



PUTNAM COUNTY BOARD OF COMMISSIONERS

117 Putnam Drive, Suite A
Eatonton, GA 31024
Phone (706) 485-5826 ~ Fax (706) 923-2345

ALCOHOL LICENSE INFORMATION (FOR RENEWAL APPLICATIONS)

As specified in the Putnam County Alcoholic Beverage Control Ordinance adopted on March 20, 1990, your alcohol license is valid only for the calendar year indicated thereon and will not be automatically renewed. A licensee who desires to continue in business during the next year must make a renewal request on or before December 31st, reporting all changes since the last application.

Your renewal application package includes the following:

1. Information Page
2. County's application (6 pages)
3. Verification of Lawful Presence within the United States Affidavit
4. Private Employer Affidavit
5. Background Investigation Consent Form
6. Applicant's Privacy Rights Form
7. Schedule of Fees
8. Bond Form
9. Putnam County Code of Ordinances Chapter 6 (Alcohol)

The entire application package and complete instructions can also be found on the county web site - www.putnamcountyga.us. All forms can be filled out on your computer, then printed, signed, and turned in.

The following must be submitted before we can consider your application:

1. Completed Application (all 6 pages)
2. Detailed set of plans and working drawings (only if new or renovated building)
3. Verification of Lawful Presence within the United States Affidavit (signed and notarized)
4. Private Employer Affidavit (signed and notarized)
5. Background Investigation Consent Form (turn in to BOC office with application)
6. Applicant's Privacy Rights Form
7. \$300 Performance Bond (if Retail Beer/Wine)
8. Copy of current State license
9. Copy of Valid Georgia Driver's License
10. Fee(s)
 - a. The fees are payable via our online payment portal (credit cards and ECH Checks) at <https://client.pointandpay.net/web/putnamcountybooc> or by mailed in check payable to Putnam County Board of Commissioners

The application will not be accepted without all of the above documents.

The annual fee shall be paid at the time application is made for the license renewal. No license will be issued until all required information has been submitted and approval has been received from the Sheriff's Office, Fire Marshal and/or Building Inspector, Tax Commissioner, County Clerk, and the Board of Commissioners.

Please review the Putnam County Code of Ordinances regarding alcohol included in your application packet.

YOUR RENEWAL APPLICATION MUST BE SUBMITTED NO LATER THAN DECEMBER 31st of each year.
IT IS YOUR RESPONSIBILITY TO ENSURE THAT YOUR LICENSE IS RENEWED.

PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024
706-485-5826 ♦ 706-923-2345 fax ♦ www.putnamcountygga.us

APPLICATION FOR LICENSE FOR SALE OF ALCOHOLIC BEVERAGES IN UNINCORPORATED PUTNAM COUNTY, GEORGIA

(A separate license shall be required for each place of business)

Date of Application: _____

1. Type of License – please check one:

☐ New ☐ Renewal ☐ Modification

2. Type of Business:

☐ Restaurant ☐ Package Store ☐ Wholesale
☐ Supermarket ☐ Convenience Store

☐ Other* Please explain _____

3. License Classification & Fees – please check all that apply:

Retail Package

☐ Malt Beverages \$200 ☐ Wine \$200 ☐ Distilled Spirits \$3200

Retail Consumption on Premises

☐ Malt Beverages and/or Wine \$400 ☐ Distilled Spirits \$660

All new licenses

☐ Fingerprinting Fee, \$50.00

4. Business:

Business Name _____

DBA Name (if applicable) _____

Location Address _____ Phone _____

City _____ State _____ Zip Code _____

Parcel Number _____

Mailing Address _____ Phone _____

City _____ State _____ Zip Code _____

Who to contact if there are questions regarding the application:

Name _____ Phone _____

Email _____

5. Type of Ownership (please mark appropriate box and fill out section a, b or c as indicated):

☐ Individual **(a)**

☐ Partnership **(b)**

☐ Limited Liability Company **(b)**

☐ Corporation **(c)**

a. For Individual:

Full Legal Name _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Length of Residence in the State of Georgia (must be at least one year) _____

Birth date _____ SSN _____

b. For Partnership or LLC:

All applicants who are non-individual persons shall list the names, addresses and ownership interest of each owner of a 5% or greater interest.

Partnership or LLC Name _____

Address _____ Phone _____

City _____ State _____ Zip Code _____

Partners:

• Full Legal Name _____ % Interest _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Length of Residence in the State of Georgia (must be at least one year) _____

Birth date _____ SSN _____

• Full Legal Name _____ % Interest _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Length of Residence in the State of Georgia (must be at least one year) _____

Birth date _____ SSN _____

(Attach additional pages if necessary)

c. For Corporation:

All applicants who are non-individual persons shall list the names, addresses and ownership interest of each owner of a 5% or greater interest.

Name of Corporation _____
(Name should be shown exactly as registered with the Office of the Secretary of State)

Address _____ Phone _____

City _____ State _____ Zip Code _____

Length of existence in the State of Georgia (must be at least one year) _____

Officers:

• Full Legal Name _____

% Interest _____ Office held _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Length of Residence in the State of Georgia (must be at least one year) _____

Birth date _____ SSN _____

• Full Legal Name _____

% Interest _____ Office held _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Length of Residence in the State of Georgia (must be at least one year) _____

Birth date _____ SSN _____

(Attach additional pages if necessary)

Agent Authorized to receive service of process under the laws of the State of Georgia – for corporations only:

Full Name _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Length of Residence in the State of Georgia (must be at least one year) _____

Birth date _____ SSN _____

c. (cont.)

Managing Agent (person responsible for alcohol issues and day to day operations for the entity)
– **for corporations only:**

Full Name _____

Home Address _____ Home Phone _____

City _____ State _____ Zip Code _____

Length of Residence in the State of Georgia (must be at least one year) _____

Birth date _____ SSN _____

6. Residency/Age requirement:

Is there any party identified in Question 5 that is not a citizen of the United States and at least twenty-one (21) years of age?

☐ Yes If yes, please give full details on separate sheet. ☐ No

7. Disclosure of previous denials:

Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from Putnam County or other City or County in the State of Georgia or other state or political subdivision and been denied such, have such suspended or have such revoked?

☐ Yes If yes, please give full details on separate sheet. ☐ No

8. Disclosure of licenses held:

Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?

☐ Yes If yes, please provide locations thereof on separate sheet. ☐ No

9. Disclosure of felony/other convictions or offenses:

Is there anyone connected with this business that has been convicted of a felony offense or any offense involving moral turpitude under federal, state or local laws?

☐ Yes If yes, please give full details on separate sheet including dates, charges and disposition.
☐ No

Is there anyone connected with this business that has been convicted of any misdemeanor offense pertaining to the sale or illegal possession of alcoholic beverages, gambling, tax laws, controlled substances and/or dangerous drugs under federal state or local laws?

☐ Yes If yes, please give full details on separate sheet including dates, charges and disposition.
☐ No

10. As a prerequisite to the issuance of any license, the person, partners, or corporation's managing agent shall furnish a complete set or sets of his/her/their fingerprints to the Board of Commissioners. Said fingerprints shall be obtained under the direction of the Board of Commissioners or their designee. The Board of Commissioners will request the Sheriff of Putnam County to obtain a fingerprint based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the individual(s) fingerprinted and to return an appropriate report to the board. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. Any fees charged by the Putnam County Sheriff's Office or the Georgia Crime Information Center or the Federal Bureau of Investigation to cover the cost of the records search shall be paid by the individual(s) fingerprinted. Please complete the "Consent Form" attached to this application and turn in to the Board of Commissioners Office.
11. If the proposed licensed premises were not in existence on January 6, 2010, the initial application shall include an accurate sketch or diagram showing the location of the building, the area thereof to be used, and the property lines of the real property where the licensee proposes to carry on the business of selling alcoholic beverages. The diagram shall also show the location of all churches or recognized places of worship and schools in the immediate area, and the distance between the property line of the proposed place of business and the property line of schools, churches or recognized places of worship as measured along a straight line.
12. If the proposed licensed premises are not in existence or require substantial renovation, the applicant shall submit a detailed set of plans and working drawings showing the exact location of the proposed licensed premises and the construction proposed to be carried out by the licensee and the anticipated time for completion of said construction or renovation.
13. Applicants shall provide a copy of their state license. If applicant does not have a state license yet, a copy must be sent as soon as it is obtained.
14. Before any retail package sale of malt beverages and/or wine license is granted, the applicant must post with the Board of Commissioners, along with this application, a performance bond with an insurance company as surety. Such bond is to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained in the Code of Ordinances. Upon the violation of the ordinances the amount of the bond to be forfeited will be determined by the seriousness of the violations as determined by the Board of Commissioners. Such bond is to be approved by the Board of Commissioners and shall be properly executed. Such bond shall be in the amount of \$300.00.
15. Prior to issuance of any license pursuant to this Chapter, an applicant must be in compliance with all applicable requirements under federal, state, and/or county ordinances. Compliance with state and county statute and ordinances shall specifically include the requirement that the applicant or business of the applicant is not delinquent in the payment of any tax or fee owed the county, including, but not limited to, personal or real property taxes, any occupational taxes, sales and use taxes, or payment for any required permit necessary for operation of applicant's business. For purposes of this section, any tax that has been paid, formally appealed to the proper authorities, or is being paid pursuant to a plan authorized and approved by the appropriate tax or revenue commissioner shall not be deemed delinquent.

I, _____, solemnly swear, subject to the penalties for false swearing as provided under Georgia Law, all information required in this application and supporting documents for a license to sell alcoholic beverages in Putnam County, Georgia is true and correct to the best of my knowledge and I fully understand that any false information may cause the denial or revocation of said license.

Print full name as signed below

Signature of Applicant or Managing Agent

Title

Date

Sworn to and subscribed before me

this _____ day of _____, 20____.

Notary Public (SEAL)

The written application for a license on file with the Board of Commissioners shall be a permanent record which the licensee must maintain current with correct information at all times. The failure to maintain a current license application shall be grounds for revocation of a license.

(For Putnam County Office Use Only)

Name of Owner _____

Name of Business _____

Address _____

Payment Received: \$ _____ Date _____ Receipt # _____

Approval: (please sign appropriate line below)

Sheriff _____ Date _____

Fire Marshal _____ Date _____

Tax Commissioner _____ Date _____

County Clerk _____ Date _____

Verification of Lawful Presence with the United States



By executing this affidavit under oath, as an applicant for an Alcohol License, as reference in O.C.G.A §50-36-1, from the Putnam County Board of Commissioners, the undersigned applicant verifies one of the following with respect to my application for a public benefit: **(please only check one)**

- 1) _____ I am a United States citizen
- 2) _____ I am a legal permanent resident of the United States
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other Federal immigration agency.

My alien number issued by the Department of Homeland Security or other Federal immigration agency is: _____.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document (Driver's License, State Issued ID, or Passport), as required by O.C.G.A §50-36-1 (f) (1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A §16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed 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: _____

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

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for a business license, occupational tax certificate, or other document required to operate a business 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) employees¹.

*** 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 Authorized Officer or Agent

Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____, 201____.

NOTARY PUBLIC

My Commission Expires: _____

¹ 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.

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BACKGROUND INVESTIGATION CONSENT FORM

Purpose: License for Alcoholic Beverages

☐ Renewal – Background check only

Name of Business _____

I hereby give consent for the Putnam County Sheriff's Office to conduct an inquiry and receive any Georgia and/or National criminal history record information pertaining to me which may be contained in the files of any state or local criminal justice agency. This authorization is valid for one year from date of signature.

Full Name (print)			
Address			
City, State, Zip			
Sex	Race	Date of Birth	Social Security Number

Signature

Date

*Fingerprinting for background checks will only be performed at the following times:
Mondays 9 am-2 pm; Wednesdays 9 am-4 pm; Fridays & Saturdays 12 Noon-4 pm.

For Putnam County BOC Use Only:

☐ Fee paid _____
(County Authorized Signature)

For PCSO use only:

Run under ORI #GA923034Z

Date of Inquiry _____ Time of Inquiry _____ Operator's Initials _____

Purpose Code used

X	E – Employment / Licensing
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The inquiry resulted in the following (check all that apply)

<input type="checkbox"/>	No Criminal Records Available
<input type="checkbox"/>	Criminal Record (Attached/Released)
<input type="checkbox"/>	No NCIC/GCIC Warrant
<input type="checkbox"/>	Possible NCIC/GCIC Warrant (List Wanting Agency Below)
Wanting Agency Name	
Wanting Agency Telephone	

Agency Designee Signature and Title

Date

NON-CRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulation (CFR), 50.12, among other authorities.

- You must be provided written notification that your fingerprints/biometrics will be used to check the criminal history records maintained by the Georgia Crime Information Center (GCIC) and the FBI, when a federal record check is so authorized.
- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared or explained.
- You must be advised in writing of the procedures for obtaining a change, correction, or update of your criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on the information in the criminal history record.
- If agency policy permits, the officials may provide you with a copy of your criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may find information regarding how to obtain a copy of your Georgia criminal history record at the GBI website: <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions> Information regarding how to obtain a copy of your FBI criminal history record is located at the FBI website: <https://www.edo.cjis.gov>
- If you decide to challenge the accuracy or completeness of your criminal history record, you should contact and send your challenge to the agency that contributed the questioned information. If the disputed arrest occurred in the State of Georgia, you may send your challenge directly to the GCIC. Contact information for the GCIC can be found at <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-asked-questions> Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenge entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for the authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

Privacy Act Statement

This privacy act statement is located on the back of the FD-258 fingerprint card.

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI. Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket

Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 02/04/2021

I acknowledge receipt of and have read the Applicant's Privacy Rights form.

Signature

Printed Name

Date

PUTNAM COUNTY BOARD OF COMMISSIONERS



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706-485-5826 ♦ 706-923-2345 fax
www.putnamcountyga.us

ALCOHOL LICENSES SCHEDULE OF FEES

Purchase Date	Retail Package Malt Beverages	Retail Package Wine	Retail Package Distilled Spirits	Retail Consumption on Premises Malt Beverages and/or Wine	Retail Consumption on Premises Distilled Spirits
January	\$200.00	\$200.00	\$3200.00	\$400.00	\$660.00
February	\$183.33	\$183.33	\$2933.33	\$366.67	\$605.00
March	\$166.66	\$166.66	\$2666.66	\$333.34	\$550.00
April	\$149.99	\$149.99	\$2399.99	\$300.01	\$495.00
May	\$133.32	\$133.32	\$2133.32	\$266.68	\$440.00
June	\$116.65	\$116.65	\$1866.65	\$233.35	\$385.00
July	\$99.98	\$99.98	\$1599.98	\$200.02	\$330.00
August	\$83.31	\$83.31	\$1333.31	\$166.69	\$275.00
September	\$66.64	\$66.64	\$1066.64	\$133.36	\$220.00
October	\$49.97	\$49.97	\$799.97	\$100.03	\$165.00
November	\$33.30	\$33.30	\$533.30	\$66.70	\$110.00
December	\$16.67	\$16.67	\$266.67	\$33.33	\$55.00

RETAIL MALT BEVERAGES AND/OR WINE LICENSE

PERFORMANCE BOND

PUTNAM COUNTY BOARD OF COMMISSIONERS
117 PUTNAM DRIVE, SUITE A
EATONTON, GA 31024

STATE OF GEORGIA
COUNTY OF PUTNAM

BOND NO. _____
CALENDAR YEAR _____

KNOW ALL MEN BY THESE PRESENTS, That, we _____
(NAME OF LICENSEE AS SHOWN ON APPLICATION)

and _____
(NAME OF CORPORATION OR PARTNER(S) AND / OR OWNERS AND D/B/A)

AS PRINCIPAL, and _____
(NAME OF SURETY COMPANY EXECUTING BOND)

a surety company incorporated and existing under the laws of the State of _____, and licensed and authorized to execute bonds and undertakings as a surety in the State of Georgia, AS SURETY, are held and firmly bound unto the Putnam County Board of Commissioners, and his successor in office, for the use and benefit of said County, AS OBLIGEE, in the sum of THREE HUNDRED (\$300.00) DOLLARS, for the payment of which, we bind ourselves, our heirs, executors, administrators and successors, as the case may be, severally and firmly by these presents.

Signed with our hands and sealed with our seals, this _____ day of _____, _____.

WHEREAS, the above-named Principal has applied to the Putnam County Board of Commissioners for a license to engage in business at _____
(LOCATION OF BUSINESS)

as a retailer of malt beverages and/or wine under the provisions of the Putnam County Alcoholic Beverage Code, (Section 6-61 and as hereafter amended), for a period beginning the _____ day _____, _____, and ending December 31, _____, inclusive.

NOW, THEREFORE, the conditions of this bond are such that if the Principal shall promptly pay to the Obligee all sums which may be due by said Principal as taxes, license fees, rental charges, or otherwise, including penalties and interest, by reason of the operation of said business, together with expenses incurred by the County in the collection of amounts due the County, the nature and amount of such expenses to be determined by the Obligee but not to exceed ONE HUNDRED (\$100.00) DOLLARS for the period covered by this bond, and shall, in the operation of said business, faithfully comply with all provisions of said Act, as amended, for the enforcement and administration of said Act, and with such other conditions as the Putnam County Board of Commissioners may require in rules and requirements, then this bond shall be void, otherwise, it shall remain in full force and effect and shall be construed as a bond of forfeiture.

This bond may be cancelled by the Principal, the Surety or the Obligee by giving sixty (60) days' notice in writing to each of the other parties hereto at their last known address, but no such cancellation shall affect the liability of either the Principal or the Surety occurring before the expiration date of such notice.

This bond shall be in force for the period beginning on the _____ day of _____, _____, through the _____ day of _____, _____, inclusive, and shall not be construed as a renewal or continuation of any other bond executed by said Principal and Surety to Obligee for any other period.

IN WITNESS WHEREOF, the said Principal has hereunto set his hand and affixed his seal, and the said Surety has caused these presents to be duly executed by its duly authorized officials, or its duly authorized attorney in fact, and its corporate seal to be hereunto affixed, the day and year first above written.

COUNTERSIGNED:

PRINCIPAL:

(LOCAL AGENT NAME)

(LICENSEE OWNER OR AGENT NAME)

(LOCAL AGENT SIGNATURE)

(LICENSEE OWNER OR AGENT SIGNATURE)

(ADDRESS)

(SURETY – ATTORNEY IN FACT NAME)

Approved this _____ day of _____

(SURETY – ATTORNEY IN FACT SIGNATURE)

(PUTNAM COUNTY BOARD OF COMMISSIONERS)

NOTE: The official or attorney in fact signing for the Surety shall attach to the original bond a certified copy of authority or power to bind the Surety. It shall show that the power is in force and effect at the time of the execution of the bond.

Chapter 6 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL

Sec. 6-1. Standards and regulations.

In accordance with the laws of the state, it is necessary and expedient for the county to establish and promulgate certain standards and regulations in regard to the sale, tax and control of alcoholic beverages in the unincorporated areas of the county. The rules, regulations, licenses, taxes and standards shall be effective once passed, and until amended and modified thereafter.

(Amend. of 2-18-2003)

Sec. 6-2. Definitions.

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

Alcoholic beverage license means and shall include:

- (1) License for the retail package sale of malt beverages;
- (2) License for the retail package sale of wine;
- (3) License for the retail package sale of distilled spirits;
- (4) License for the retail consumption on premises of malt beverages and/or wine;
- (5) License for the retail consumption on premises of distilled spirits.

Brewery means a facility where malt beverages are brewed, bottled, packaged, and distributed for wholesale and/or retail distribution.

Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. As used in this chapter, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

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.

¹Editor's note(s)—Amend. of 2-18-2003 amended ch. 6 in its entirety and enacted similar provisions as set out herein. The former ch. 6 derived from Policy of 8-15-1989, § 3; Ord. of 3-20-1990, §§ 2, 3, 5, 6, 8; Ord. of 3-5-1992; and Ord. of 9-5-1995.

Cross reference(s)—Businesses, ch. 22.

State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

Distillery production and sales means any establishment for on-premises production and on-premises sale of distilled spirits.

Farm winery means any establishment meeting the definition provided by O.C.G.A. § 3-6-21.1.

Governing authority or county means the Board of Commissioners of Putnam County, Georgia.

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 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.

Minor means any person under 21 years of age.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by 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.

- (b) All other words and phrases in this chapter shall be as defined in O.C.G.A. title 3, pertaining to alcoholic beverages.

(Amend. of 2-18-2003; Ord. of 7-19-2016(1) ; Ord. of 7-2-2021(2) ; Ord. of 4-1-2022(1))

Cross reference(s)—Definitions generally, § 1-2.

Sec. 6-3. Penalty.

It shall be unlawful for any person to sell or offer to sell any alcoholic beverages in the unincorporated limits of the county without first complying with this chapter. A violation of this chapter shall be a misdemeanor punishable as provided in section 1-13.

(Amend. of 2-18-2003)

Sec. 6-4. Compliance with chapter.

- (a) In addition to the requirements of this chapter, each licensee doing business in the county under this regulation shall comply with all laws of the state, federal laws, and rules and regulations of the state revenue commissioner relating to the sale and distribution of alcoholic beverages in the state, and any violation of same shall subject the licensee to immediate suspension or revocation of his license and also shall subject the licensee to criminal prosecution by the proper authority as provided by law and the regulations of the county. In the event of conflict between this chapter and state statutes, the more restrictive regulation shall apply to the extent allowed by law.
- (b) The granting or refusal and the suspension or revocation of licenses shall be in accordance with O.C.G.A. § 3-3-2.
- (c) In addition to the other remedies provided in this chapter, the violation of any one or more of the requirements in this chapter or of any related regulation noted in this chapter, shall authorize the board of commissioners after due process to:
- (1) Immediately revoke the license;
 - (2) Immediately suspend the license pending a hearing regarding the alleged violation;

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- (3) Revoke a license effective as of a day certain;
 - (4) Suspend a license pending receipt of evidence of compliance with the regulations in this chapter or of termination of those activities in violation of these or related regulations noted in this chapter; or
 - (5) Impose such conditions upon continued approval of the license as it shall deem proper to ensure compliance with these regulations.

(Amend. of 2-18-2003)

Secs. 6-5—6-30. Reserved.

ARTICLE II. LICENSING

DIVISION 1. GENERALLY

Sec. 6-31. Requirements; excise tax.

- (a) The requirements for all alcoholic beverage licenses are as follows:
 - (1) A separate license shall be required for each place of business.
 - (2) Any person, partnership, or corporation desiring to conduct a business to sell alcoholic beverages shall make application therefore on a form to be furnished by the board of commissioners, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits and other supporting data as required thereby. Any untrue, misleading or omitted statement or information contained in any such application shall be cause for denial or suspension of the license and if a license has been granted, shall be cause for revocation of the same. Each application shall be filed together with the payment of the license fee:
 - a. Where the owner of such business is an individual (a natural person), the application shall be made in the name of that person and shall include the complete address of that person, together with that person's date of birth and Social Security number.
 - b. Where the owner of such business is a partnership, the application shall be made in the names of all partners and shall include their complete addresses, together with their respective dates of birth and Social Security numbers.
 - c. Where the owner of such business is a domestic corporation lawfully registered and doing business under the laws of the State of Georgia, or any foreign corporation lawfully registered under the laws of the State of Georgia to do business in this state, it may be permitted to apply for such license in the name of the corporation as registered in the Office of the Secretary of State. The corporation shall provide the board of commissioners with the name of its agent authorized to receive service of process under the laws of this state and with the address of its registered office. The corporation shall also provide the name, complete address, date of birth and Social Security number of its managing agent. The managing agent shall be defined as the person who controls and manages the day-to-day operations of the business on behalf of the corporation.

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- d. The written application for a license on file with the board of commissioners shall be a permanent record which the licensee must maintain current with correct information at all times. The failure to maintain a current license application shall be grounds for revocation of a license.
 - e. The board of commissioners may, in the exercise of its discretion, require a personnel statement that identifies any and all employees of a licensee for licensing purposes.
 - f. The license application shall require the disclosure of any conviction for any felony offense or any offense involving moral turpitude under federal, state or local laws of the person, any partner, the corporation, the corporation's managing agent, or any employee or proposed employee.
 - g. The license application shall require the disclosure of any conviction for any misdemeanor offense pertaining to the sale or illegal possession of alcoholic beverages, gambling, tax laws, controlled substances and/or dangerous drugs under federal, state or local laws of the person, any partner, the corporation, the corporation's managing agent, or any employee or any proposed employee.
 - h. The license application shall list the names of any persons having an interest in the operation of a proposed licensed premises or control over or ownership interest in such proposed license premises. Such persons must meet the same requirements as set forth in this article for the licensee.
 - i. If the proposed licensed premises is not in existence on January 6, 2010, the initial application shall include an accurate sketch or diagram showing the location of the building, the area thereof to be used, and the property lines of the real property where the licensee proposes to carry on the business of selling alcoholic beverages. The diagram shall also show the location of all churches or recognized places of worship and schools in the immediate area, and the distance between the property line of the proposed place of business and the property line of schools, churches or recognized places of worship as measured along a straight line.
 - j. The license application shall contain a statement as to whether licensee holds any other license for the sale of alcoholic beverages and the location thereof.
 - k. If the proposed licensed premises is not in existence or requires substantial renovation, the applicant shall submit a detailed set of plans and working drawings showing the exact location of the proposed licensed premises and the construction proposed to be carried out by the licensee and the anticipated time for completion of said construction or renovation.
 - l. As a prerequisite to the issuance of any license, the person, partners, or corporation's managing agent shall furnish a complete set or sets of his/her/their fingerprints to the board of commissioners. Said fingerprints shall be obtained under the direction of the board of commissioners or their designee. The board of commissioners will request the Sheriff of Putnam County to obtain a fingerprint-based criminal history records check from the Georgia Crime Information Center and Federal Bureau of Investigation for purposes of determining the suitability of the individual(s) fingerprinted and to return an appropriate report to the board. Fingerprints shall be in such form and of such quality as prescribed by the Georgia Crime Information Center and under standards adopted by the Federal Bureau of Investigation. Any fees charged by the Georgia Crime Information Center or the Federal Bureau of Investigation to cover the cost of the records search shall be paid by the individual(s) fingerprinted.
 - m. In determining whether or not any license applied for hereunder shall be granted, the following factors, in addition to all other provisions of this ordinance, shall be considered in the public interest and welfare:
 - 1. The person's, partners', corporation's, corporation's managing agent's, or employees' reputation, character, mental capacity to conduct the business, personal associations,

record of arrest or reputation in any community in which they have resided or conducted business in, and whether or not they are likely to maintain the operation of the business in conformity with federal, state or local laws.

2. If the person, any partner, corporation, corporation's managing agent, or employees are previous holders of a license to sell alcoholic beverages and whether or not they have violated any law, regulation or ordinance relating to such business.
 3. If the person, any partner, corporation, corporation's managing agent, or employees are a previous holder of a license to sell alcoholic beverages, the manner in which they conducted the business thereunder as it pertains to the necessity for unusual law enforcement observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
 4. Whether the person, any partner, corporation, corporation's managing agent, or employees have previously had a similar license suspended or revoked and the reason therefore.
 5. The board of commissioners shall also give consideration to such other factors as may affect the health and general welfare of the unincorporated area of Putnam County, to include the type of license applied for, the effect that license will have on schools, public parks and churches in the area, the effect the granting of the license will have on existing land uses in the area, the character of the area and its peculiar suitability for the particular use sought, and the congestion of roads and streets. These items shall receive reasonable consideration with a general view of promoting desirable living conditions and sustaining the stability of neighborhood property values.
 6. When any application is denied or any license is revoked because of a decision by the board of commissioners that such license or application fails to meet any of the factors or requirements of this ordinance or in any case where such a decision was made because of the undesirability of the location itself, no application can be made again until at least one year has elapsed from the date the previous application was denied or revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal.
- n. A license shall not be issued to:
1. A person or partner who is not a citizen of the United States or a legal resident of the United States, or any corporation whose managing agent is not a citizen of the United States or a legal resident of the United States.
 2. A person, partner, corporation, or corporation's managing agent who has in Georgia or any other jurisdiction been convicted of a felony, unless said person has received a full restoration of their civil and political rights by the Georgia Board of Pardons and Paroles or the Federal equivalent thereof, or a person, partner, or corporation's managing agent is presently serving a first offender sentence pursuant to the Laws of Georgia for a felony offense.
 3. A person, partner, corporation, or corporation's managing agent who has been convicted or pleaded nolo contendere or forfeited bond for a violation of any law or ordinance pertaining to the sale of alcoholic beverages, gambling, tax offenses, sale or possession of controlled substances and/or dangerous drugs or any offense wherein the person, any partner, corporation, or the corporation's managing agent knowingly used a licensed premises to facilitate the violation of any federal, state or local law.

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4. A person, partnership, or corporation whose place of business is managed, operated or owned by a person acting as a mere nominee in an effort to circumvent licensing requirements of this ordinance.
 5. A person, partner, corporation, or corporation's managing agent whose license to sell alcoholic beverages has ever been revoked by any licensing authority.
 - o. The board of commissioners shall revoke any license of:
 1. A person, partnership, or corporation wherein the person, any partner, corporation, or corporation's managing agent is convicted of a felony offense of any federal or state law, unless said person has received a full restoration of their civil and political rights by the Georgia Board of Pardons and Parole or the Federal equivalent thereof, or a person, any partner, or corporation's managing agent is presently serving a first offender sentence pursuant to the Laws of Georgia for a felony offense.
 2. A person, partnership, or corporation wherein the person, any partner, corporation, or corporation's managing agent is convicted or pleaded nolo contendere or forfeited bond for a violation of any law or ordinance pertaining to the sale of alcoholic beverages, gambling, tax offenses, or the sale or possession of controlled substances and/or dangerous drugs, or any offense wherein the premises of the licensee was knowingly used by the licensed person, any partner, corporation, or corporation's managing agent to facilitate the violation of any federal, state or local law.
 - p. The board of commissioners may revoke any license of a person, partnership, or corporation for the violation of any provision of this ordinance.
 - (3) Applications for any alcoholic beverage license and renewal requests shall be made on forms furnished by the board of commissioners.
 - (4) No licensee shall sell or deliver any alcoholic beverages to any person except in such licensee's place of business.
 - (5) No licensee shall furnish, sell or offer for sale any alcoholic beverages, and there shall be no consumption on the premises, at any of the following times:
 - a. At any time on Christmas Day;
 - b. At any time in violation of a local ordinance or regulation or of a special order of the board of commissioners;
 - c. Within 250 feet of a polling place during the time period on any day during which any state, primary, general, local or special election is being held in the unincorporated areas of the county;
 - d. For retail package alcohol licensees, on any day before 8:00 a.m. or after 11:45 p.m.;
 - e. For retail consumption on premises licensees, on any day before 8:00 a.m. or after 1:00 a.m. on the succeeding day;
 - f. Pursuant to O.C.G.A. § 3-3-20, licensees may conduct their business on election days subject to the restrictions provided in this article.
 - (6) The sale of malt beverages, wine, and distilled spirits for consumption on the premises is authorized on Sundays from 11:00 a.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.
 - (7) Package sales of malt beverages, wine, and distilled spirits by retailers are authorized on Sundays between the hours of 12:30 p.m. until 11:30 p.m.

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- (8) The business premises of the holder of a license shall be open to inspection during business hours by officers, agents, employees or officials authorized to conduct such inspections. The business premises of all licensees must comply with all applicable building, safety and fire codes.
- (9) The making of any false statement on an application for a license under this article shall constitute grounds for revocation of such license.
- (10) Licenses issued pursuant to this article shall be displayed prominently at all times on the premises for which such licenses were issued.
- (11) No license shall be transferable or assignable to any person or other location. In the event that a licensed business is sold or closed, it shall be the duty of the new owner or occupant to apply for a new license.
- (12) A license shall be valid only for the calendar year indicated thereon, and no such license may be automatically renewed. A licensee who desires to continue in business during the next year shall make a renewal request reporting all changes since the last application on or before December 31.
- (13) No license shall be granted to any person unless such person is at least 21 years of age and has been a resident of the state for a minimum of one year prior to the filing of an application for such license. In the case of a corporate applicant, the corporation shall have been in existence in the state for a minimum of one year, or the holders of more than 80 percent of the stock shall have been such residents.
- (14) No licensee shall knowingly, directly or through another person furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person who is under 21 years of age, or who is noticeably intoxicated, or who is of unsound mind, or who is an habitual drunkard whose intemperate habits are known to the licensee. Proper identification regarding age shall be in accordance with O.C.G.A. § 3-3-23.
- (15) All licensees shall keep a copy of this article and appropriate state statutes and regulations on the licensed premises and shall instruct any person working there with respect to the terms hereof and all shall be familiar with the terms hereof. The licensee shall be held responsible for any acts of his employees in violation of this article or the laws of the state or the rules and regulations of the state revenue commissioner.
- (16) The annual license fees provided for in this article shall be submitted with the application or request for renewal, and shall be paid prior to the issuance of any license.
- (17) In addition to the annual license fees required in this article, there is hereby levied an excise tax on each licensee.
- (b) The excise tax shall be the maximum provided by state law, and as defined by the Georgia Department of Revenue. Such tax shall be paid to the board of commissioners by the wholesale distributor on all alcoholic beverages sold to licensees in the county as follows: Each wholesale distributor selling, shipping, or in any way delivering alcoholic beverages to any licensee, shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. Such summary shall show the amount of excise tax paid. No distributor shall sell, deliver or ship any alcoholic beverages to any person in the unincorporated limits of the county who does not hold a current applicable license from the county.

(Amend. of 2-18-2003; Ord. of 4-3-2009(2); Amend. of 11-30-2009(2); ; Amend. of 1-17-2012; Amend. of 4-17-2012(1); Ord. of 7-19-2016(1) ; Ord. of 8-7-2020(1))

Sec. 6-32. Payment of taxes and fees.

Prior to issuance of any license pursuant to this chapter, an applicant must be in compliance with all applicable requirements under federal, state, and/or county ordinances. Compliance with state and county statute and ordinances shall specifically include the requirement that the applicant or business of the applicant is not delinquent in the payment of any tax or fee owed the county, including, but not limited to, personal or real property taxes, any occupational taxes, sales and use taxes, or payment for any required permit necessary for operation of applicant's business. For purposes of this section, any tax that has been paid, formally appealed to the proper authorities, or is being paid pursuant to a plan authorized and approved by the appropriate tax or revenue commissioner shall not be deemed delinquent.

(Ord. of 7-19-2016(1))

Secs. 6-33—6-60. Reserved.

DIVISION 2. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE²

Sec. 6-61. Additional requirements applicable to licenses for the retail package sale of malt beverages and/or wine.

- (a) Before any retail package sale of malt beverages and/or wine license is granted, the applicant must post with the board of commissioners, along with his application, a performance bond with an insurance company as surety. Such bond is to be conditioned requiring the faithful observance and performance by the licensee of the rules and regulations contained in this division. Upon the violation of this division, or any part thereof, the amount of the bond to be forfeited will be determined by the seriousness of the violations as determined by the board of commissioners. Such bond is to be approved by the board of commissioners and shall be properly executed. Such bond shall be in the amount of \$300.00.
- (b) The annual fee for a retail package sale of malt beverages license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
- (c) The annual fee for a retail package sale of wine license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.

(Amend. of 2-18-2003; Ord. of 7-19-2016(1) ; Ord. of 2-16-2021(1))

Editor's note(s)—An ordinance adopted July 19, 2016 changed the title of § 6-61 from "Additional requirements applicable to licenses for the sale of retail malt beverages and/or wine" to read as herein set out.

Secs. 6-62—6-90. Reserved.

²Editor's note(s)—An ordinance adopted July 19, 2016 changed the title of Div. 2 from "Retail sales of malt beverages and wine" to read as herein set out.

DIVISION 3. RETAIL PACKAGE SALES OF DISTILLED SPIRITS³

Sec. 6-91. Additional requirements applicable to licenses for the retail package sale of distilled spirits.

- (a) 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 products or commodity except the following:
 - (1) Malt beverages and wines, when properly licensed;
 - (2) Beverages containing no alcohol commonly used to dilute distilled spirits;
 - (3) Tobacco products;
 - (4) Ice to be sold in sealed containers only;
 - (5) Paper, Styrofoam or plastic cups.
- (b) No beverages of any kind may be opened or consumed in such place of business.
- (c) Only one retail package sales of distilled spirits license shall be issued to any one person in the county.
- (d) All licensed retailers shall sell or offer to sell in the original unbroken package only.
- (e) The annual fee for a retail package sale of distilled spirits license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
- (f) Reserved.
- (g) Any applicant for a retail package sale of distilled spirits license must maintain, to the satisfaction of the board of commissioners, financial responsibility. Financial statements may be required with each completed application as prescribed by the board of commissioners.

(Amend. of 2-18-2003; Ord. of 7-19-2016(1) ; Ord. of 2-16-2021(1))

Editor's note(s)—An ordinance adopted July 19, 2016 changed the title of § 6-91 from "Additional requirements applicable to licenses for the sale of retail liquor" to read as herein set out.

Secs. 6-92—6-120. Reserved.

***DIVISION 4. RETAIL CONSUMPTION ON PREMISES OF MALT BEVERAGES, WINE,
AND DISTILLED SPIRITS⁴***

³Editor's note(s)—An ordinance adopted July 19, 2016 changed the title of Div. 3 from "Retail sales of liquor" to read as herein set out.

⁴Editor's note(s)—An ordinance adopted July 19, 2016 changed the title of Div. 4 from "Alcoholic beverage sales by the drink and for consumption on the premises" to read as herein set out.

Sec. 6-121. Additional requirements applicable to licenses for the retail consumption on premises of malt beverages, wine, and distilled spirits.

- (a) The annual fee for a retail consumption on the premises of malt beverages and/ or wine license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County. Nonprofit organizations that have been approved by the Internal Revenue Service for tax-exempt status are exempt from this fee.
- (b) The annual fee for a retail consumption on the premises of distilled spirits license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County. Nonprofit organizations that have been approved by the Internal Revenue Service for tax-exempt status are exempt from this fee.
- (c) No person or corporation who holds a retail consumption on the premises license shall operate a business or other enterprise involving the sale of any alcoholic beverage in such a manner so as to create, promote, suffer or otherwise permit the disruption or disturbance of the quiet enjoyment of the owners of properties located in the same vicinity and general neighborhood of the business premises of the licensee.
- (d) The using, operating or permitting to be played, of any radio receiving set, musical instrument, tape player, phonograph or other machine or device for the producing or reproducing of sound in such manner to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for the convenient hearing for the person or persons who are in the area, room, vehicle or chamber in which such machine is operated and who are voluntary listeners thereto. The operation of any such set, instrument, player, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 150 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this article.
- (e) Yelling, shouting, hooting, whistling or singing, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity shall constitute a violation of this code section.
- (f) No person or corporation who holds a retail consumption on the premises license shall operate a business or other enterprise involving the sale of any alcoholic beverage in such a manner which results in a public nuisance or which is injurious to the public health, safety, or comfort of the citizens of the county.
- (g) Each licensee shall ensure and make provision for adequate parking for licensee's patrons on or in close proximity to the licensed premises and shall take such action as is necessary and required to ensure that vehicular and pedestrian traffic to and from licensee's business premises does not unduly disrupt normal traffic flow on the public roadways in the vicinity of the business premises and neither the public nor private property is obstructed by parking by patrons of the licensee.

(Amend. of 2-18-2003; Amend. of 11-6-2009(2); Ord. of 7-19-2016(1) ; Ord. of 2-16-2021(1))

Editor's note(s)—An ordinance adopted July 19, 2016, changed the title of § 6-121 from "Additional requirements applicable to licenses for the sale of alcoholic beverages by the drink; consumption only on the premises" to read as herein set out.

Sec. 6-122. Disturbance of the peace, obscenity prohibited.

It shall be unlawful to permit any disturbance of the peace, obscenity or public indecency on the premises licensed to sell alcohol by the drink or otherwise licensed to sell alcoholic beverages.

Sec. 6-123. Off-premises consumption of malt beverages, wine, and distilled spirits for catered functions.

Within the county, malt beverages, wine, and distilled spirits may be served at a catered function by the holder of a caterer license issued by Putnam County pursuant to this Section. For purposes of this section, the term "catered function" shall include a function held inside a publicly or privately owned building or structure or a function held outside such a building or structure that is located within the unincorporated areas of the County where food and alcohol is served. An applicant may apply for and be issued either a temporary caterer license or permanent caterer license pursuant to the following provisions:

- (1) Temporary caterer license.
 - a. The applicant must already hold a valid and effective alcohol license for the sale of malt beverages, wine, and/or distilled spirits for on-premises consumption from either Putnam County or another local government within the State of Georgia, the same being evidenced by copy of such license attached to the application.
 - b. The licensee shall be limited to service of the alcoholic beverage allowed by the underlying alcohol license for on-premises consumption.
 - c. A temporary caterer license will allow the sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the specific timeframe applied for in the application.
 - d. Food must be served during any period of time that alcoholic beverages are served.
 - e. The hours of service must be between 9:00 a.m. and 11:00 p.m. Monday through Sunday, with the exception that service shall be allowed on December 31 between 9:00 a.m. and 12:30 a.m.
 - f. All applicants and permit holders must comply with all state statute governing the sale of alcoholic beverages and all sections of this Code and other ordinances relating to distance requirements and alcohol license permits.
 - g. A temporary caterer licensee shall designate, appoint, and continuously maintain a resident agent who resides within Putnam County who shall accept notice and/or service. The licensee shall include the name of such registered agent, along with the written consent to serve of such agent, with the application for a temporary license.
 - h. A temporary caterer licensee shall be limited to no more than service at two catered functions within a calendar year.
 - i. The fee for a temporary caterer license shall be payable to Putnam County, and shall be paid in addition to and remitted with the filed application. Fees shall be based on a schedule developed by Putnam County Planning and Development.
- (2) Permanent caterer license.
 - a. An applicant for a permanent caterer license shall comply with all requirements established in section 6-31, with the exception of the following sections; section 6-31(a)(2)(i), 6-31(a)(2)(k), 6-31(a)(10).
 - b. The licensee shall be allowed to serve malt beverages, wine, and/or distilled spirits, as applied for in the application.

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- c. A permanent catering license shall allow a licensee to serve alcoholic beverages at catered functions within the unincorporated areas of the county.
 - d. Food must be served during any period of time that alcoholic beverages are served.
 - e. The hours of service must be between 9:00 a.m. and 11:00 p.m. Monday through Sunday, with the exception that service shall be allowed on December 31 between 9:00 a.m. and 12:30 a.m.
 - f. All applicants and permit holders must comply with all state statute governing the sale of alcoholic beverages and all sections of this Code and other ordinances relating to distance requirements and alcohol license permits.
 - g. A permanent caterer licensee shall designate, appoint, and continuously maintain a resident agent who resides within Putnam County who shall accept notice and/or service. The licensee shall include the name of such registered agent, along with the written consent to serve of such agent, with the application for a permanent license.
 - h. The fee for a permanent caterer license shall be payable to Putnam County, and shall be paid in addition to and remitted with the filed application. Fees shall be based on a schedule developed by Putnam County Planning and Development.

(Ord. of 7-19-2016(1))

Secs. 6-124—6-129. Reserved.

DIVISION 5. BREWERIES

Sec. 6-130. Additional requirements applicable to licenses for brewery or brewpub.

- (a) *Hours of operation.* For the serving of alcohol, Monday through Saturday, beginning at 8:00 a.m. to 1:30 a.m.; Sunday from 12:30 p.m. until 11:30 p.m.
- (b) *Brewery production and sales.* A license for on-premises production and on-premises sale of malt beverages may be authorized by the chairman and county commission to persons otherwise entitled to a brewery production and sales of malt beverages license, provided the following conditions are met:
 - (1) The annual fee for a brewery license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
 - (2) All brewing operations by a brewery shall be conducted within an enclosed building. Production space shall not exceed 15,000 square feet.
 - (3) *Consumption on the premises.* Brewery shall be permitted to serve malt beverages produced at the brewer's licensed premises for consumption on the premises, subject to the following restrictions:
 - a. Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.
 - (4) *Consumption off the premises.*
 - a. Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year

in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

- b. Any sales of malt beverages shall not exceed a maximum of 288 ounces per consumer per day.
 - c. Retail sales of growlers in compliance with this section shall be authorized for licensees under this section. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. §§ 3-3-26, and 3-4-25, or other provisions of this section. Growlers may be filled from either kegs procured by the licensee from a duly licensed wholesaler for malt beverages not produced on-site or by malt beverages produced on-site, subject to and counting towards the 3,000 barrel limitation cited previously. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed with a tamperproof plastic cap and removed from the premises in its original sealed condition. Consumption on the premises is strictly prohibited. However, samples of tap beers may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.
- (5) Samples of tap beers may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.
 - (6) All state regulations relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
- (c) *Brewpub license.* A holder of a brewery license and restaurant retail license may apply for a brewpub license. A brewery licensee operating a brewpub shall be authorized to operate an eating establishment that shall be the sole retail outlet for such malt beverages and that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesaler and, provided further, in addition to malt beverages manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer.
- (1) The annual fee for a brewpub license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
 - (2) Notwithstanding any other provision of this section, a brewery licensee operating a brewpub may sell up to a maximum of 155,000 gallons annually of such malt beverages manufactured on its premises to licensed wholesale dealers and a maximum of 310,000 gallons total annually to retail. Under no circumstances shall such malt beverages be sold by said licensee to any person holding a retailer's license for the purpose of resale.
 - (3) The holder of a brewery license who is operating a brewpub shall not be entitled by virtue of said brewery license to sell alcoholic beverages by the package for consumption off the premises.
 - (4) A brewery licensee operating a brewpub shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
 - (5) Brewpubs are subject to the hours of operation regulations for restaurant retail sales.
 - (6) A separate license shall be required for each brewery, and a separate application shall be made for each such place.
- (d) It shall be unlawful for a brewery or brewpub licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the

time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest) or taking a break during periods of any on-duty employment.

- (e) Subject to the provisions in this article, a brewery or brewpub licensee or employee thereof shall be permitted to taste malt beverages at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day.
- (f) No person or corporation who holds a brewery or brewpub license shall operate a brewery or brewpub in such a manner so as to create, promote, suffer or otherwise permit the disruption or disturbance of the quiet enjoyment of the owners of properties located in the same vicinity and general neighborhood of the business premises of the licensee.

(Ord. of 7-2-2021(2))

Secs. 6-131—6-134. Reserved.

DIVISION 6. WINERIES

Sec. 6-135. Farm winery licenses.

The alcoholic beverage licenses which may be issued to farm wineries under this chapter are:

- (a) *Wholesaler of farm winery production.* A farm winery shall be granted a wholesale license for sale and distribution as provided by O.C.G.A. § 3-6-21.1. Such license shall be issued upon application and payment of established fees and upon presentation of a receipt for payment of the state annual license tax as provided by the referenced code provisions in this section.
- (b) *Retail package sales of wine.* Each retail package sales license shall require that all sales shall be by and through the farm winery tasting room at the site for which said license is issued.
- (c) *Retail sales of wine.* Each license for retail sales of wine and malt beverages for consumption on the premises shall require that all consumption shall be at the farm winery site for which said license is issued. This site shall include any wedding or dining facilities associated with the farm winery.
- (d) *Multiple farms winery licenses.* A farm winery may apply for and, if approved, may be issued multiple farm winery licenses as provided in subsections (a) through (c) of this section for any single site. At the primary farm winery facility where the wine is produced, such site may be licensed for wholesale, package retail sales and on-premises consumption. For any site other than the primary farm winery facility where the wine is produced, up to the maximum number of such sites as may be permitted by state statute, such site may be licensed for package retail sales and on-premises consumption. The license created in accordance with this article shall be limited to farm winery tasting rooms licensed by the state in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes. No license is hereby created authorizing any other use.
- (e) *Alternative provision.* The first license at any site shall have a cost equal to the cost of the county alcoholic beverage license at the time of the application. Any license for two or more categories of sale shall require payment of the additional license fees as provided in the county fee schedule.
- (f) *Ratio of sales.* There shall be no specified or required ratio of alcohol sales to any other income for farm winery operations. Farm wineries shall operate on such days and hours as are provided by the Georgia Farm Winery Act, O.C.G.A. § 3-6-21.1 et seq., as amended from time to time.

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- (g) *Renewals.* All applications for renewal of a farm winery license or licenses shall be accompanied by a copy of the current state license. Failure to present a valid copy of a current and valid state license will result in a refusal to renew license. Timely application for renewal is determined by the date on which a complete and proper application has been submitted.
 - (h) *Premises consumption.* A farm winery may apply for a license for on-premises consumption of distilled spirits under the terms as provided under article III of this chapter, retail sales of distilled spirits for consumption on the premises.
 - (i) *State statutes.* A farm winery may apply for a license for on-premises consumption of wine and malt beverages (not produced under the Georgia Farm Winery Act O.C.G.A. § 3-6-21.1 et seq.) under the terms as provided under article IV, retail sales of malt beverages and wine for consumption on the premises.
 - (j) *Compliance with article.* All alcoholic beverage sales other than farm winery sales shall be in accordance with article I, in general, of this chapter.
- (Ord. of 7-2-2021(2))

Sec. 6-136. Additional requirements applicable to licenses for farm winery.

- (a) *Hours of operation.* For the serving of alcohol, Monday through Saturday, beginning at 8:00 a.m. to 1:30 a.m.; Sunday from 12:30 p.m. until 11:30 p.m.
- (b) *Farm winery production and sales.* A license for on-premises production and on-premises sale of wine may be authorized by the chairman and county commission to persons otherwise entitled to a winery production and sales of wine license, provided the following conditions are met:
 - (1) The annual fee for a farm winery license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
 - (2) A licensed Georgia farm winery may offer wine samples and make retail sales of its wine and the wine of any other Georgia farm winery in tasting rooms at the winery and at five additional locations in Georgia for consumption on the premises and in closed packages for consumption off the premises; provided, however, that notwithstanding any other provisions of this title to the contrary, if the licensee is also issued a license pursuant to O.C.G.A. § 3-4-24, no more than one tasting room for such Georgia farm winery shall be authorized and such tasting room shall be located on the licensed premises of the Georgia farm winery; and provided, further, that the Georgia farm winery shall not sell its wine or the wine of any other farm winery in more than one tasting room, and such tasting room shall be located on the licensed premises of the Georgia farm winery. For purposes of this subsection, the term "licensed premises" shall mean the premises for which the farm winery license is issued or property located contiguous to the farm winery and owned by the farm winery.
 - (3) A licensed Georgia farm winery may sell up to 24,000 gallons per calendar year of its wine at wholesale within the state; provided, however, that such licensee shall not be authorized to sell its wine at wholesale unless such licensed farm winery shall have first offered its products for sale at a fair market wholesale price to a licensed Georgia wholesaler and such wholesaler does not accept the farm winery's product within 30 days of such offer.
 - (4) A licensed Georgia farm winery may also sell, deliver, or ship its wine in bulk or in bottles, whether labeled or unlabeled, in accordance with regulations of the Georgia Revenue Commissioner, to Georgia farm winery licensees and to acquire and receive deliveries and shipments of such wine made by Georgia farm winery licensees.
 - (5) A Georgia farm winery licensee shall be authorized, in accordance with regulations of the Georgia Revenue Commissioner, to acquire and receive deliveries and shipments of wine in bulk from out-of-

state producers and shippers in an amount not to exceed 40 percent of its annual production, provided that the Georgia farm winery licensee receiving any such shipment or shipments files timely reports with the Georgia Revenue Commissioner and keeps such records of the receipt of such shipment or shipments as may be required by the Georgia Revenue Commissioner.

- (6) A Georgia farm winery licensee may sell its wine and the wine of any other farm winery licensee for consumption on the premises at facilities located on the premises of the winery or on property located contiguous to the winery and owned by the winery or by an affiliate of the winery.
- (7) A Georgia farm winery licensee may sell distilled spirits, malt beverages, and wines not produced by a farm winery for consumption in its tasting rooms and at facilities located on the premises of the winery or on property located contiguous to the winery and owned by the winery or by an affiliate of the winery, provided that any alcoholic beverages sold pursuant to this paragraph shall be purchased by the winery from a licensed wholesaler at wholesale prices.
- (8) For the purposes of this section, affiliate means any person controlling, controlled by, or under common control with a farm winery.

(Ord. of 7-2-2021(2))

Secs. 6-137—6-139. Reserved.

DIVISION 7. DISTILLERIES

Sec. 6-140. Additional requirements applicable to license for distillery.

- (a) *Hours of operation.* For the serving of alcohol, Monday through Saturday, beginning at 8:00 a.m. to 1:30 a.m.; Sunday from 12:30 p.m. until 11:30 p.m.
- (b) *Distillery production and sales.* A license for on-premises production and on-premises sale of distilled spirits may be authorized by the chairman and county commission to persons otherwise entitled to a distilled spirits production and sales of distilled spirits license, provided the following conditions are met:
 - (1) The annual fee for a distillery license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
 - (2) All distilling operations by a distillery shall be conducted within an enclosed building. Production space shall not exceed 15,000 square feet.
 - (3) *Consumption on the premises.* Distillery shall be permitted to serve distilled spirits produced at the distillery's licensed premises for consumption on the premises, subject to the following restrictions:
 - a. Total sales of distilled spirits for consumption on the premises and for consumption off the premises at the distillery's licensed premises shall be less than 750 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.
 - (4) *Consumption off the premises.*
 - a. Total sales of distilled spirits for consumption on the premises and for consumption off the premises at the distillery's licensed premises shall be less than 750 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

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- b. Any sales of distilled spirits shall not exceed a maximum of 4,500 milliliters per consumer per day.
- (5) *Free samples.* A manufacturer of distilled spirits shall not offer or permit any free sampling of distilled spirits.
- (6) All state regulations relating to the manufacture, sale, and distribution of distilled spirits, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
- (c) No person or corporation who holds a distillery license shall operate a distillery in such a manner so as to create, promote, suffer or otherwise permit the disruption or disturbance of the quiet enjoyment of the owners of properties located in the same vicinity and general neighborhood of the business premises of the licensee.
- (Ord. of 4-1-2022(1))

Secs. 6-141—6-150. Reserved.

ARTICLE III. PROHIBITED SEXUAL CONDUCT⁵

Sec. 6-151. 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:

Alcoholic beverages establishment means any restaurant, lounge or supper club holding a license under this chapter for the sale of alcoholic beverages for consumption on premises.

Substantially nude means dressed or undressed in a manner so as to plainly expose to view any portion of a male's or female's pubic hair, anus, cleft of the buttocks, vulva, or genitals, or any portion of the female breasts below the top of the areola.

(Ord. of 9-5-1995)

Sec. 6-152. Substantial nudity prohibited on licensed premises of alcoholic beverage establishment.

- (a) No person shall appear substantially nude in any alcoholic beverage establishment, and no owner or manager of an alcoholic beverage establishment shall permit any person to appear substantially nude on the licensed premises.
- (b) No owner or manager of an alcoholic beverage establishment shall permit any person to perform acts of or acts which constitute or simulate the following:
- (1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation or any sexual acts which are prohibited by law.

⁵State law reference(s)—Nudity and related acts on premises, O.C.G.A. § 3-3-41; employee solicitation of patrons for drinks on premises, O.C.G.A. § 3-3-42.

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- (2) The touching, caressing or fondling of the breasts, buttocks, anus or genitals, provided that random acts of patrons or employees, whose actions do not constitute actions taken pursuant to encouragement or acquiescence of the management of the establishment and are not for the purposes of entertainment, promotion, publicity, or notoriety shall not constitute violations of this section.
- (c) No person shall engage in any of the acts identified in subsection (b) of this section on the premises of an alcoholic beverage establishment.
- (d) The restrictions of subsection (b) of this section shall apply to all persons physically present on the licensed premises regardless of whether such persons are categorized as employees, patrons, independent contractors or otherwise.
- (e) In addition to prosecution of any person for violation of this section, the business license of any premises upon which a violation of this section occurs shall be subject to suspension or revocation action shall follow the procedures outlined in this Code. Any conviction or plea of guilty or nolo contendere in the county magistrate court or any other court having jurisdiction of such charges to a charge of violating this section shall be admissible in a license suspension or revocation proceeding.
- (f) Violation of the provisions of this article shall be punishable as for a misdemeanor in the county magistrate court or any other court having jurisdiction of violations of county ordinances and it shall be in the discretion of the court in which a violation is found, to suspend the license of the violator, provided, that the failure of the magistrate court to suspend the license of a violator shall not preclude the board of commissioners from doing so.
- (Ord. of 9-5-1995; Ord. of 7-19-2016(1))

Secs. 6-153—6-180. Reserved.

ARTICLE IV. POLICY REGARDING SALES TO MINORS

Sec. 6-181. Sale to minors.

- (a) If a person or business that holds a license to sell alcoholic beverages, issued by the county, is found to have knowingly, directly or through another person, furnished or caused to be furnished or permitted any person in such person's employment to furnish any alcoholic beverages to a person under the age of 21 years of age, at any time after August 15, 1989, that person's, or that business's, license to sell alcoholic beverages in the county, will be revoked.
- (b) If a court of this state finds such a violation against the individual holder of the license, no further hearing shall be required for revocation, otherwise revocation shall be in accordance with the provisions of subsection (a) of this section.
- (c) The person or business whose license has been revoked under this section may apply for a new license to sell alcoholic beverages under the following terms and conditions:
- (1) If the action causing the revocation of the license in question is the first offense of the person or business, such person or business may apply for a new license after the expiration of 120 days from the revocation of his or its license.
- (2) If the action causing the revocation of the license in question is the second offense of the person or business, such person or business may apply for a new license after the expiration of six months from the revocation of his or its license.

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- (3) If the action causing the revocation of the license in question is the third offense of the person or business then the person or business shall not be eligible to be issued a license to sell alcoholic beverages within the county.

(Policy of 8-15-1989, § 3; Ord. of 7-19-2016(1))