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**ARTICLE II. - DISTILLED SPIRITS, WINE AND MALT BEVERAGES** [12]

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**Sec. 4-19. - 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* means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverages, wine, or fortified wine as defined in this section.

*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

*License* means the authorization by the board to engage in the package sale or sale for consumption on the premises of distilled spirits, wine, and malt beverages.

*Licensed alcoholic beverage caterer* means any holder of a class D license issued under this chapter who derives at least 50 percent of its annual gross sales from the sale of meals or food prepared on the premises of the caterer by the caterer and who otherwise qualifies with the provisions set forth in O.C.G.A. Title 3, Chapter 11.

*Licensee*, under this article, [means] any entity which seeks to obtain the class of license, as defined in section 4-21, for the sale of distilled spirits, wine, or malt beverages must meet all of the following criteria:

- (1) *Class A-1 or A-2.*
  - a. Have a minimum of three full time employees;
  - b. Have a minimum of 15 paved off-street parking facilities;
  - c. Have a building or space therein for the reasonable use of its customers which it owns, hires or leases;
  - d. Have a minimum of 70 percent of the gross income of the licensee deriving from the sale of other retail merchandise or other similar sources relating directly to providing goods or services to those being served by the licensee's premises. The county reserves the right to analyze such income to determine if income is being allocated in a manner calculated to avoid the terms of this provision. Any prices for retail merchandise which is not a normal and reasonable charge shall be presumed to be an attempt to avoid the terms of this provision.
  - e. Have a minimum distance, measured in a straight line from front door to front door by a registered land surveyor, of 600 feet from any existing church, temple, or synagogue, or any government-operated school facility.
- (2) *Class B-1 or B-2.*
  - a. Have a minimum of three full-time employees;
  - b. Have a minimum of 50 paved off-street parking facilities;
  - c. Have a building or space therein for the reasonable use of its guests which it owns, hires or leases;
  - d. Have suitable kitchen and dining room space and equipment to serve meals or snacks for its guests; and
  - e. Have a minimum of 50 percent of the gross income of the licensee deriving from the sale of food stuffs, the use of its recreational facilities or other similar sources relating directly to providing goods or services to those being served by the licensee's premises. The county reserves the right to analyze such income to determine if income is being allocated in a manner calculated to avoid the terms of this provision. The term "food stuffs" shall not include mixers or any other component of a wine or malt beverage. Any price for foodstuff or services which is not a normal and reasonable charge shall be presumed to be an attempt to avoid the terms of this provision.
  - f. Have a minimum distance, measured in a straight line from front door to front door by a registered land surveyor, of 600 feet from any existing church, temple, or synagogue, or any government-operated school facility.
- (3) *Class C-1.*
  - a. Have a minimum of three full-time employees;
  - b. Have a minimum of 50 paved off-street parking facilities;
  - c.

- Have a building or space therein for the reasonable use of its guests which it owns, hires or leases;
- d. Have suitable kitchen and dining room space and equipment to serve meals or snacks for its guests; and
- [e.] Have a minimum of 50 percent of the gross income of the licensee deriving from the sale of food stuffs, the use of its recreational facilities or other similar sources relating directly to providing goods or services to those being served by the licensee's premises. The county reserves the right to analyze such income to determine if income is being allocated in a manner calculated to avoid the terms of this provision. The term "food stuff" shall not include mixers or any other component of a distilled spirit, wine, or malt beverage. Any price for foodstuff or services which is not a normal and reasonable charge shall be presumed to be an attempt to avoid the terms of this provision.
- [f.] Have a minimum distance, measured in a straight line from front door to front door by a registered land surveyor, of 600 feet from any existing church, temple, or synagogue, or any government-operated school facility.

*Premises* means the premises described in a license issued pursuant to this article.

*Malt beverage* means 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 water containing not more than six 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.

*Wholesale or wholesale dealer* means any person who sells alcoholic beverages to wholesale dealers, to retail package dealers or to retail consumption dealers.

*Wine* means any alcoholic beverage containing not more than 21 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.

Any term not defined herein shall have that definition established by the provisions of the Georgia Alcoholic Beverage Code (Title 3, O.C.G.A.)

(Ord. No. 09-04, § 1, 12-21-2009)

#### **Sec. 4-20. - Regulation of sales of distilled spirits, wine, and malt beverages.**

It shall be unlawful for any person to sell or offer to sell any distilled spirits, wine, or malt beverages without first complying with the rules and regulations set out in this article.

(Ord. No. 09-04, § 2, 12-21-2009)

#### **Sec. 4-21. - Licensing requirement.**

No distilled spirits, wine, or malt beverages shall be sold except under a license granted by the board to a licensee. Application to sell distilled spirits, wine, or malt beverages as set out herein below shall be made on forms provided by the board as follows:

- (1) *All licensees.*
  - a. For the remainder of the year 2009, applications will be considered anytime.
  - b. A license shall be valid only for the calendar year indicated thereon and no such license may be renewed. A licensee who desires to continue in business during the next or subsequent calendar year must make a new application for such year on or before November 1st of the preceding year.
  - c. Each applicant shall finish a complete set of fingerprints for each corporate officer and employee, if such employee is responsible for the management and operations of the applicant, which shall be forwarded to the Georgia Bureau of Investigation which shall search the files of the Georgia Crime Information Center for a period of two years immediately preceding the date of such application for any instance of criminal activity. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under rules established by the United States Department of Justice for processing and identification of records. The federal records, if any, shall be obtained and returned to the board considering such application.
  - d. A notice of each application shall be advertised in the official gazette of the county once a week for two weeks immediately preceding the meeting of the board at which the application is to be acted upon. At least 15 days prior to the public hearing, the applicant shall post a sign or signs provided by public development stating the date, time and place for the scheduled board of commissioner's public hearing, and the nature of the proposed license. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the license has been requested. The property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.
  - e. Any applicant for a license must show, to the satisfaction of the board, financial responsibility. Financial statements must be submitted with each completed application as prescribed by the board.
- (2) *Class A-1.* A Class A-1 license shall be required for the sale of wine by the package, not for consumption on the premises.
- (3) *Class A-2.* A Class A-2 license shall be required for the sale of malt beverages by the package, not for consumption on the premises.
- (4) *Class B-1.* A Class B-1 license shall be required for the sale of wine by the drink for consumption on the premises only.
- (5) *Class B-2.* A Class B-2 license shall be required for the sale of malt beverages by the drink for consumption on the premises only.
- (6) *Class C-1.* A Class C-1 license shall be required for the sale of distilled spirits by the drink for consumption on the premises only.
- (7) *Class D-1.* A Class D-1 license shall be required for the sale of wine by the drink, by a licensed caterer for consumption on the premises only.
- (8) *Class D-2.* A Class D-2 license shall be required for the sale of malt beverages by the drink, by a licensed caterer for consumption on the premises only.
- (9) *Class D-3.* A Class D-3 license shall be required for the sale of distilled spirits by the drink, by a licensed caterer for consumption on the premises only.
- (10) *Class E-1.* A Class E-1 license shall be required for the sale of wine at wholesale to other wholesale or retail dealers.

- (11) *Class E-2.* A Class E-2 license shall be required for the sale of malt beverages at wholesale to other wholesale dealers or retail dealers.

(Ord. No. 09-04, § 3, 12-21-2009)

#### **Sec. 4-22. - Standards for license.**

The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses hereunder.

- (1) All applicants for a license must be of good business reputation, and all operators, managers, clerks, or other employees, or corporate officers shall be of good character.
- (2) No license shall be granted to an applicant, a corporate officer of which has been convicted under any federal, state, or county law for a criminal offense involving distilled spirits, wine, or malt beverages, gambling, or tax law violations, if such conviction tends to indicate that the applicant would not maintain the operation for which a license is being sought in conformity with federal, state or county laws.
- (3) A license application may be denied to any applicant where it appears that the applicant would not have ownership, control and direction of the operation of the licensee, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (4) The board, in its discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the location of the licensee. If in their judgment, circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstance may be grounds for denying the application.
- (5) All applicants for a Class B-1, Class B-2, or Class C-1 license must provide evidence that at least one person in the employ of the applicant, who is in a supervisory capacity and is on duty, has completed an alcohol service training course. Such course may be reviewed and approved by the board.
- (6) No license shall be issued to any applicant unless the premises is in compliance with all Jackson County ordinances, including, without limitation, any ordinances dealing with building safety or zoning.

(Ord. No. 09-04, § 4, 12-21-2009)

#### **Sec. 4-23. - No assignment of license.**

No license shall be transferable or assignable to any person or other location, and in the event that a licensed entity is sold or closed, it shall be the duty of the licensee to immediately surrender its license to the board.

(Ord. No. 09-04, § 5, 12-21-2009)

#### **Sec. 4-24. - Separate license for each location.**

A separate license shall be required for each location of the licensee where distilled spirits, wine, or malt beverages are to be sold.

(Ord. No. 09-04, § 6, 12-21-2009)

**Sec. 4-25. - Licensee building plans.**

No license for a Class A, B, or C license shall be issued to any person unless the building in which distilled spirits, wine or malt beverages will be served as complete and detailed plans of said building and outside premises are attached to the application. The completed building or the proposed building shall comply with ordinances of Jackson County, regulations of the state revenue commissioner, and the laws of the State of Georgia. Each building in which the distilled spirits, wine, or malt beverages will be served shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times, so as to reveal all of the outside of said building. Each applicant for a license shall attach to its application evidence of ownership of the building or a copy of the lease if the applicant is leasing the building. All premises for which a Class B-1, Class B-2, or Class C-1 license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by their guests.

(Ord. No. 09-04, § 7, 12-21-2009)

**Sec. 4-26. - Sale and delivery off-premises.**

No licensee holding a Class A, B, C, or D license shall sell or deliver any distilled spirits, wine, or malt beverage to any person except on the premises as described in the application.

(Ord. No. 09-04, § 8, 12-21-2009)

**Sec. 4-27. - Restricted sales times.**

No licensee shall furnish, sell or offer for sale any distilled spirits, wine, or malt beverages at any of the following times:

- (1) At any time on Sundays;
- (2) At any time in violation of a local ordinance, regulation or special order of the board; or
- (3) Between midnight and 7:00 a.m. of the following day for Class A-1 and A-2, and between midnight and 12:00 p.m. of the following day for Class B-1, B-2, and C-1.

(Ord. No. 09-04, § 9, 12-21-2009)

**Sec. 4-28. - Minimum age of consumption exceptions.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Proper Identification:*

- (1) The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an Act to require the state department of public safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license.
  - (2) The term "proper identification" does not include a birth certificate.
- (b) *Sale to person under 21 years of age prohibited.* No licensee or employee of same shall knowingly furnish, sell or offer to sell any distilled spirits, wine, or malt beverages to a person

under 21 years of age. This prohibition shall not apply with respect to the sale of distilled spirits, wine, or malt beverages to a person when such person has furnished proper identification showing that the person to whom the distilled spirits, wine, or malt beverages are being sold is 21 years of age or older.

(Ord. No. 09-04, § 10, 12-21-2009)

#### **Sec. 4-29. - Sale to intoxicated persons.**

No licensee hereunder shall furnish, sell or offer to sell any distilled spirits, wine, or malt beverages to any person who is noticeably intoxicated.

(Ord. No. 09-04, § 11, 12-21-2009)

#### **Sec. 4-30. - Age of employees.**

No licensee hereunder shall employ, require or permit a person under 18 years of age to sell packaged wine or malt beverage or take orders and serve any distilled spirits, wine, or malt beverages. No licensee hereunder shall employ, require, or permit a person under 21 years of age to bartend or pour any distilled spirits, wine, or malt beverages, or take orders for any distilled spirits, wine, or malt beverages.

(Ord. No. 09-04, § 12, 12-21-2009)

#### **Sec. 4-31. - Annual fee.**

The annual fee for licenses shall be as follows:

- (1) Class A-1: \$500.00
- (2) Class A-2: \$500.00
- (3) Class B-1: \$500.00
- (4) Class B-2: \$500.00
- (5) Class C-1: \$2,000.00
- (6) Class D-1: \$500.00
- (7) Class D-2: \$500.00
- (8) Class D-3: \$2,000.00
- (9) Class E-1: \$1,000.00
- (10) Class E-2: \$1,000.00

and shall be paid prior to the issuance of any license. The annual fee shall accompany the application and shall be either in cash or a bank certified check and will be refunded if the license is not issued. Additionally, a nonrefundable investigative fee in the amount of the greater of the actual costs of the investigation or \$500.00 shall be charged. The amount of any fee set out hereunder may be changed upon resolution of the board.

(Ord. No. 09-04, § 13, 12-21-2009)

#### **Sec. 4-32. - Restrictions related to certain classes.**

(a) *Requirements for licensed caterers.*

- (1) It shall be unlawful for any person to engage in, carry on, or conduct a sale or distribution of alcoholic beverages off-premises and in connection with a catered

- event or function or to any location not licensed hereunder without first having obtained a caterer's license as provided herein.
- (2) A licensed alcoholic beverage caterer may sell only that type of alcohol which is authorized by its alcoholic beverage license.
  - (3) Sunday sales. Sunday sales are prohibited.
  - (4) A licensed alcoholic beverage caterer must comply with all local ordinances except for section 4-26 of this article.
  - (5) A licensed alcoholic beverage caterer must comply with O.C.G.A. § 3-11-3, Event Permits for Catered Functions.
- (b) *Wholesale licenses.* Consumption on the premises of any alcoholic beverage of a wholesale dealer is prohibited.
- (c) *Excise taxes.* In addition to all other taxes and license fees imposed upon retail dealers engaged in the county in the business of selling malt beverages and wines as defined under the laws of the state, there is an imposed levy among all dealers described in this section within the unincorporated area of the county an excise tax to be computed and collected as set forth in this section.
- (1) The excise taxes on malt beverages and wine shall be that amount set forth in the schedule of excise taxes on file in the board of commissioner's office and the business office.
  - (2) *Computation, payment.* The tax imposed in the section shall be computable and payable monthly. Each wholesale dealer selling, shipping or delivering malt beverages or wine to any retail dealer in the unincorporated area of the county shall as a condition to the privilege of carrying on the business: (a) keep true and correct records of all sales, shipments, or deliveries of such alcoholic beverages to any retail dealer in the unincorporated area of the county for a period of one year, and such records are to be made available upon request from a duly authorized representative of the county (b) collect from each said retail dealer in the unincorporated area of the county at the time of delivery of the malt beverage of wine the amount of tax due under the terms of this section and to hold such amount in trust for the county until such amounts are remitted to the county as provided in this section.
  - (3) Except as provided in O.C.G.A. § 3-5-81 or other applicable state law, on or before the 20th day of each calendar month, make a verified, and comprehensive report to the county business license office which shall correctly show all sales and deliveries of malt beverages and wine to or for retail dealers in the unincorporated area of the county for the month preceding such report. Such report shall show the name and address of each retail dealer, the quantities delivered to each retail dealer the amount collected under the terms of this section and such other information as may be called for by the county. This report shall be accompanied by remittance by the county for all taxes collected or due as shown on the report.
  - (4) *Noncompliance by wholesale dealer.* If any wholesale dealer fails to or refuses to make the report provided for in this section the county shall notify the party in writing, and if the reports are not made and the taxes remitted within five days from the date of the notice, the county may revoke the wholesale dealers license. In addition, such wholesale dealer may pay a late payment charge of ten percent per month for each month delinquency together with interest on the total amount due including the late payment fee equal to one percent per month.

(Ord. No. 09-04, § 14, 12-21-2009)

**Sec. 4-33. - Inspection.**

The premises of the holder of a license for the sale of distilled spirits, wine, or malt beverages shall be open to inspection at any and all times by officers or officials authorized to conduct such inspections by the county, state or federal authorities.

*(Ord. No. 09-04, § 15, 12-21-2009)*

**Sec. 4-34. - False statements.**

The making of any statement on an application for a license which shall be later found to be false shall constitute grounds for revocation of said license.

*(Ord. No. 09-04, § 16, 12-21-2009)*

**Sec. 4-35. - No gambling.**

Except for the State of Georgia lottery, there shall be no gambling, betting, games of chance, punchboards, vending machines, slot machines, pinball machines, lotteries or tickets or chances therein or the operation of any schemes of hazarding money or any other thing of value in any licensee's place of business or in any room adjoining the same, owned, leased or controlled by licensee, and any violation of this section shall be cause for suspension or revocation of the license.

*(Ord. No. 09-04, § 17, 12-21-2009)*

**Sec. 4-36. - Display of licenses.**

Licenses under this article shall be displayed prominently at all times on the premises for which same was issued.

*(Ord. No. 09-04, § 18, 12-21-2009)*

**Sec. 4-37. - Grounds for suspension or revocation of license.**

No person shall engage in the sale of distilled spirits, wine, or malt beverages in the county without first complying with the rules and requirements set out in this article. Any license issued hereunder shall be subject to suspension or revocation upon any of the following grounds:

- (1) The making of any false statement either in or in connection with the application for a license issued hereunder, which shall be later found to be false;
- (2) All licenses issued hereunder are conditioned upon faithful compliance with the rules and regulations set out in this article, and the laws and regulations of the United States and the State of Georgia and the ordinances of Jackson County;
- (3) Whenever it can be shown that a licensee hereunder no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation, of any kind whatsoever; lawfully owing to the county;
- (4) Suspension or revocation of any applicable state license shall automatically operate to suspend or revoke any license issued hereunder;
- (5) Failure to conform to the definition of a licensee; or
- (6) For any other legal and sufficient cause.

Any action taken by the board to suspend or revoke a license issued hereunder, shall not preclude, and may be in addition to, any criminal prosecution by a proper authority as provided by the laws and ordinances of the county, the State of Georgia, or the United States. Whenever any action is taken by the board to suspend or revoke any license issued hereunder, the board shall provide written notice to the licensee of the action taken and state the reasons therefor. The licensee shall have 15 days following notification of such action to request a hearing before the board. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.

*(Ord. No. 09-04, § 19, 12-21-2009)*

#### **Sec. 4-38. - Repealer.**

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

*(Ord. No. 09-04, § 20, 12-21-2009)*

#### **Sec. 4-39. - Invalidity of part.**

Should any sentence, section, subsection or provision of this article be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this article as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

*(Ord. No. 09-04, § 21, 12-21-2009)*

#### **Sec. 4-40. - Excise taxes.**

The county shall charge the maximum excise tax allowable, as amended from time to time by the provisions of the Georgia Alcoholic Beverage Code.

*(Ord. No. 09-04, § 22, 12-21-2009)*

#### **Sec. 4-41. - Penalties.**

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this article shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than 60 days or by both such fine and imprisonment. Each violation of a section or subsection of this article shall be considered a separate violation.

*(Ord. No. 09-04, § 23, 12-21-2009)*

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#### **FOOTNOTE(S):**

<sup>(12)</sup> *Editor's note— Ord. No. 09-04, §§ 1—23, adopted Dec. 21, 2009, amended Art. II and restated the article to read as set out herein. Former Art. II, §§ 4-19—4-36 pertained to similar subject matter and derived from an ordinance adopted Feb. 20, 2006, §§ 1—12, 14—18, 21; and an ordinance adopted Sept 11, 2006, §§ 1—12, 14—18. ([Back](#))*

**ORDINANCE NO: ORD-12-004**

AN ORDINANCE ADOPTING AND ENACTING A REVISED CODE FOR JACKSON COUNTY, GEORGIA FOR THE PURPOSE OF ESTABLISHING TERMS AND CONDITIONS FOR THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS AS AUTHORIZED BY THE CITIZENS OF JACKSON COUNTY UPON THE REFERENDUM HELD JULY 31, 2012.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS:

- Section 1: Authority
- Section 2: Amendment to Chapter 4, Section 4-21 of the Code of Jackson County
- Section 3: Amendment to Chapter 4, Section 4-25 of the Code of Jackson County
- Section 4: Amendment to Chapter 4, Section 4-25 of the Code of Jackson County
- Section 5: Amendment to Chapter 4, Section 4-27 of the Code of Jackson County
- Section 6: Amendment to Chapter 4, Section 4-31 of the Code of Jackson County
- Section 7: Amendment to Chapter 4, Section 4-32 of the Code of Jackson County
- Section 8: Penalty for violation

**Section 1.** The Jackson County Board of Commissioners does now exercise its authority as granted by Georgia Law O.C.G.A. § 3-3-7 to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink and to permit and regulate Sunday package sales by retailers of both malt beverages and wine.

**Section 2.** Chapter 4, Section 4-21 (Licensing Requirement), Subsection (1)a. is hereby amended to add the following after the first sentence in said Subsection:  
For the remainder of the year 2012, Class F, Class G, Class H, Class I and Class J applications by existing license holders will be considered anytime. Any person holding an existing Class A, B, C, D or E license for 2012 who has not had a violation of the terms of said license(s) and this ordinance, and who has not had a change of ownership or corporate

officer(s) who were the applicants on the current license, or supervisory personnel holding alcohol service training certificates as required by Section 4-25(5) may make application for a Class F, G, H, I or J license without complying with Section 4-21(1)c., (1)d., or (1)e., or Section 4-25.

**Section 3.** Chapter 4, Section 4-21 (Licensing Requirement) is further amended to add the following classes of licenses:

- (11) *Class F-1.* A Class F-1 license shall be required for the sale on Sunday of wine by the package, not for consumption on the premises.
- (12) *Class F-2.* A Class F-2 license shall be required for the sale on Sunday of malt beverages by the package, not for consumption on the premises.
- (13) *Class G-1.* A Class G-1 license shall be required for the sale on Sunday of wine by the drink for consumption on the premises only.
- (14) *Class G-2.* A Class G-2 license shall be required for the sale on Sunday of malt beverages by the drink for consumption on the premises only.
- (15) *Class H-1.* A Class H-1 license shall be required for the sale on Sunday of distilled spirits by the drink for consumption on the premises only.
- (16) *Class I-1.* A Class I-1 license shall be required for the sale on Sunday of wine by the drink by a licensed caterer for consumption on the premises only.
- (17) *Class I-2.* A Class I-2 license shall be required for the sale on Sunday of malt beverages by the drink, by a licensed caterer for consumption on the premises only.
- (18) *Class I-3.* A Class I-3 license shall be required for the sale on Sunday of distilled spirits by the drink, by a licensed caterer for consumption on the premises only.

- (19) *Class J-1.* A Class J-1 license shall be required for the sale on Sunday of wine at wholesale to other wholesale or retail dealers.
- (20) *Class J-2.* A Class J-2 license shall be required for the sale on Sunday of malt beverages at wholesale to other wholesale dealers or retail dealers.

**Section 4.** Chapter 4, Section 4-25. (Licensee building plans) is hereby amended to state the following:

No Class A, B, C, F, G or H license shall be issued to any person unless the building in which distilled spirits, wine or malt beverages will be served has complete and detailed plans of said building and outside premises and are attached to the application. The completed building or the proposed building shall comply with ordinances of Jackson County, regulations of the state revenue commissioner, and the laws of the State of Georgia. Each building in which the distilled spirits, wine, or malt beverages will be served shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times, so as to reveal all of the outside of said building. Each applicant for a license shall attach to its application evidence of ownership of the building or a copy of the lease if the applicant is leasing the building. All premises for which a Class B-1, Class B-2, or Class C-1 license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by their guests.

**Section 5.** Chapter 4, Section 4-27 (Restricted Sales Times) is hereby amended to state the following:

No Licensee shall furnish, sell or offer for sale any distilled spirits, wine, or malt beverages at any of the following times:

- (1) On Sunday, except between the hours of 12:30 p.m. and 11:30 p.m. if the licensee has properly obtained a Class F, Class G, Class H, Class I or Class J license;
- (2) At any time in violation of a local ordinance, regulation or special order of the board; or
- (3) On all days except Sunday, between midnight and 7:00 a.m. for Class A-1 and A-2, and between midnight and 12:00 p.m. for Class B-1, B-2, and C-1.

**Section 6.** Chapter 4, Section 4-31 (Annual Fee) is hereby amended to add the following, with all other provisions thereof to remain unchanged:

- (11) Class F-1: \$ 100.00
- (12) Class F-2: \$ 100.00
- (13) Class G-1: \$ 100.00
- (14) Class G-2: \$ 100.00
- (15) Class H-1: \$ 100.00
- (16) Class I-1: \$ 100.00
- (17) Class I-2: \$ 100.00
- (18) Class I-3: \$ 100.00
- (19) Class J-1: \$ 100.00
- (20) Class J-2: \$ 100.00

**Section 7.** Chapter 4, Section 4-32 (Restrictions Related to Certain Classes), subsection (a)(3) is hereby amended to state the following, with all other subsections of Section 4-32 to remain unchanged:

- (3) **Sunday Sales.** A Sunday Sales License by the Drink is required for Sunday sales of alcoholic beverages by a licensed alcoholic beverage caterer.

**Section 8. Penalty for violation.**

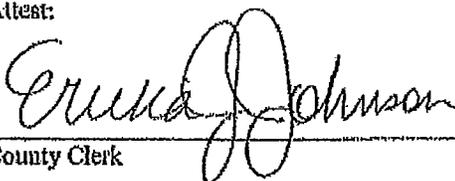
Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in Section 1-12 of the Jackson County Code of Ordinances. Such persons shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued, or permitted by that person and shall be punished accordingly.

Passed and adopted by the Jackson County Board of Commissioners this 20<sup>th</sup> day of August, 2012.

  
Chairman

SEAL

Attest:

  
County Clerk

JAK:ves/W144137

**JACKSON COUNTY, GEORGIA  
ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE  
BY THE BOARD OF COMMISSIONERS  
OF JACKSON COUNTY**

An Ordinance of Jackson County, Georgia to modify regulations regarding measurement of distances regarding licenses for the sale of alcoholic beverages; to modify regulations regarding renewal of licenses for the sale of alcoholic beverages; to provide for severability; to repeal conflicting ordinances; and for other purposes.

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

**WHEREAS**, the Board of Commissioners desires to modify regulations regarding measurement of distances and renewal of licenses for the sale of alcoholic beverages, as set forth herein.

**NOW THEREFORE**, be it resolved and ordained by the Board of Commissioners of Jackson County, Georgia, and it is hereby resolved and ordained by the authority of same as follows:

**Section 1**

That Chapter 4, Alcoholic Beverages, Article II, Distilled Spirits, Wine and Malt Beverages, Section 4-19, the definition of the defined term "Licensee," of The Code of Jackson County, Georgia is amended to read as follows:

**“Section 4-19 Definitions.**

*Licensee*, under this Article, means any entity which seeks to obtain the class of license, as defined in section 4-21, for the sale of distilled spirits, wine, or malt beverages must meet all of the following criteria:

(1) *Class A-1 or A-2.*

- a. Have a minimum of three full time employees;
- b. Have a minimum of 15 paved off-street parking facilities;
- c. Have a building or space therein for the reasonable use of its customers which it owns, hires or leases;
- d. Have a minimum of 70 percent of the gross income of the licensee deriving from the sale of other retail merchandise or other similar sources relating directly to providing goods or services to those being served by the licensee's premises. The county reserves the right to analyze such income to determine if income is being allocated in a manner calculated to avoid the terms of this provision. Any prices for retail merchandise which is not a normal and reasonable charge shall be presumed to be an attempt to avoid the terms of this provision.
- e. Have a minimum distance, measured **by a registered land surveyor** in a straight line from **the front door of the structure from which alcoholic beverages are sold or offered for sale to either: 1) the front door of the building of a church or government-owned treatment center; or 2) to the nearest property line of the real property being used for school or educational purposes** ~~by a registered land surveyor, of 600 feet from any existing church, temple, or synagogue, or any government operated school facility.~~

(2) *Class B-1 or B-2.*

- a. Have a minimum of three full-time employees;
- b. Have a minimum of 50 paved off-street parking facilities;
- c. Have a building or space therein for the reasonable use of its guests which it owns, hires or leases;
- d. Have suitable kitchen and dining room space and equipment to serve meals or snacks for its guests; and
- e. Have a minimum of 50 percent of the gross income of the licensee deriving from the sale of food stuffs, the use of its recreational facilities or other similar sources relating directly to providing goods or services to those being served by the licensee's premises. The county reserves the right to analyze such income to determine if income is being allocated in a manner calculated

to avoid the terms of this provision. The term "food stuffs" shall not include mixers or any other component of a wine or malt beverage. Any price for foodstuff or services which is not a normal and reasonable charge shall be presumed to be an attempt to avoid the terms of this provision.

f. Have a minimum distance, measured by a registered land surveyor in a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale to either: 1) the front door of the building of a church or government-owned treatment center; or 2) to the nearest property line of the real property being used for school or educational purposes ~~by a registered land surveyor, of 600 feet from any existing church, temple, or synagogue, or any government-operated school facility.~~

(3) *Class C-1.*

- a. Have a minimum of three full-time employees;
- b. Have a minimum of 50 paved off-street parking facilities;
- c. Have a building or space therein for the reasonable use of its guests which it owns, hires or leases;
- d. Have suitable kitchen and dining room space and equipment to serve meals or snacks for its guests; and
- e. Have a minimum of 50 percent of the gross income of the licensee deriving from the sale of food stuffs, the use of its recreational facilities or other similar sources relating directly to providing goods or services to those being served by the licensee's premises. The county reserves the right to analyze such income to determine if income is being allocated in a manner calculated to avoid the terms of this provision. The term "food stuff" shall not include mixers or any other component of a distilled spirit, wine, or malt beverage. Any price for foodstuff or services which is not a normal and reasonable charge shall be presumed to be an attempt to avoid the terms of this provision.
- f. Have a minimum distance, measured by a registered land surveyor in a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale to either: 1) the front door of the building of a church or government-owned treatment center; or 2) to the nearest property line of the real property being used for school or educational purposes ~~by a registered land surveyor, of 600 feet from any existing church, temple, or synagogue, or any government-operated school facility."~~

**Section 2**

That Chapter 4, Alcoholic Beverages, Article II, Distilled Spirits, Wine and Malt Beverages, Section 4-21 of The Code of Jackson County, Georgia is amended to read as follows:

**"Section 4-21 Licensing Requirements.**

No distilled spirits, wine, or malt beverages shall be sold except under a license granted by the board, after notice and a public hearing as provided herein, or by public development to a licensee. Application to sell distilled spirits, wine, or malt beverages as set out herein below shall be made on forms provided by the board as follows:

(1) *All licensees.*

(d)(I) Regarding all new applications, including applications for previously licensed locations regarding which no license is currently in effect, a notice of each application shall be advertised in the official gazette of the county once a week for two weeks immediately preceding the meeting of the board at which the application is to be acted upon. At least 15 days prior to the public hearing, the applicant shall post a sign or signs provided by public development stating the date, time and place for the scheduled board of commissioners' public hearing, and the nature of the proposed license. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the license has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(d)(II) Regarding all applications for locations holding a license currently in effect, public development shall review such applications and, upon determining that any such application conforms to the requirements of this Chapter, issue the new license.

(e) Any applicant for a license must show, to the satisfaction of the board or public development, as applicable, financial responsibility. Financial statements must be submitted with each completed application as prescribed by the board.

### Section 3. Severability

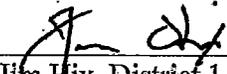
Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed, or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this Ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

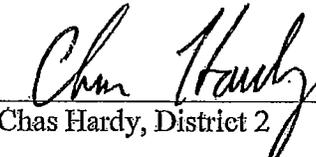
**Section 4. Effective Date and Repealer Provision**

This Ordinance shall become effective immediately upon its adoption and any and all existing or pre-existing Jackson County alcohol ordinances, amendments, and resolutions in conflict with the terms of this Ordinance are hereby repealed.

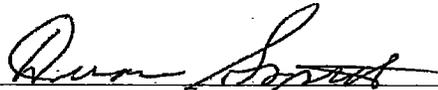
Adopted this 15<sup>th</sup> day of September, 2014.

  
\_\_\_\_\_  
Tom Crow, Chairman

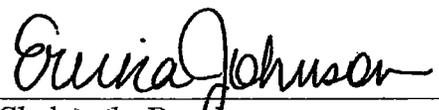
  
\_\_\_\_\_  
Jim Hix, District 1

  
\_\_\_\_\_  
Chas Hardy, District 2

\_\_\_\_\_  
Bruce Yates, District 3

  
\_\_\_\_\_  
Dwain Smith, District 4

Attest:

  
\_\_\_\_\_  
Clerk to the Board