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 NEW APPLICATIONS)

Your application package includes the following:

a) Information Page
b) County's application (6 pages)
c) SAVE Affidavit
d) E-Verify Affidavit *if you have more than 10 employees you must complete this affidavit*
e) E-Verify Exemption Affidavit
f) Criminal History Consent Form
g) Applicant's Privacy Rights Form
h) Public Safety Information Form
i) Schedule of Fees
j) Bond Form
k) Copy of the County's Alcohol Ordinance

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:

a) Completed Application
b) Accurate sketch or diagram showing location of building and property lines (only on initial applications when premises was not in existence on January 6, 2010)
c) Detailed set of plans and working drawings (only if new or renovated building)
d) SAVE Affidavit
e) E-Verify Affidavit **OR** E-Verify Exemption Affidavit
f) Criminal History Consent Form (must get authorized signature from County Clerk's office and then turn in directly to Sheriff's Office & get fingerprinted)
g) Applicant's Privacy Rights Form
h) Public Safety Information Form
i) $300 Performance Bond (if Retail Beer/Wine)
j) Copy of Valid Georgia Driver's License
k) Fee(s)

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

After we have received all of the above information, we will forward your application to the Sheriff, Fire Marshal and/or Building Inspector, and Tax Commissioner asking them to perform the necessary background checks and building inspections. 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.

The state requires that the applicant have their county license before the State will issue its license. The state application has changed to an online process. There is no more paper application form; it all has to be done electronically from the GTC website. The website is https://gtc.dor.ga.gov. **The county requires a copy of your state license once it is issued. Your county license will be provisional until then.** For additional questions you may contact the State at:

Georgia Department of Revenue
Alcohol and Tobacco Division
1800 Century Blvd. NE, Room 4235
Atlanta, GA 30345
404-417-4900 phone; 404-417-4901 fax

Macon Regional Office:
6055 Lakeside Commons Drive, Suite 220
Macon, GA 31210
478-471-3550 phone
478-471-3546 fax

You will also need to contact the Planning & Development Department at 706-485-2776 to obtain your Occupation Registration and the Putnam County Health Department at 706-485-8591 if you need a Food Service Permit.

RENEWALS

Alcohol licenses are renewable annually by December 31st. As a courtesy, by November 15th each year, we will send you an application, a copy of our alcohol ordinance and instructions on how to renew your license. **IT IS YOUR RESPONSIBILITY TO ENSURE THAT YOUR LICENSE IS RENEWED.**

PUTNAM COUNTY BOARD OF COMMISSIONERS

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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 $150 ☐ Wine $150 ☐ Distilled Spirits $2400

Retail Consumption on Premises
☐ Malt Beverages and/or Wine $300 ☐ Distilled Spirits $500

All new licenses
☐ Fingerprinting Fee, $45.00

4. Business:

Business Name _____

DBA Name (if applicable) _____

Location Address _____ Phone _____

City _____ State _____ Zip Code _____

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 Office Use Only)

Name of Business _____

Payment Received: $_____ Date _____ Receipt # _____

Approval: (please sign appropriate line below)

Sheriff _____ Date _____

Fire Marshal or Building Inspector _____ Date _____

Tax Commissioner _____ Date _____

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www.putnamcountyga.us

SAVE Affidavit

(U.S. Citizens are only required to provide this affidavit one time)

By executing this affidavit under oath, as an applicant for a Putnam County Georgia Alcohol License as referenced 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 check one box only

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, as required by O.C.G.A. § 50-36-1(e)(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 statue.

Executed in _____ (city), _____ (state).

Signature of Applicant: _____

Printed Name: _____

Date _____

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

Notary Public Signature: _____ Affix Notary stamp/seal here

My Commission Expires: _____

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E-Verify Affidavit

(For Businesses that have more than 10 employees)

(Required with initial application only)

By executing this affidavit, the undersigned private employer verifies its compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs more than ten employees and has registered with and utilizes the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90. Furthermore, the undersigned private employer hereby attests that its federal work authorization user identification number and date of authorization are as follows:

E-Verify Number (must be a number between 4 and 6 digits): _____

Date of Authorization: _____

Name of Business: _____

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

Executed on the _____ day of _____, 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 _____, 20_____

Affix Notary Stamp/Seal here

_____
Notary Public Signature

My Commission Expires: _____

PUTNAM COUNTY BOARD OF COMMISSIONERS

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

E-Verify Exemption Affidavit

(For Businesses that have 10 or less employees)

(Required with initial application only)

By executing this affidavit, the undersigned private employer verifies that it is exempt from compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs fewer than eleven employees and therefore, is not required to register with and/or utilize the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90.

Name of Business: _____

Address: _____

City, State, Zip Code: _____

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

Executed on the _____ day of _____, 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 _____, 20_____

Affix Notary Stamp/Seal here

_____
Notary Public Signature

My Commission Expires: _____

PUTNAM COUNTY BOARD OF COMMISSIONERS

117 Putnam Drive, Suite A ◊ Eatonton, GA 31024 ◊ Tel: 706-485-5826 ◊ Fax: 706-923-2345 ◊ www.putnamcountyga.us

NAME-BASED CRIMINAL HISTORY RECORD INFORMATION CONSENT/INQUIRY FORM

Purpose: License for Alcoholic Beverages

☐ New – Fingerprinting and Background check

☐ Renewal – Background check only

☐ Fee paid _____ _____
(Authorized Signature)

Name of Business _____

I hereby give consent for the Putnam County Sheriff's Office to conduct an inquiry and receive any Georgia criminal history record information pertaining to me which may be contained in the files of any state or local criminal justice agency in Georgia.

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

This authorization is valid for one year from date of signature.

_____ _____
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 PCSO use only:

Run under ORI #GA923034Z

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

Purpose Code used (check all that apply)

	E – Employment
	J – Civilian Criminal Justice Employment (State & III Info Received)
	M – Working with Mentally Disabled
	N – Working with Elderly
	P – Public Records
	U – Personal Copy
	W – Working with Children
	Z – Sworn Criminal Justice Employment (State & III Info Received)

The inquiry resulted in the following (check all that apply)

	No Criminal Records Available
	Criminal Record (Attached/Released)
	No NCIC/GCIC Warrant
	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 that is the subject of a Georgia only or a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history record check for a non-criminal justice purpose (such as an application for a job or license, immigration or naturalization, security clearance, or adoption), you have certain rights which are discussed below.

- 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.
- If your fingerprints/biometrics are used to conduct a FBI national criminal history check, you are provided a copy of the Privacy Act Statement that would normally appear on the FBI fingerprint card.
- If you have a criminal history record, the agency making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The agency must advise you of the procedures for changing, correcting, or updating your criminal history record as set forth in Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a Georgia or FBI 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 agency denies you the job, license or other benefit based on information in the criminal history record.
- In the event an adverse employment or licensing decision is made, you must be informed of all information pertinent to that decision to include the contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision shall be a misdemeanor [O.C.G.A. § 35-3-34(b) and §35-3-35(b)].

You have the right to expect the agency receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of state and/or federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

If the employment/licensing agency policy permits, the agency may provide you with a copy of your Georgia or FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, information regarding how to obtain a copy of your Georgia, FBI or other state criminal history may be obtained at the GBI website (http://gbi.georgia.gov/obtaining-criminal-history-record-information).

If you decide to challenge the accuracy or completeness of your Georgia or FBI criminal history record, you should send your challenge to the agency that contributed the questioned information. Alternatively, you may send your challenge directly to GCIC provided the disputed arrest occurred in Georgia. Instructions to dispute the accuracy of your criminal history can be obtained at the GBI website (http://gbi.georgia.gov/obtaining-criminal-history-record-information).

PRIVACY ACT STATEMENT

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.

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

_____

Signature

_____

Printed Name

_____

Date

PUBLIC SAFETY INFORMATION

The information requested in this form is for public safety purposes only. Frequently emergencies (i.e. burglary, fire, etc.) occur at business establishments after hours and it is imperative emergency personnel have the ability to contact business owners or employees. Information regarding hazardous materials will also be of great assistance to fire personnel in the event of a fire on the premises.

Business Name: _____

Street Address: _____

Business Telephone Number: _____

Does Business have an alarm system? Yes ☐ No ☐
Name of Alarm Service: _____
Telephone Number of Alarm Service: _____
Does Business have video surveillance cameras? Yes ☐ No ☐

Are hazardous materials (flammables, incendiaries, munitions, explosives, or biohazards) stored on business premises? Yes ☐ No ☐
If yes, please list all hazardous materials:
_____
_____
Please provide location within building/premises where these materials are stored:
_____
_____

Name of electric utility company providing service to business: _____
Name of natural gas/propane gas vendor providing service to business: _____

List of after-hours contacts to be called in the event of an emergency at the business location:

Name: _____
Address: _____
_____
Telephone #: _____

Name: _____
Address: _____
_____
Telephone #: _____

Name: _____
Address: _____
_____
Telephone #: _____

Name: _____
Address: _____
_____
Telephone #: _____

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SCHEDULE OF FEES

	Retail Package Malt Beverage	Retail Package Wine	Retail Package Distilled Spirits	Retail Consumption on Premises Malt Beverages and/or Wine	Retail Consumption on Premises Distilled Spirits
January	$150.00	$150.00	$2400.00	$300.00	$500.00
February	$137.50	$137.50	$2200.00	$275.00	$458.33
March	$125.00	$125.00	$2000.00	$250.00	$416.66
April	$112.50	$112.50	$1800.00	$225.00	$374.99
May	$100.00	$100.00	$1600.00	$100.00	$333.32
June	$87.50	$87.50	$1400.00	$87.50	$291.65
July	$75.00	$75.00	$1200.00	$75.00	$249.98
August	$62.50	$62.50	$1000.00	$62.50	$208.31
September	$50.00	$50.00	$800.00	$50.00	$166.64
October	$37.50	$37.50	$600.00	$37.50	$124.97
November	$25.00	$25.00	$400.00	$25.00	$83.30
December	$12.50	$12.50	$200.00	$12.50	$41.67

Fees Adopted February 18, 2003 and amended July 19, 2016

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 BOND NO. _____
COUNTY OF PUTNAM 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:

_____
(LOCAL AGENT NAME)

_____
(LOCAL AGENT SIGNATURE)

_____
(ADDRESS)

Approved this ____ day of _____
_____
(PUTNAM COUNTY BOARD OF COMMISSIONERS)

PRINCIPAL:

_____
(LICENSEE OWNER OR AGENT NAME)

_____
(LICENSEE OWNER OR AGENT SIGNATURE)

_____
(SURETY – ATTORNEY IN FACT NAME)

_____
(SURETY – ATTORNEY IN FACT SIGNATURE)

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 BEVERAGES[1]

Footnotes:

--- (**1**) ---

Editor's note— 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— Businesses, ch. 22.

State Law reference— Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

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.

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.

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))

Cross reference— 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;

(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.

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 contendre 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.

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 contendre 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 12:30 p.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross

sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served.

(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.

(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))

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 WINE[2]

Footnotes:

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Editor's note— 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.

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 $150.00 per annum or in the case of a new business, a portion thereof based on the number of months remaining in that initial calendar year.

(c) The annual fee for a retail package sale of wine license shall be $150.00 per annum or in the case of a new business, a portion thereof based on the number of months remaining in that initial calendar year.

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

Editor's note— 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.

DIVISION 3. - RETAIL PACKAGE SALES OF DISTILLED SPIRITS[3]

Footnotes:

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

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 $2,400.00 per annum or in the case of a new business, a portion thereof based on the number of months remaining in that initial calendar year.

(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))

Editor's note— 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 SPIRITS[4]

Footnotes:

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Editor's note— 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 $300.00 per annum or in the case of a new business, a portion thereof based on the number of months remaining in that initial calendar year. 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 $500.00 per annum or in the case of a new business, a portion thereof based on the number of months remaining in that initial calendar year. 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))

Editor's note— 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.

(Amend. of 2-18-2003)

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.

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—6-150. - Reserved.

ARTICLE III. - PROHIBITED SEXUAL CONDUCT[5]

Footnotes:

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State Law reference— 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.

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.

(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.

(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))