

CHAPTER 3

ALCOHOL BEVERAGES

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ARTICLE I.

IN GENERAL

Sec. 3-1. Definitions.

In this chapter, the following words shall have the indicated meanings:

Alcoholic beverages shall mean and include, but are not limited to, malt beverages, vinous liquors and spirituous liquors as defined herein.

Building code shall mean and include all building, plumbing and electrical codes and any other similar technical code of the city.

Church shall mean any permanent building where persons regularly assemble for religious worship.

College shall mean only such state, county, city, church or other colleges that teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

Distance shall mean the measurement from building to building along the nearest practical street route.

Malt beverages shall mean fermented beverages made in whole or in part from malt, or similar fermented beverage, and containing not more than six (6) percent alcohol by volume.

Premises shall mean the definite closed or partitioned establishment, whether room, shop or building, wherein alcohol beverages are sold or consumed.

Private club shall mean a corporation organized and existing under the laws of the state of Georgia actively in operation within the corporate limits of the city, and having regularly paying monthly, quarterly or semiannual dues-paying members.

Private residence shall mean a house or dwelling wherein not less than one nor more than three (3) families customarily reside and shall not include a mobile home, a boarding house where there are five (5) or more boarders or roomers, or any residence which has been unoccupied for a period of six (6) consecutive months immediately prior to the filing of an application.

Retail shall mean retail sales packaged to go and not for consumption on the premises.

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

Spirituous liquors shall mean all beverages containing alcohol obtained by distillation or containing more than twenty-one (21) percent alcohol by volume, including fortified wines.

Vinous liquors shall mean any and all wines, fortified and unfortified, produced either within or without the State of Georgia and containing not more than twenty-one (21) percent alcohol by volume. (Ord. Of 1-21-81, Art. A)

Sec. 3-2. Penalties; revocation of license.

- (a) Upon conviction in the municipal court of law of any violation of any penal provision of this chapter, unless otherwise provided, punishment shall be as set by the municipal judge as allowed by the city charter.
- (b) Any license under this chapter may be revoked or suspended by the municipal judge for any conviction of the licensee or any agent, officer or employee thereof for violation of any portion of this chapter as follows:
 - (1) First offense at the establishment, not less than six (6) months nor more than twelve (12) months probation;
 - (2) Second offense, if during probationary period, then the license may be suspended for no less than fifteen (15) nor more that ninety (90) days and

the probation may be extended up to an additional twelve (12) months;

- (3) If a third offense occurs during a probationary period, then the license may be suspended for an additional period of up to twelve (12) months and may be revoked and if revoked, no new license shall be issued to any person, firm or corporation for a period of twelve (12) months at that location; and
 - (4) Otherwise, the municipal court may also declare forfeited any performance bond posted under this chapter.
- (c) Any license issued under this chapter may be suspended for a period of time not exceeding six (6) months or may be revoked by the mayor by reason of any disturbance, acts of disorderly conduct, violence, gambling or by reason of any conviction for violation of this chapter having occurred in the establishment or on the premises thereof; provided that when the license of any establishment has been revoked, no further license shall be issued under this article to any person, firm, or corporation at that location for a period of twelve (12) months from the date of revocation.
- (d) Action taken by the municipal court under this section may be appealed by the licensee to the mayor within ten (10) days following the date of the court order appealed from.
- (e) All owners or officers of establishments licensed under this chapter shall be criminally responsible for any violation of this chapter by an employee thereof, provided the municipal court may only impose a just fine under this subsection. (Ord. Of 1-12-81, Art. A)

Sec. 3-3. Open to inspection.

Any establishment holding a license issued under this chapter shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the police department or any license inspector of the city or any person designated by the chief of police or by the mayor. In addition, if the premises are being used after hours by employees or the owners or their agents, there shall be on the premises at this time a police officer of the police department, or any licensed inspector, or any person designated by the chief of police or the mayor. (Ord. Of 1-21-81, Art. A)

Sec. 3-4. Open containers.

No bottle or other container of alcoholic beverages shall be opened or consumed by any

person on the premises upon which the place of business is conducted and licensed under this chapter, whether the bottle or other container so opened or consumed was bought or obtained at the place of business or elsewhere unless the premises are licensed for consumption on the premises under this chapter. (Ord. Of 1-12-81, Art. A)

Sec. 3-5. Legal times of sales and purchase.

- (a) Retail liquor packaged to go. It shall be unlawful for any licensee or person employed by a licensee of spirituous liquor, packaged to go, to sell, offer for sale, transfer or offer to transfer to others, any spirituous liquor at any time on Sunday or at any time before the hours of 8:00 a.m., or after the hour of 11:45 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday; and it shall be unlawful for any person to purchase, receive or offer to receive from such a licensee, or a person employed by such a licensee, any spirituous liquor at any time on Sunday or before the hours of 8:00 a.m. or after the hours of 11:45 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday.
- (b) Beer and wine packaged to go. It shall be unlawful for any licensee under this chapter or person employed by a licensee to sell, offer for sale, transfer or offer to transfer to others any beer or wine packaged to go between the hours of 12:00 midnight from Saturday night until 12:01 a.m. on the following Monday morning.
- (c) Beer and wines consumption on premises. It shall be unlawful for any licensee under this chapter or person employed by a licensee to sell, to offer for sale, transfer or offer to transfer to others any wine, beer or other alcoholic beverage to be consumed on the premises as defined in this article between the hours of 12:00 midnight on Saturday night and 8:00 a.m. on the following Monday morning and between the hours of 2:00 a.m. and 8:00 a.m. on the other days of the week; and it shall be unlawful for any person to purchase, receive or offer to receive from a licensee or person employed by a licensee any wine, beer or other alcoholic beverage to be consumed on the premises as defined in this article between 12:00 midnight on Saturday night and 8:00 a.m. on the following Monday morning and between the hours of 2:00 a.m. and 8:00 a.m. on the other days of the week.
- (d) Combined license. In the event that any establishment holds both a consumed on premises license and packaged to go license for alcoholic beverages, then the hour governing establishments holding a consumed on premises shall prevail. (Ord. Of 1-12-81, Art. A)
- (e) Legal times of sale. It shall be unlawful for any licensee or person employed by a licensee of spirituous liquor, beer or wine packaged to go, to sell, offer to sale, transfer or offer to transfer to others, any spirituous liquor, beer or wine at any time on Christmas Day. (Adopted 1-10-00)

Sec. 3-6. Legal hours of drinking.

It shall be unlawful for any person, firm or corporation owning or operating a place of business licensed under this chapter for consumption on the premises to permit any person to drink any wine, beer or other alcoholic beverage upon the business premises between the hours of 12:00 midnight Saturday night and 8:00 a.m. on the following Monday morning and between the hours of 2:00 a.m. and 8:00 a.m. on the other days of the week; and it shall be unlawful for any person to drink any wine, beer or other alcoholic beverage while upon or within any vehicle upon the street, sidewalks, parks, or public places of the city or upon or within any vehicle upon the premises of any business establishment holding a license hereunder in the city between the hours of 11:45 p.m. Saturday and 8:00 a.m. on the following Monday morning and between the hours of 2:00 a.m. and 8:00 a.m. on the other days of the week. (Ord. Of 1-12-81, Art. A)

Sec. 3-7. Possession of opened container of alcoholic beverages.

It shall be unlawful for any person owning or operating a place of business licensed under this chapter for consumption on the premises to permit any glass containing any alcoholic beverage, or any opened and emptied bottle or other opened container of any alcoholic beverage to remain in or on the premises of the place of business at any time between the hours of 12:00 midnight Saturday night and 8:00 a.m. on the following Monday morning and between 2:00 a.m. and 8:00 a.m. on the other days of the week; and it shall be unlawful for any customer or other person to have in his or her possession any opened bottle containing any alcoholic beverage in any place of business licensed under this chapter at any time between the hours of 12:00 midnight Saturday night and 8:00 a.m. on the following Monday morning and between 2:00 a.m. and 8:00 a.m. on the other days of the week. It is the purpose and intent of this section to assist in the enforcement of the regulations against drinking beer, wine and other alcoholic beverages between the hours set forth in this section and the mayor and the city council find that the regulations herein imposed are necessary for the proper regulation of the sale of alcoholic beverages. (Ord. Of 1-12-81, Art. A)

Sec. 3-8. Alcohol percent labels.

It shall be unlawful for any person to have in his or her possession, custody or control any spirituous liquor for retail sale unless the container shall have firmly affixed thereto a label on which there is stated, in plain words or figures, the true alcoholic beverage. (Ord. Of 1-12-81, Art. A)

Sec. 3-9. Minors; prohibited practices.

(a) It shall be unlawful for any minor to buy or allow to be bought for him or her any

alcoholic beverage from any place. It shall be unlawful for any person in charge of, or employed in any place of business where alcoholic beverages are kept, to permit any minor to buy or to allow to be bought for a minor any alcoholic beverages in or from the place of business. It shall be unlawful for any minor when on the premises of a drive-in restaurant, whether in or outside of a motor vehicle, to have in his or her possession or under his or her control any alcoholic beverage. Any attempt to commit any act made unlawful by this section shall be itself unlawful and subject to punishment in the municipal court.

- (b) It shall be unlawful for any minor to falsely misrepresent his or her age, in any manner whatever, for the purpose of illegally obtaining any alcoholic beverages.
- (c) It shall be unlawful for any person to allow or require a person in his or her employment under the age of twenty-one (21) years of age to dispense, serve, sell, or take orders for any alcoholic beverage; provided, however, that the provisions of this section shall not prohibit persons under the then current age required by the state for purchasing alcoholic beverages, who are employed in supermarkets, convenience stores or drug stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (d) It shall be unlawful for any person who is under the then current age required by the state for purchasing alcoholic beverages, to have in his or her possession, or under his or her control, at any place whatever in the city, any alcoholic beverage.
- (e) It shall be unlawful for a licensee under this chapter not to post in a conspicuous place in his establishment a sign printed in letters at least four (4) inches high reading as follows "SALE OF ALCOHOLIC BEVERAGES TO MINORS STRICTLY PROHIBITED".
- (f) Violation of any provisions of this section shall constitute an offense hereunder and shall be punishable in the municipal court; provided, violation of this section by persons who have not yet reached the age of seventeen (17) years shall be handled as provided by the Juvenile Court Code of the State of Georgia. (Ord. Of 1-12-81, Arts. A-D)

Sec. 3-10. Excise tax for the sale of beer, wine and liquor.

- (a) Except as provided in this chapter, there is hereby levied and imposed on each wholesale dealer selling malt beverages within the city an excise tax in the amount of .4166 cents per ounce of malt beverages sold by such wholesale dealer within the corporate limits of the city.

All malt beverages sold in or from a barrel or bulk container, and being commonly known as tap or draft beer, shall not be subject to the excise tax provided for herein, but in lieu thereof there is hereby imposed upon each wholesale dealer selling malt beverages within the corporate limits of the city an excise tax of six dollars (\$6.00) for each barrel or bulk container having a capacity of not more than fifteen and one-half (15-1/2) gallons sold by such wholesale dealer within the city, and at a like rate for fractional part thereof.

- (b) There is hereby levied and imposed upon each wholesale dealer selling wines within the city an excise tax computed at a rate of eighty (80) cents per wine gallon on all wine sold by such wholesale dealer within the corporate limits of the city, and at a like rate for fractional parts thereof.
- (c) In addition to the annual retail license fee required, an excise tax computed at the rate of eighty (80) cents per gallon shall be paid to East Dublin on all spirituous liquors sold, displayed or stored in East Dublin. Said tax shall be paid to East Dublin prior to the sale of any such spirituous liquors.
- (d)
 - (1) Each wholesale dealer who has sold malt beverages, wines or spirituous liquors within the city shall file a report by the tenth day of the month next succeeding the calendar month in which such sales were made, of the amount of excise tax due in accordance with this chapter.
 - (2) No decal, stamp, or other identifying marking shall be required on malt beverages, wine or spirituous liquors sold within the city.
 - (3) The excise taxes provided for herein above shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages, wines or spirituous liquors, at retail or wholesale within the corporate limits of the city.
 - (4) The failure to make a timely report and remittance shall render the wholesale dealer liable for a penalty equal to ten (10 %) percent of the total amount due during the first thirty (30) day period following the date such report and remittance were due and a further penalty of ten (10 %) percent of the amount of such remittance for each successive thirty (30) day period or any portion thereof, during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to fifty (50 %) percent of the amount of the remittance which would be required under an accurate and truthful report.

Such failure to make a timely report or remittance, or the filing of a false or fraudulent

report shall also constitute grounds for the revocation of the business license issued by the city to said wholesale dealer. (Ord. Of 1-12-81, Art. A)

Sec. 3-11. Outstanding licenses; compliance assumed.

- (a) All licensees holding valid licenses issued under this chapter as of January 31, 1981 shall be deemed to have complied with all requirements as to the application, issuance and renewals of a license under this chapter. Transfers of licenses at the same location shall also be deemed in compliance. Transfers to new locations must comply with all requirements as set forth in this chapter.

Sec. 3-12. License required; time limit for commencement of operation.

- (a) No malt beverage, vinous liquors, spirituous liquors or any other alcoholic beverage shall be sold or manufactured in the city except under a license issued under this chapter by the city clerk.
- (b) The requirements of this chapter shall in addition to any other requirements for business licenses under this Code and if other provisions of this Code conflict with this chapter, then this chapter shall control.
- (c) Licenses which may be issued under this chapter include:
 - (1) Manufacturing alcoholic beverages;
 - (2) Wholesale;
 - A. Malt beverages;
 - B. Vinous liquors;
 - C. Spirituous liquors;
 - (3) Retail:
 - A. Malt beverages;
 - B. Vinous liquors;
 - C. Spirituous liquors;
 - (4) Consumption off the premises;
 - A. Malt beverages;
 - B. Vinous liquors;
 - (5) Any combination of the above, provided no retail or wholesale spirituous

liquor licensee shall hold any consumption on the premises license for the same location.

- (d) All businesses issued licenses under this chapter must, within ninety (90) days after the issuance of a city license, open for business. Failure to open for business shall constitute a forfeiture and cancellation of the issued licenses and no refund of license fees or business taxes shall be made. Any applicant unable to comply with the time limit of this section may make written request to the mayor for an extension of time not to exceed ninety (90) days, and the mayor at his or her discretion may grant or deny the request. (Ord. Of 1-12-81, Art. A)

Sec. 3-13. Applications for new license.

- (a) The provisions of this code on general business licensing shall apply in addition to the provisions of this chapter.
- (b) All approved applications for new licenses under this chapter shall be accompanied by a payment in cash or by certified check, for all the minimum fees and business taxes provided for in this Code for the classification into which the applicant falls.
- (c) Attached to the city application shall be a photo static or other copy of all appropriate state applications and forms along with a city supplemental application form attached along with the following:
 - (1) Proof of planning and zoning compliance;
 - (2) Proof of building code compliance;
 - (3) A legal description of the property upon which the premises are located;
 - (4) A current photograph of the applicant;
 - (5) Fingerprints of the applicant to be taken by the police department;
 - (6) A letter of clearance from the clerk of the federal district court, and a letter of clearance from the clerk of the Laurens Superior Court indicating that the applicant does not have any criminal charges currently pending, and/or that the applicant has no convictions from the respective court in the past ten (10) years;
 - (7) A letter of clearance from the clerk of the Probate Court as it was constituted prior to its abolition, showing that the applicant has no criminal charges pending and/or no convictions in the past two (2) years.

Sec. 3-14. Residency; agents.

- (a) All applicants for licenses under this chapter and all actual owners of establishments from which licenses are sought shall be bona fide residents of Laurens County for a minimum of one (1) year prior to the time of the filing of the applications and shall remain bona fide residents of Laurens County during all times that the licenses and renewals thereof are in effect.
- (b) All applications for licenses under this chapter by a corporation shall name in the applicant one or more residents in Laurens County as agent and representative of the corporation to receive all communications, notices, services of process or other papers or documents, on behalf of the corporation in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any Laurens County license. The application shall give the mailing address of the person or persons, and the mailing to any such person at such address of any notice required to be given under the chapter or any other law shall be sufficient notice to the corporation. If any such person shall cease to be a resident of the county, another person shall immediately be appointed in writing, in his or her place, and written notice shall be given the clerk, stating the name and address of the new agent. All corporate applications shall list all officers of the company and those individuals shall comply with the requirements set forth in Section 3-13 (c) (4-7). (Ord. Of 1-12-81, Art. A)

Sec. 3-15. Preliminary approval.

All applications shall be approved or disapproved by the chief of police or a designee thereof as a condition to action thereon and issuance of a license by the City Clerk. In the event that the chief of police determines that the application is not in order, in view of the requirements of federal or state law or this Code, and any police department investigation, the City Clerk shall then notify the applicant of the reasons for not issuing the license to the applicant. (Ord. Of 1-12-81, Art. A)

Sec. 3-15.1. Issuance of license to persons with prior convictions.

No license under this chapter shall be issued, renewed or transferred to any person, partnership or corporation where any individual having an interest either as owner, partner, or principal stockholder, directly or indirectly, beneficial or absolute, shall have been convicted or shall have taken a plea of nolo contendere within ten (10) years immediately prior to the filing of the application for any felon or conviction of two (2) or more misdemeanors of any state or of the United States or any municipal ordinance except traffic violations within two (2) years; the term "conviction" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond in

part or in whole when charged with a crime. (Ord. Of 1-12-81, Art. A)

Sec. 3-15.2. Denial of license; granting.

- (a) The city council may deny a city license under this chapter of any of the following grounds:
 - (1) Failure to meet state requirements for state license;
 - (2) Failure to pay required fees and taxes;
 - (3) Failure to provide required valid information, documents and the like;
 - (4) False information in the application or attached documents;
 - (5) Failure to pass review by the chief of police;
 - (6) Improper residency of applicant, owner or registered agents;
 - (7) Prior convictions as herein provided; or
 - (8) Failure to meet any other requirements in this chapter for a license of the class provided for.
- (b) Otherwise, the city council may issue any city license provided for in this chapter. (Ord. Of 1-12-81, Art. A)

Sec. 3-15.3. Regulations.

All licenses issued under this chapter shall be subject to the rules and regulations set forth in an act of the general assembly known as the Revenue Tax Act to Legalize and Control Alcoholic Beverages and Liquors (approved February 3, 1938) or other state law and those prescribed by the state department of revenue. In addition, all businesses, the applicant for the license, the agent in charge of the business and the owner and owners thereof shall observe and obey the regulations provided in this article. (Ord. Of 1-12-81, Art. A)

Sec. 3-15.4. Posting of chapter provisions.

All holders of licenses issued under this chapter shall keep a copy of this chapter posted in the licensed premises at all times and shall thoroughly familiarize themselves and thoroughly instruct each employee of the establishment with respect to the applicable provisions hereof. (Ord. Of 1-12-81, Art. B-D)

Sec. 3-15.5. Transfer of licenses.

- (a) Licenses under this chapter may be transferred to another person provided that person makes application to the City as for a new license and pays as a transfer fee ten (10 %) percent of the license fee and any other appropriate fees, and business or transfer taxes and that person otherwise meets the requirements hereunder for a new license.
- (b) A transfer of location shall be allowed for any license under this chapter provided the licensee files with the City Clerk the following on the new locations:
 - (1) Proof of planning and zoning compliance;
 - (2) Proof of building code compliance;
 - (3) A legal description of the property upon which the new premises are located;
 - (4) An affidavit from a registered surveyor stating that the establishment complies with any distance or location requirements contained in this chapter.
 - (5) Any appropriate location transfer fee or tax; and
 - (6) A publisher's affidavit from the newspaper in which the sheriff's advertisements or notices are placed showing the name and address of the applicant, the location for which the license is sought, the type of license applied for and the time and place the clerk shall act on the application.
- (c) Any transfer allowed under this section may be denied or revoked on the same basis as for an application or license under this chapter. (Ord. Of 1-12-81, Art. A)

Sec. 3-15.6. Duration and renewal of license.

- (a) Duration and renewal of licenses under this chapter shall be as for business licenses generally and no licenses shall have any vested right to the renewal of any City license.
- (b) No licenses under this chapter may be renewed if the licensee could be denied a new license under this chapter. (Ord. Of 1-12-81, Art. A)

Sec. 3-15.7 Alcohol on City Property

- (A) Except as set out herein below in (b), it shall be unlawful for any person to sell, give away, drink, or possess any alcoholic beverages upon property owned by the City of East Dublin, Georgia.
- (B) Pursuant to a policy proposed and approved by the City Council, alcohol shall be allowed at the following:
 - (1) Any City owned property, the possession of alcohol, but not the sale thereof by the drink, shall be allowed at events sponsored by the following:
 - (a) Non-profit groups recognized as such under 26USC 501©.
 - (b) Any other person or group that has submitted an application for a one (1) day permit at least 45 days prior to an event and has been approved by the Mayor and City Council.

Secs. 3-15.8 – 3-15.20. Reserved.

ARTICLE II.

SPIRITUOUS LIQUORS

DIVISION 1. GENERALLY

Sec. 3-15.21. Scope of Article.

In addition to the general business license requirements of this Code and Article I of this chapter, the sections in this article shall apply to the licensing and operation of retail spirituous liquor establishments in the city and should any section of this article conflict with other provisions in this chapter or the general business license requirements of this

Code, then this article shall control. (Ord. Of 1-12-81, Art. B)

Sec. 3-16. Consumption on or adjacent to premises.

No licensee holding a whiskey license shall allow any alcoholic beverages to be consumed on his premises, nor shall he provide, on or adjacent to his premises, any place of any kind where whiskey may be consumed, and the licensee shall be responsible for such consumption on the part of his customers. (Ord. Of 1-12-81, Art. B)

Sec. 3-17. Sale in unbroken package.

All licensed retailers shall sell or offer to sell in the original unbroken package only and shall sell no package containing less than one-half pint. (Ord. Of 1-12-81, Art. B)

Sec. 3-18, 3-19. Reserved.

Sec. 3-20. Products sold, etc.

No retailer shall sell or offer for sale or display or keep in stock, at his place of business where distilled spirits are offered for sale, any other product or commodity except the following:

- (1) Wines, when properly licensed, and
- (2) Beverages containing no alcohol, commonly used to dilute distilled spirits.
(Ord. Of 11-19-79, {7})

Sec. 3-21. Packages; size.

All licensed retailers under this article shall sell or offer to sell no package containing less than one-half pint. (Ord. Of 11-19-79, {6})

Sec. 3-22. Storage.

No licensed retailer under this article shall keep any distilled spirits stored in any bonded or other type warehouse in the city, nor shall he enter into any type of arrangement whereby distilled spirits ordered by him are stored for him by any licensed wholesaler. A retailer shall keep no inventory or stock of distilled spirits at any place except his licensed place of business, and within his licensed place of business his storage space for distilled spirits shall be immediately adjacent to the room in which he is licensed to do business; there shall be but one entrance to said storage space, and this shall be through

the retail store areas. (Ord. Of 1-12-81, Art. B)

Sec. 3-23. Reserved.

Sec. 3-24. Sale or delivery on premises.

No retailer shall sell or deliver any distilled spirits to any person except in said retailer's place of business. (Ord. Of 11-19-79, {8})

Sec. 3-25. DELETED.

Sec. 3-26. Sales to certain persons - Prohibited.

No retailer shall give, sell or offer to sell any distilled spirits to any person who is noticeably intoxicated or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to said retailer. (Ord. Of 11-19-79, {10})

Sec. 3-27. Same - Proof of age.

At any time, a state driver's license shall be considered the only legal proof of age which would relieve a person making a sale to a minor from responsibility therefore. (Ord. Of 11-19-79, {10})

Secs. 3-28 – 3-35. Reserved.

DIVISION 2. LICENSES

Sec. 3-36. Number of licenses - Per person.

Only two (2) licenses under this article shall be issued to any one person in the city, and no person who holds a license in any other county or municipality of the state shall be eligible to receive a license hereunder. (Ord. Of 11-19-79, {2})

Sec. 3-36.1. REPEALED. (Ord. Of 10-14-2008).

Sec. 3-37. REPEALED.

Sec. 3-38. Reserved.

Sec. 3-39. Same - Financial Responsibility.

All applicants for whiskey licenses must show, to the satisfaction of the mayor and council, financial responsibility. (Ord. Of 11-19-79, {15})

Sec. 3-40. Building - Complete; ownership or lease.

No license shall be issued under this article to any person unless the building in which the business will be located is complete, and every applicant for a retail license hereunder shall attach to his application evidence of ownership or a copy of his lease if the applicant is leasing the building. (Ord. Of 11-19-79, {5})

Sec. 3-41. Same - Size; Construction; Front.

A building in which business licensed under this article shall be carried on shall contain a minimum of four hundred (400) square feet, shall be of masonry construction and shall have a clear glass front which shall comprise at least two-thirds of the area of the front of said building. (Ord. Of 1-12-81, Art. B)

Sec. 3-42. Same - lighting; signs.

A building subject to this article shall be well lighted both inside and out, and all signs shall be turned off on Sundays.

Sec. 3-43. Application generally - forms.

Applications for licenses under this article shall be made on forms prescribed therefore by the mayor and council. (Ord. Of 11-19-79, {13})

Sec. 3-44. Same - Financial Statements.

Financial statements must be submitted with each completed application for a license under this article. (Ord. Of 11-19-79, {15})

Sec. 3-45. Same - State license.

In addition to the completion and submission of an application form as required by the City, each applicant for a license under this article shall attach thereto a completed application form with all attachments and requirements for a state license. (Ord. Of 11-19-79, {13})

Sec. 3-46. Same - Made in person.

All applications for licenses under this article shall be made in person. (Ord. Of 11-19-79, {17})

Secs. 3-47, 3-48. Reserved.

Sec. 3-49. Character of applicants and employees.

All applicants for City spirituous liquor licenses must be of good character, and all managers, clerks or other employees shall be of like character or the application will not be considered.

Sec. 3-50. Compliance with law.

In addition to the rules and regulations set out in this article, each application for a liquor license and each such licensee doing business in the city shall comply with all state and federal laws, and the violation of any such laws and the regulations herein shall subject such licensee to the immediate revocation of his license and to criminal prosecution otherwise. (Ord. Of 11-19-79, {22})

Sec. 3-51. Discretion of Mayor and Council.

- (a) The mayor and council may, in their discretion, consider any circumstances which may reflect favorably or unfavorably on an applicant for a license under this article, the application or the proposed location of the business.
- (b) If, in their judgement, circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application. (Ord. Of 11-19-79, {16})

Sec. 3-52. Purchase Invoices.

Each wholesaler and each retailer, as a condition for license and doing business in East Dublin, shall furnish to the City Clerk a copy of all purchase invoices on or before the tenth of each month following such purchases. (Ord. Of 11-19-79, {14})

Sec. 3-53.1. License Fee.

The annual fee for a license under this article shall be three thousand dollars (\$3,000.00) for a spirituous liquor license. (Ord. Of 11-08-2010)

Sec. 3-53.2. License Fee Due

The annual fee for a license shall be due and payable on or before December 31 of the preceding year of the license period. (Ord. Of 11-08-2010)

Sec. 3-53.3. Penalty on license fee.

A penalty of ten (10%) percent of the license fee shall be imposed and collected on all license that are not paid by due date. (Ord. Of 11-08-2010)

Sec. 3-54. Age of licensee.

No retail liquor license shall be granted to any person unless such person is of legal age. (Ord. Of 11-19-79, {1})

Sec. 3-55. Reserved.

Sec. 3-56. Separate places of business.

A separate retail license shall be required for each place of business. (Ord. Of 11-19-79, {4})

Sec. 3-57. Location and distance limitations, etc., Generally.

No new license shall be issued under this Article for a location nor shall any existing license, issued under this Article be transferred to a new location which will be within nine hundred (900) feet of any church or school or within three hundred (300) feet of any private residence. The distance is to be measured from the front doorway entrance of the proposed location of the retail establishment in a straight line forward to the center of the street, along the center line of said street, then in a straight line to the front doorway entrance of the nearest church, school or private residence.

Sec. 3-58. Same - Application for license.

Each application for a retail license under this article shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church, school and/or private residence, when in the vicinity thereof, or in lieu thereof a registered surveyor's plat of survey showing such distance.

Sec. 3-59. Sale or transfer of business and license.

It shall be unlawful and shall call for immediate revocation of all license involved, both of seller and purchaser, for any retail spirituous liquor licensees to purchase the business or license of any other such licensees and attempt to operate the purchased business in addition to the business operated by the purchaser. In the event of a bona fide sale of any license or business under this article to persons other than other such licensed dealers, full disclosure of the persons involved, the purchase price and any other information as is required by this Code for a new license shall be filed with the City Clerk as a condition to any sale. In addition to the revocation of the license of any person, firm or corporation violating the provisions of this section, that person, firm or

corporation, and/or its officers and agents shall be subject to punishment in the municipal court as for other violations of this code. (Ord. Of 1-12-81, Art. B)

Sec. 3-60, 3-70. Reserved.

ARTICLE III

BEER AND WINE LICENSE

DIVISION 1. GENERALLY

Sec. 3-71. Scope of article.

In addition to the general business license requirements of this Code and Article I of this Chapter, the sections in this article shall apply to the licensing and operation of retail malt beverage or vinous liquor establishments in the city and should any section of this article conflict with other provisions of this Code, then this article shall control. (Ord. Of 1-12-81, Art. C)

Secs. 3-72, 3-73, 3-74. Reserved.

Sec. 3-75. Application - Duty of Chief of Police; Notice to applicant.

The Chief of Police shall investigate:

- (1) The moral fitness and reputation of the applicant;
- (2) His reputation as a peaceful citizen or a law violator;
- (3) The general character and reputation of his place of business;
- (4) Any other facts that the mayor and council should know in advance considering the granting of a license to the applicant.

It shall be the only duty of said officer to report his findings to the mayor and council, who will notify the applicant in writing as to the official action taken on said application. (Ord. Of 1-10-80, {2})

Sec. 3-76. Same - Waiver of waiting period.

Whenever any person holding an annual retail license for the sale of beer or wine in the city is in good standing and the continued retail of beer or wine by such person at his regular establishment would not be considered injurious to the health, welfare, or morals of the city, he may be granted a license for the next year by making application to the mayor and council at least thirty (30) days before the expiration date of the current license, and the mayor and council will pass on said application without the waiting period.

Sec. 3-76.1. Number of retail licenses issued; issuance procedure.

- (a) The number of retail beer and wine licenses which may be issued by the City and which may be in operation within the corporate limits of the city at any one time shall not be limited in number, therefore there is no maximum number of retail beer and wine licenses which may be issued and which may be in the operation in the city.

Sec. 3-77. Location of sales.

A retail license to sell beer and/or wine in the city will confer but a privilege on the licensee to sell beer and/or wine at the establishment indicated in his application; and does not confer the right to sell at any other establishment or location within the corporate limits of the city. (Ord. Of 1-10-80, {4})

Sec. 3-78. Fee.

The annual fee for a license under this article shall be three hundred ninety (\$390.00) dollars for a beer license and one hundred thirty (\$130.00) dollars for a wine license.

Sec. 3-79, 3-80. Reserved.

Sec. 3-81. Sale or delivery by wholesaler.

No wholesaler shall sell or deliver any beer or wine to any retailer who is not complying with the regulations in the Article 1. (Ord. Of 1-10-80, {13})

Sec. 3-82 – 3-90. Reserved.

DIVISION 2. OPERATION OF BUSINESS

Sec. 3-91. Regulations generally.

No beer or wine shall be sold in the city by any retailer or wholesaler except under the following strict regulations provided in this division. (Ord. Of 1-10-80, {7})

Sec. 3-92. Compliance with law.

All provisions of the state law relative to the sale of malt and alcoholic beverages must be strictly observed and complied with. (Ord. Of 1-10-80, {7})

Sec. 3-94. Reserved.

Sec. 3-95. Place of sale.

Beer and wine shall be sold exclusively in a building or storehouse which is separate and distinct from any residence or living quarters, no place of business shall hereafter be licensed which is not separate and distinct from a residence or living quarters. Provided, however, that as to any such place of business now in existence, which has heretofore sold such beer, such place of business shall be permitted to sell beer, provided that such place of business is securely blocked off and separated from the residence or living quarters, by partition or locked doors between 12:00 midnight on Saturday and 6:00 on Monday morning, and provided further that no retail dealer in such beverages, his agents or employee shall enter or open such place of business during any prohibited hours for any purpose whatsoever and provided, however, that any front, back or side doors of such place of business found open during such hours shall be conclusive evidence that an illegal sale of beer has taken place and the license of such owner or dealer shall thereby become subject to immediate revocation. (Ord. Of 1-10-80, {8})

Sec. 3-96. Maintenance of premises.

All persons holding a license under this article must keep their licensed premises in a

clean and sanitary manner equal to the requirements of the health department. (Ord. Of 1-10-80, {10})

Sec. 3-97. Separation of alcoholic beverages from nonalcoholic merchandise.

The holders of licenses under this article shall separate alcoholic beverages from their nonalcoholic merchandise. (Ord. Of 1-12-81, Art. C)

Sec. 3-98. Location and distance limitations, etc., Generally.

No new license shall be issued under this Article for a location nor shall any existing license, issued under this Article be transferred to a new location which will be within nine hundred (900) feet of any church or school or within three hundred (300) feet of any private residence. The distance is to be measured from the front doorway entrance of the proposed location of the retail establishment in a straight line forward to the center of the street, along the center line of said street, then in a straight line to the front doorway entrance of the nearest church, school or private residence.

Sec. 3-100 – 3-115. Reserved.

ARTICLE IV

CONSUMPTION ON THE PREMISES

Sec. 3-116. Scope of article.

In addition to the general business license requirements of this Code and Article I of this Chapter, the following shall apply to the licensing and operation of all establishments selling alcoholic beverages for consumption on the premises. (Ord. Of 1-21-81, Art. D)

Sec. 3-117. Location and distance limitations, etc.

No new license shall be issued under the Article for a location nor shall any existing license, issued under this Article, be transferred to a new location which is within nine hundred (900) feet of any church or school or within three hundred (300) feet of any private residence. The distance is to be measured from the front doorway entrance of the proposed location retail establishment in a straight line, along the center line of said street, then in a straight line to the front doorway entrance of the nearest church, school or private residence.

Sec. 3-118. Number of retail licenses issued; issuance procedure.

- (a) The number of consumption on the premises licenses which may be issued by the city and which may be in operation within the corporate limits of the city at any one time shall be based on and shall be limited to one license for each three thousand (3,000) persons or major fraction thereof of population in the city according to the latest United States decennial census.
- (b) In the event the number of licenses for consumption on the premises, issued and outstanding, shall at any time be less than the maximum number authorized, the first applicant meeting all the qualifications of the city code shall be issued a license.
 - (1) The applicant for the new license shall apply and file with the city clerk and file with the application a non-refundable one hundred dollars (\$100.00) investigation fee.

Sec. 3-119. License fee.

The annual fee for a consumption on the premises license under this article shall be five hundred twenty dollars (\$520.00). (Ord. Of 1-12-81, Art. D)

Sec. 3-120. Fee.

The annual fee for a license under this article shall be three hundred ninety dollars (\$390.00) for a beer license and one hundred thirty dollars (\$130.00) for wine license.

Sec. 3-121. License Fee Due.

The annual fee for a license shall be due and payable on or before December 31 of the preceding year of the license period.

Sec. 3-122. Penalty on License Fee.

A penalty of ten (10%) percent of the license fee shall be imposed and collected on all license that are not paid by due date.

Sec. 3-123. Sale without License.

No licensee that has been licensed in the prior year shall sell, offer to sell, or display any beer and/or wine without a valid license.

Sec. 3-124. Sale without License.

No licensee that has been licensed in the prior year shall open for business without a valid

license.

Sec. 3-125. Same - Waiver of Waiting Period.

Whenever any person holding an annual retail license for the sale of beer in the city is in good standing and the continued retail of beer by such person at his regular establishment would not be considered injurious to the health, welfare or morals of the city, he may be granted a license for the next year by making application to the mayor and council at least thirty (30) days before the expiration date of the current license, and the mayor and council will pass on said application without the waiting period.

Sec. 3-126. Maintenance of Premises.

All persons holding a license under this article must keep their licensed premises in a clean and sanitary manner equal to the requirements of the health department. (Ord. Of 1-10-80, {10})