B. If such property, cultural arts center, or amphitheater are no longer owned by the Barrow County Board of Education or Barrow County, this exemption shall lapse and all applicable distance requirements in this paragraph shall be in full force and effect.

- (4) Distances shall be measured using the standards set forth at Section 6-55(f)(10) of this Ordinance. If there may be a reasonable question as whether this requirement is met for a particular location, the applicant for a permit shall provide with its application a detailed explanation of its distance calculations for review by the county.
- (d) *Authorized catered event permit application.* Permit applications shall be submitted to the director of the planning department, or his/her designee, at least 15 calendar days prior to the event and shall include:
 - (1) The name and license number of the caterer, and the name and phone number of the representative for same who will be at the event;
 - (2) A plan for the event, which includes: (1) the date, location and hours of the event; (2) the number of persons expected to be in attendance; (3) the location of guest parking; and (4) whether security, valet parking, or additional restroom facilities will be provided;
 - (3) The name and phone number of the host or sponsor of the event, including the name and telephone number of the representative of the host or sponsor who will be at the event;
 - (4) The name of the property owner and a signed document from the property owner granting permission for use of the property for the event;
 - (5) A description of the amount and type of alcohol at the event and its approximate cost;
 - (6) A description of the amount and type of food at the event and its approximate cost. If food is not being provided by the applicant, provide the name and phone number of the person providing food at the event;
 - (7) A distance calculation if required by subsection 6-56(c) of this section; and
 - (8) Any alcoholic beverage caterer not licensed by Barrow County shall also be required to submit: the name of the local jurisdiction issuing the off-premises catering license to the applicant and a photocopy of the applicant's off-premises catering license.
- (e) *Review of permit applications.* Within ten business days after receipt of an application for an authorized catered event permit, the director of the planning department or his/her designee, in consultation with other county departments, shall either approve or deny the authorized catered event permit and communicate same in writing to the applicant. An authorized catered event permit may be denied for any of the following reasons or combination of reasons:

- (1) The application contains an untrue or misleading statement or omission;
 - (2) The applicant, and/or event host or sponsor does not meet the requirements for an authorized catered event permit or has on prior occasion(s) violated or failed to comply with this section or with any state rules or laws regarding alcoholic beverages;
 - (3) The event location is a site where a violation of this section or the state laws or rules regarding alcohol has previously occurred;
 - (4) The plan of the event as proposed is likely to restrict and/or congest traffic on any of the public roads, rights-of-way, or sidewalks in the immediate vicinity of the event, or is likely to present a danger to the health and safety of guests at the event or members of the public;
 - (5) The plan of the event as proposed is likely to cause a disturbance of the peace at the time of the event, or is likely to intrude upon the privacy or property of citizens in the area of the event;
 - (6) The plan of the event as proposed is inconsistent with the uses of or is prohibited at the event location; and
 - (7) The plan of the event as proposed is not in compliance with other county ordinances, including but not limited to, the Barrow County Zoning Ordinance and Barrow County Noise Ordinance.
- (f) *Authorized catered event requirements.* All authorized catered functions and all caterers selling alcohol at such functions shall be subject to the following requirements and conditions:
- (1) The caterer may sell and/or distribute only those alcoholic beverages that are authorized by that person's class C or D alcoholic beverage license (or equivalent if licensed in another jurisdiction);
 - (2) Alcoholic beverages may only be served at the location and on the date(s) specified in the authorized catered event permit. Authorized catered event permits shall be valid for a period not to exceed two consecutive calendar days;
 - (3) A copy of the caterer's class G license (or equivalent), the authorized catered event permit, and any necessary state documents and permits shall be maintained in the vehicle transporting the alcoholic beverages to the catered function and shall be made available for inspection at all times during the event;
 - (4) Caterers may not employ anyone under the age of 21 to serve alcohol.
 - (5) The service of alcoholic beverages is subject to compliance with state laws and regulations regarding service of alcoholic beverages at such an event, including the receipt of any necessary state permits and filing of reports with the state revenue commissioner; and
 - (6) Alcoholic beverage caterers licensed by Barrow County shall pay excise taxes as provided in Chapter 82, Article IV.

(Ord. of 5-12-2020)