

**COPY**

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**AN ORDINANCE  
NO. 266**

**AN ORDINANCE TO CONTROL AND REGULATE THE DISTRIBUTION OF DISTILLED SPIRITS AND THE SALE OF DISTILLED SPIRITS BY THE DRINK AND FOR CONSUMPTION ONLY ON THE PREMISES IN THE CITY OF OAKWOOD, GEORGIA BY PROVIDING RULES AND REGULATIONS UNDER WHICH SUCH SALES MAY BE CONDUCTED; IMPOSING AN EXCISE TAX; PROVIDING PUNISHMENT FOR VIOLATIONS HEREOF; AND FOR OTHER PURPOSES.**

THE CITY COUNCIL OF THE CITY OF OAKWOOD, GEORGIA  
HEREBY ORDAINS AND IT IS HEREBY ORDAINED BY THE  
AUTHORITY OF THE SAME:

**SECTION ONE**

**Definitions**

The following words, terms and phrases as used in this ordinance shall have the meaning specified in this section except where the context in which the word or term used clearly indicates a different meaning:

- (a) Alcohol means ethyl alcohol, hydrated oxide of ethyl or spirits of wine from whatever source by whatever process produced.
- (b) Alcoholic beverage means any beverage containing alcohol and shall include but shall not be limited to all alcohol, distilled spirits, beer, malt beverages, wines or fortified wines.
- (c) City means the Mayor and City Council of the City of Oakwood, Georgia.
- (d) 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.

(e) Election Day means that period of time beginning with the opening of polls and ending with the closing of polls.

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

(g) License shall mean the authorization by the City to engage in the sale or consumption on the premises of alcoholic beverages.

(h) Licensee shall mean the individual to whom a license is issued or in the case of a partnership or corporation, all partners, officers and directors of said partnership or corporation.

(i) Lounge means a separate room connected with, a part of and adjacent to a restaurant with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned, have seating capacity of at least 24.

(j) Manufacturer shall mean any maker, producer, brewer or bottler of an alcoholic beverage.

(k) Package shall mean a bottle, can, keg, barrel or other original consumer container.

(l) Person shall mean any individual, firm, partnership, cooperative non-membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciaries, or other group or combination acting as a unit, body politic or political subdivisions, with a public, private or quasi-public.

(m) Premises shall mean the space or area owned, leased and/or controlled by the licensee and used by him for the purposes of operating under the license; except that in the case of hotels and motels, premises shall include only the portion of the property where alcoholic beverages are sold. Premises is further defined as a physically identifiable place of business consisting of one room or two continuous rooms operating under the same trade name where alcoholic beverages are sold. Any premises outlets which cannot be determined as one identifiable place of business shall require additional licenses regardless of such establishments having the same trade name, ownership or management.

(n) Private club shall mean any non-profit association organized under the laws of the State of Georgia complying with Internal Revenue Code Section 501 and

- (1) has been in existence at least one year prior to its filing of an application for a license to be issued according to this ordinance;
- (2) has at least 75 regular dues paying members;
- (3) owns, hires or leases a building or space within a building for the reasonable use of its member, which building is equipped with suitable kitchen and dining room space and equipment and is staffed with a sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
- (4) has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

(o) Residence shall mean the act or fact of living or regularly staying at or in some place for the discharge of a duty or the enjoyment of a benefit or the place where one actually lives as distinguished from his domicile or place of temporary sojourn.

(p) Resident shall mean a person whose primary residence is within the territorial limits of the county.

(q) Restaurant shall mean any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment, air conditioned, with employees there in a sufficient number and kind to prepare, cook and serve suitable food for its guests. At least one meal per day shall be served at least six days per week, with the exception of holidays, vacations and periods of remodeling and the serving of meals shall be the principal business conducted (deriving at least 50% percent of its annual gross food and beverage sales from the sale of prepared meals or food), with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A restaurant shall provide at least 55 seats for customers.

(r) Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

(s) Retail dealer means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

(t) Wholesaler or Wholesale Dealer shall mean any person who sells alcoholic beverages to other wholesale dealers, retail dealer, or to retail consumption dealers.

## SECTION TWO

### Qualifications For Licensing

(a) Every applicant for a city alcoholic beverage license shall be at least 21 years of age and shall make application on forms provided by the city clerk and in connection therewith shall, under oath, answer all questions, supply all information and furnish all certificates, affidavits, bonds and other supporting data as required thereby. In all cases where the owner of such, business is a resident individual, the application shall be made in his name. Where the owner is a corporation, partnership, association or nonresident, the application shall be made in the name of a resident officer, partner or associate who owns a substantial interest in the business or in the name of the principal resident managing officer or managing agent and the application shall show that the license is for the use of the owner and the owner shall be named. The written application for the license shall be a permanent record which the licensee must maintain current as required below. Failure to maintain a current license application as required herein shall be grounds for revocation of same.

(b) Each applicant shall not have had a license to sell distilled spirits or alcoholic beverages revoked by any jurisdiction for violation of its laws or its rules within a period of five years immediately preceding the filing of such application.

(c) No person, firm or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the city that such person, partners in the firm, officers and directors of the corporation shall be of good moral character and in no event shall any license be granted to any person or officers or directors of any such corporations who have been convicted or have plead guilty or entered pleas of nolo contendere to any crime involving moral turpitude or illegal possession or sale of illegal drugs or alcoholic beverages within a period of the ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that the applicants, nor any of the other owners of the establishments, nor the manager of such establishment have been convicted or has plead guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of illegal drugs or alcoholic beverages within a period of ten years immediately prior to the filing of such application. Should any applicant, partner, officer or employee used in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo

contendere to a crime involving moral turpitude or the violation of any laws regulating the sale of illegal drugs or alcoholic beverages, the license shall be immediately revoked and cancelled.

(d) No person shall have, own or enjoy any ownership, interest in, share in the profits from or otherwise participate in the business of any alcoholic beverage license in the city unless a full description of such interest shall have been furnished the city at the time such interest arose. It shall be the duty of the licensee to report to the city, within five days, any change in any interest in such licensee's business including but not limited to:

- (1) Any division of the profits;
- (2) Any division of net or gross sales for any purpose whatsoever;
- (3) Any change in the payment of rents or leases;
- (4) Any change in the ownership of any lease, building or land used in such business; or
- (5) Any change in the ownership of any corporation that has any interest in such business or the change of management of such corporation.

After receipt of such notice, the city shall notify such person within a reasonable time of any objection to the ownership or interest set forth therein and it shall then be incumbent upon such person to dispose of such interest within 30 days after the mailing of the notice to do so by the city to such person at his address as shown on such notice of interest. In the event such interest is not disposed of within 30 days after the mailing of the notice by the city or in the event no objections are filed within such 30 period or in the event such person fails to notify the city of the transfer of any such interest within 20 days after the acquisition thereof, then the license as provided for herein may be revoked by the city until disposition of the interest has been made or notice given to the city of the transfer.

(e) The report required by this section shall be in the form required by the city and shall be an amendment to the licensee's permanent license application on file with the city and as such shall be under oath and verified as otherwise required of license applications.

(f) Notwithstanding anything in this ordinance to the contrary, the sale of alcoholic beverages in the city is a privilege and not a right and the issuance of a license hereunder shall not create any property rights in the license holder.

### **SECTION THREE**

#### **License Applications; Contents And Terms**

All applications for licenses to sell alcoholic beverages of any kind shall be made in person by the applicant to the city clerk in writing on forms furnished by

the city signed by the applicant and shall contain but not be restricted to the following statements and information:

(a) The name, birth date, present address, previous address for the last five years and length of residency of applicant in the City of Oakwood and the State of Georgia.

(b) The name, location and description of the premises or place of business which is to be operated under such license.

(c) A statement of whether the applicant or any person with an interest in the application has made application at any previous time for any alcoholic beverage license and the disposition of such application.

(d) Whether the applicant or any person with an interest in the application has ever been convicted of a crime other than traffic violations. A complete record of all arrests, convictions and guilty pleas for violations of all laws, city, state and federal of applicant and the disposition of all charges.

(e) Whether a previous license issued to the applicant or any person with an interest in the application has been revoked by any state or subdivision thereof or by the federal government and the reason therefor.

(f) Whether any other person is to be interested directly or indirectly in the profits or losses or both of the proposed business.

(g) No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete or detailed plans of such building and outside premises are attached to the application or an occupancy permit for the premises to be licensed has been issued by the building inspection department of the city. The completed building shall comply with all regulations of the city and of the state. Each building in which the business is to be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front on the street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to his application evidence of ownership of the building or a copy of the lease if the applicant is leasing the building.

(h) All new application for a retail package license for the sale of distilled spirits shall be accompanied either by lawful money of the U.S. or by a certified check or cashier's check payable to the city in the sum of \$5,000.00 as an annual license fee for operation for one year at one location or business where products will be sold.

(i) All applications for renewal of alcoholic beverage licenses shall be filed with the city clerk prior to November 15. All applications for a renewal of licenses for the ensuing year shall be treated as applications for new licenses, except that they need not be advertised. The renewal fee shall be \$5,000.00. Payment of license fees for renewal of license may be made at the time of application or by December 31 and, upon approval of renewal and payment, a license will be issued.

(j) No application shall be acted upon by the city except at a regular meeting of the city council.

(k) The financial responsibility of every applicant for an alcoholic beverage license must be shown to the satisfaction of the city. Each applicant shall submit with the application a complete statement of his financial condition.

(l) Every application for a license hereunder shall be accompanied by a drawing to scale showing the nearest church, funeral chapel, school or college or an affidavit of a registered surveyor that the proposed location of the business complies with Section Seven.

(m) As to an applicant's resident managing officer (if not the same as the applicant), the same information shall be required as would be required of the applicant herein.

(n) All new applications for alcoholic beverage licenses shall be accompanied either by lawful money of the U.S. or by a certified check or cashier's check, payable to the city for the proper amount of the license fee. In the event the license is refused, said fee shall be returned to the applicant less a \$200.00 non-refundable application fee unless the applicant is determined to be a convicted felon in which case there shall be no refund for the license fee.

(o) The applicant for a consumption on the premises distilled spirits license shall, in addition to all other fees, pay to the city clerk, at the time his application is submitted, the amount of \$1,550.00 for the sale of distilled spirits by the drink.

#### **SECTION FOUR**

##### **Notice/Publication**

No application for an alcoholic beverage license shall be acted upon by the city until after the applicant shall have published a notice of such application in a local newspaper of general distribution for at least four different days prior to the regular meeting at which time such application is to be presented and considered. Such notice shall contain the name and address of the person for whom the application is submitted and the name and address of the person applying, if different, and the location of the proposed business. This notice shall not be

required from an existing alcoholic beverage license holder making application for the renewal of an existing license at the same location.

## SECTION FIVE

### Term Of License, Renewal And Transferability

- (a) The city license issued shall be valid only for the calendar year indicated thereon. The city shall have printed and furnish to applicants all necessary forms. The city shall have printed appropriate license forms provided for in this ordinance and each shall be signed by the mayor of the City of Oakwood, Georgia and by the clerk of the City of Oakwood, Georgia. A licensee that desires to continue in business during the next or subsequent calendar year must make a renewal application for such year on or before November 15 of the preceding year. Payment of license fees for renewal of license may be made at the time of application or by December 31 and, upon approval of renewal by the council and payment, the license will be issued.
- (b) No city license may be transferred from one person to another person or from one location to another.
- (c) Any licensee desiring to discontinue business at one location and commence business at some other location must make a complete new application for such location.
- (d) All licenses issued pursuant to this ordinance shall be valid only so long as the licensee is actively engaged in such business with the exception of holidays, vacations and periods of remodeling and, in the event the licensee shall cease to be actively engaged in such business, such license shall be invalid and the licensee of such business shall immediately notify the city and return his license thereto.
- (e) In case of the revocation or surrender of such license before the expiration of such calendar year, the holder thereof shall not be entitled to receive any refund.

## SECTION SIX

### General Provisions

- (a) When contrary to the public interest and welfare, no license to sell alcoholic beverages of any kind shall be issued by the city to or for :
- (1) Any person determined by the city by reason of such person's business experience, financial standing, trade associations, personal associations, record of arrest or reputation in any community in which he has resided is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.

- (2) Any person who has been convicted under any federal, state or local law of any felony or crime involving moral turpitude within ten years immediately preceding the filing of application for such license.
- (3) Any person convicted under any federal, state or local law of a misdemeanor involving moral turpitude including, but not limited to, those involving alcoholic beverages, gambling or tax law violations if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.
- (4) A location not suitable in the judgment and discretion of the city because of traffic congestion, general character of the neighborhood or by reason of the effect which such an establishment would have on the adjacent and surrounding properties or on the neighborhood.
- (5) A location at which a previous alcoholic beverage license has been revoked or suspended and where, in the judgment of the city, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.
- (6) Which the granting of such license would constitute a violation of state law or regulations.
- (7) Any person who is an official or employee of the city.
- (8) Any person to operate a restaurant or club except as defined in Section One. Consumption on the premises sales shall be made in no other places or establishments.
- (9) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this ordinance to be served upon the licensee or owner may be served. This person must be a resident of Hall County. The licensee shall file the name of such agent, along with the written consent of such agent with the application.
- (10) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business

to direct and manage its affairs or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

- (11) The operation of a distilled spirits business licensed hereunder by any person already holding two (2) such licenses in the State of Georgia or one (1) such license in the city.
- (12) Any trustee or director of a private club if disqualified under this ordinance.
- (13) Upon receipt by the city clerk of any application for an alcoholic beverage license, he/she shall forward the same to the chief of police for investigation who, following such investigation, shall attach thereto the entire police record of every person named in the application and every employee involved or to be involved in dispensing distilled spirits. The city clerk shall then submit the application with such report attached to the city council.
- (14) Every applicant, as defined herein, for a license to sell or dispense distilled spirits shall be fingerprinted by the police department of the city before a license is issued hereunder. The licensee hereunder shall before hiring any person to work in such business have that person report to the chief of police to be fingerprinted and give any other information required by the chief of police. No person shall be hired in such place of business until approved by the chief of police. Furthermore, the chief of police shall be notified in writing by the licensee of the termination of any employee. Notification shall be within thirty (30) days of termination. In addition to the set of fingerprints submitted herewith by the license applicant, the applicant shall also furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation.
- (15) Any person who is as close kin as brother or sister by blood or marriage to one already holding a distilled spirits license under this ordinance.
  - (b) Before the city shall deny any application for a license or shall revoke any existing license, the applicant or licensee, as the case may be, shall be given notice in writing from the city clerk to show cause before the city council at a time and place specified therein not less than three (3) days nor more than ten (10) days from the date of service of the notice, why such application for license should not be denied or why such license should not be revoked, as the case may be, stating the grounds therefore and, at the appointed time and place, the applicant or licensee shall have an opportunity to show cause, if any exists, why such application should not be denied or such license revoked, after which the

city shall take such action as it, in its judgment and discretion, shall deem warranted under the facts. The hearing on a revocation herein provided for need not be at a regular meeting of the city council but may be at such time and place as shall be fixed in the notice. All decisions denying, approving, suspending or revoking any permit, license or application shall be in writing with the reasons therefor stated and mailed or delivered to the applicant. In addition, at any hearing as provided herein, the party afforded the hearing shall have the opportunity to present evidence and cross-examine opposing witnesses.

## **SECTION SEVEN**

### **Distances**

(a) No alcoholic beverages shall be offered for sale, sold or dispensed within one hundred (100) yards of any church or funeral chapel; provided, however, any other provisions of ordinances notwithstanding, such distances from churches and funeral chapels shall be measured between the church or funeral chapel and the structure or the part of the structure where alcoholic beverages are offered for sale.

(b) No distilled spirits shall be offered for sale, sold or dispensed within two hundred (200) yards of any school ground or college campus. Such distances from school and colleges shall be measured from the nearest point on the school grounds or college to the building or part of building where distilled spirits are offered for sale, sold or dispensed.

(c) Any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on July 1, 1981, as specified under state law.

## **SECTION EIGHT**

### **Hours And Days of Sale**

It shall be unlawful to sell alcoholic beverages on any day or at any time when such sale or consumption is prohibited by law. The hours of sale of distilled spirits shall be:

(a) No distilled spirits shall be sold by the bottle, package or drink in the city on Sundays, Christmas Day, Thanksgiving Day or within two hundred fifty (250) feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days

(b) On all other days the sale of distilled spirits by the bottle or package shall cease at 11:45 p.m. and not be resumed before 8:00 a.m. and the sale of distilled spirits by

the drink shall cease at 11:45 p.m. and not be resumed before 8:00 a.m. except as provided in subsection (a) above.

(c) All premises upon which distilled spirits are sold by the package shall be closed and empty of people between the hours of 11:45 p.m. and 8:00 a.m.

## SECTION NINE

### Violations, Reporting And Action Thereon

(a) Any violation of this ordinance that may warrant revocation of a license including false, untrue or misleading statements in the application for a alcoholic beverage license shall be reported by any person to the city clerk who shall promptly notify the mayor who shall have the power in his/her discretion to suspend the license for a period not to exceed ten days pending a hearing before the city council on the question of whether or not the license shall be revoked for cause, in compliance with Section Six (b).

(b) Upon a charge that there has been a violation of this ordinance, the mayor may order the place of business charged closed pending a hearing on the charge.

(c) The chief of police or any police department shift commander on duty at the time may close any location holding a license for a period not in excess of 24 hours in the event there shall occur on the premises any violation of law or municipal ordinance, breach of the peace, disturbance or altercation resulting in violence or other occurrence which is contrary to the public health, welfare, safety or morals when in the judgment of the chief of police or shift commander such action is necessary to protect the public health, welfare, safety or morals.

(d) The city shall have the right to suspend any license pending the hearing provided for in Section Six (b) where in the judgment of the city such action is necessary to protect the public health, safety, welfare and morals.

(e) Any suspension as provided herein shall be in writing, with the reasons therefor stated and shall be delivered to a license holder or the person in charge of the place of business if the license holder cannot be located.

(f) The violation of any of the provisions of this ordinance by a holder of an alcoholic beverage license, or his agent, or employee, shall be unlawful, and shall be punishable as provided in Sections Six and Nine of this ordinance and shall subject the holder of such license to suspension or revocation of such license as the city deems proper.

## SECTION TEN

### Regulations

(a) No holder of a license authorized to sell alcoholic beverages in the city nor any agent or employee of the licensee shall do any of the following upon the licensed premises:

- (1) Knowingly furnish or cause to be furnished or permit any other person in his employ to furnish any minor alcoholic beverages.
- (2) Allow or require a person in his employment under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverages.
- (3) Knowingly sell alcoholic beverages to any person while such person is in an intoxicated condition, who is of unsound minds or who is a habitual drunkard whose intemperate habits are known to said licensee or his employees.
- (4) Sell alcoholic beverages on any day or at any time when such sale or consumption is prohibited by law.
- (5) Permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practice. Such misconduct shall immediately be reported to the city police department.
- (6) Sell any alcoholic beverage through or by means of a drive-in window.
- (7) Sell or offer for sale alcoholic beverages by use of vending machines.
- (8) Sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic beverages, the sale, possession or consumption of which is not authorized under his license.
- (9) Add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.
- (10) Receive or cause to be delivered at the licensed premises any alcoholic beverages by any means other than by a conveyance

owned and operated by a wholesale dealer with a license from the city. Transportation of alcoholic beverages by any other means shall be grounds for revocation of all licenses concerned.

(b) All licensees for the sale of alcoholic beverages for consumption on the premises shall remove, or cause to be removed, from the area of the premises utilized by customers or patrons all alcoholic beverages within 45 minutes after the closing time for the sale of alcoholic beverages.

(c) No person who holds a license hereunder shall allow any person less than 18 years of age to be in, frequent, or loiter on the licensed premises unless such person is accompanied by a parent or legal guardian.

(d) No person shall offer, sell or serve multiple drinks, reduced price drinks or increased alcoholic volume drinks which is prohibited as follows:

(1) As used in this subsection, the term:

- a. Drink means a single portion beverage which contains any alcoholic beverage.
- b. Price regularly charged means the full price charged without discounts by the licensee for such drink or drinks during the preceding calendar week.
- c. Private function means any affair where attendance is by invitation only and where the cost of the drinks served is paid by the host or hosts.

(e) No licensee or agent or employee of a licensee shall:

- (1) Offer or deliver any free drinks to the general public;
- (2) Sell, offer to sell or deliver more than one drink to one person at one time;
- (3) Sell, offer to sell or deliver to any persons or group of persons any drink or drinks at a price less than the price regularly charged, except at private functions;
- (4) Sell, offer to sell or deliver to any person or group of persons an unlimited number of drinks during any set period of time for a fixed price, except at private functions;

- (5) Sell, offer to sell or deliver alcoholic beverages by the pitcher except to two or more persons at any one time;
  - (6) Encourage or permit any game or contest which involves drinking or the awarding of drinks as prizes.
  - (7) Increase the volume of alcoholic beverages contained in a drink without increasing proportionately the price charged for such drink.
- (f) The prohibitions and restrictions in the foregoing subsection (e) which apply to licensees or agents or employees of licensees shall not:
- (1) Apply at private functions;
  - (2) Prohibit the offering of free food or entertainment at any time;
  - (3) Prohibit including drinks as part of the price of a hotel, travel, entertainment or meal package;
  - (4) Prohibit the sale, offer to sell or deliver wine or malt beverages by the bottle, pitcher or carafe; or
  - (5) Prohibit any motel or hotel from offering room service to registered guests.

## SECTION ELEVEN

### Suspension/Revocation

The following shall be grounds for the suspension and/or revocation of a license. Whether or not such grounds exist shall be determined by the city in its sole discretion:

- (a) The violation by the license holder or his employee of any state or federal law or regulation, except misdemeanors or any ordinance of the city, other than traffic violations. The determination of whether any such violation has occurred shall be made by the city and an actual conviction in a court for such offense shall not be necessary in order to suspend or revoke the license.
- (b) The failure of the licensee or his employee to report promptly to the police department any violation of law or municipal ordinance, breach of peace, disturbance or altercation resulting in violence occurring on the premises.

(c) Any conduct on the part of the licensee or his employee contrary to the public welfare, safety, health or morals.

(d) Operating or conducting the business in a manner contrary to the public welfare, safety, health or morals or in such manner as to constitute a nuisance. Any combination totalling three or more of the following occurrences within any thirty day period shall constitute prima facie evidence that the licensee is operating or conducting an alcoholic beverage business in a manner which is contrary to the public welfare, safety, health or morals or in such a manner as to constitute a nuisance: Violation of any law, violation of any municipal ordinance, breach of peace, disturbance or altercation resulting in violence, all occurring on the premises. The licensee shall, upon suspension for violations of this section, have the burden of proving such occurrences were beyond his control and not related to the operation of his business.

(e) The violation of any state law or regulation or municipal ordinance pertaining to alcoholic beverages.

## SECTION TWELVE

### General Regulations

(a) Consumption on the premises licensees shall maintain more than 50 percent of their business volume from the sale of food. The 50 percent ratio shall be determined on a calendar quarter basis on the monthly report submitted by each licensee. In the event food sales fall below 50 percent of the business volume sales for any quarter, then the licensee shall be placed on probation for the next succeeding quarter. At the end of the next succeeding quarter, if food sales have not attained more than 50 percent of business volume sales, then the clerk shall suspend such license in accordance with Sections Nine and Eleven. Nothing herein provided shall prevent the city from suspending or revoking such license for any other violations of this ordinance. Authorized officials of the city may examine the records of businesses licensed hereunder at any reasonable time to ascertain that the requirements of this and other provisions of this ordinance are met.

(b) Upon the failure of any person selling alcoholic beverages in the city to furnish to the city clerk any report required by the ordinances of the city or to pay any tax due the city for the sale of such commodities promptly when due, there shall be assessed a penalty of ten percent of the amount of the tax due or shown to be due by any such report in addition to such tax.

(c) It shall be unlawful for any licensee hereunder to make deliveries of any alcoholic beverages by the drink or package beyond the boundaries of the premises covered by the license. The sale of alcoholic beverages for consumption by persons

in any back room or side room which is not open to general public use is prohibited, except that private parties or conventions, which have been scheduled in advance, may be served in public or private dining rooms or meeting rooms and provided further that this prohibition shall not apply to the consumption hereunder by the registered guests of any hotel or motel in their designated rooms.

(d) All alcoholic beverages shall be stored only on the premises for which the license is issued.

(e) All licensees, who open their place of business on Sunday for the sale of merchandise other than alcoholic beverages, shall post in conspicuous locations when alcoholic beverages are on display the prohibition against sales on Sunday in such a manner as approved by the city clerk.

(f) It shall be unlawful for any person to hold an alcoholic license (package or consumption) who also has any direct financial interest in any wholesale alcoholic beverage business. It shall be unlawful for the holder of any alcoholic beverage license (package or consumption) to accept or receive financial aid or assistance from the holder of any alcoholic beverage manufacturer's or wholesale dealer's license.

(g) The holder of every license hereunder shall have available in his place of business at all times a copy of this ordinance and shall be responsible for compliance herewith by all person on the premises.

(h) Premises operated under the provisions of this ordinance shall be open to inspection by authorized personnel of the city during operating hours.

(i) The city may in its discretion require a personal statement of any employee of any licensed establishment for licensing purposes and may require any employee serving alcohol to submit to fingerprinting at the expense of the business establishment.

(j) It shall be unlawful to consume or permit to be consumed alcoholic beverages in any area open to the public in any business establishment in the city without a valid consumption on the premises and alcoholic beverage license.

(k) All advertising of alcoholic beverages or consumption of alcoholic beverages on the premises is hereby prohibited except as provided for in the following:

(1) Distilled spirits package (retail and wholesale).

- a. The city shall provide a sign to all retail licensees to post on the premises of their place of business. Licensees shall not post more than one such sign at their place of business. Licensees shall not display outside signs or signs

in their windows of any other type which advertise either brand, product or price.

- b. No distilled spirits licensee, retail or wholesale, shall advertise in any news media or by any other means the fact that distilled spirits may be purchased at such establishment.

(2) Distilled spirits consumption on the premises.

- a. The licensee shall not display by sign advertising, directly or indirectly, the sale of alcoholic beverages other than in the principal building for which the license is issued. Such signs displayed within the principal building shall not be displayed within view of the general public from the doors or windows of such principal building. Any sign placed on the licensed premises, within view of the general public and with the intent to bring attention to the fact that alcoholic beverages can be bought at that location, shall be in violation of this section.
- b. Distilled spirits consumption on the premises licensees shall be permitted to advertise by means of radio, television or newspaper provided that brand names of alcoholic beverages shall not be used.

(m) A retail dealer (sale by package only) license will entitle the licensee to sell distilled spirits, malt beverages and/or wine at one location only and only in the original and unopened container and shall not permit the opening of containers in the package store where sold. All distilled spirits possessed by a licensee shall be kept in the package store and no distilled spirits retailer's place of business shall have more than one entrance which must open on a public street except as approved by state law and shall contain no vestibule, closet, booth, room or other place where persons may consume alcoholic beverages. Distilled spirits businesses operated under this license shall not be operated in conjunction with or open into or have access to or from any lunchroom, dining room, dance hall or store. The windows in such retail place of business shall not be obstructed or obscured but shall be so arranged that a passerby on the street can view the premises of such retailer by looking through window openings onto such street. The licensee shall be allowed to construct restrooms for the use of owners and employees only, an office clearly visible in the package store and a storage area in each licensed package store.

## SECTION THIRTEEN

### Acts Involving Minors

- (a) The following acts involving minors are **prohibited**:
  - (1) No person knowingly, by himself or through another, shall furnish, cause to be furnished or permit any person in his

employ to furnish any alcoholic beverage to any person under 21 years of age.

- (2) No person under 21 years of age shall purchase or knowingly possess any alcoholic beverages.
- (3) No person under 21 years of age shall misrepresent his age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage.
- (4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.
- (5) No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

(b) The prohibitions contained in Section Thirteen (a)(1) shall not apply with respect to a person who has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, proper identification means any document issued by a governmental agency containing a description of the person, such person's photograph, or both and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license or an identification card authorized under O.C.G.A. Section 40-5-100, et seq. "Proper identification" shall not include a birth certificate.

(c) The following acts involving minors shall not be prohibited:

- (1) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishment.
- (2) Being employed in any establishment in which alcoholic beverages are distilled or manufactured.
- (3) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
- (4) Except, no person shall allow or require a person in his/her employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.

- (5) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets, convenient stores, breweries or drug stores from selling or handling alcoholic beverages which are sold for consumption off premises.
- (6) The sale, purchase or possession of alcoholic beverages for consumption:
  - a. For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state.
  - b. At a religious ceremony.
  - c. In the home with parental consent.

## SECTION FOURTEEN

### Excise Tax on Mixed Drinks Consumed on Premises

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

- (1) Agent means the person designated by the licensee in his application for permit to sell alcoholic beverages by the drink.
- (2) Drink or mixed drink shall include any distilled spirits served for consumption on the premises which may or may not be diluted by water or other substance in solution.
- (3) Licensee means a person who holds a license from the city to engage in the sale of distilled spirits by the drink for consumption on the premises.
- (4) Monthly period means the calendar months of any year.
- (5) Purchase price means the consideration received for the sale of distilled spirits by the drink valued in money, whether received in cash or otherwise, including receipts, credit, property or services of any kind or nature and also the amount of which credit is allowed by the licensee to the purchaser without any deduction therefrom whatsoever.

- (6) Purchaser means any person who orders and gives present or future consideration for any distilled spirits by the drink.
- (7) Return means any return filed or required to be filed as herein provided.
- (8) Tax means the tax imposed by this section.

(b) **Imposition and rate of tax.** There is hereby imposed and levied upon every purchaser of a distilled spirit for beverage purposes by the drink within this city a tax in an amount equal to three percent of the purchase price charged to the purchaser of the mixed drink.

(c) **Authority and requirement of licensee to collect the tax.** Every licensee or his agent is hereby authorized and directed to collect the tax imposed herein from purchasers of distilled spirits by the drink within the licensed premises. Such licensee or agent shall furnish such information as may be required by the city to facilitate the collection of the tax.

(d) **Collection of tax; records; rules and regulations.** In all cases where the collection of food and drinks is by deferred payment or credit, the licensee is liable at the time of and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The city shall have authority to adopt rules and regulations prescribing methods and schedules for collection and payment of the tax.

(e) **Determination, returns and payments.**

- (1) Due dates of taxes. The tax imposed by this section shall become due and payable from the purchaser at the time of purchase of any mixed drink in this city. All amounts of such taxes collected by the licensees shall be due and payable to the city monthly on or before the 20th day of every month next succeeding each respective monthly period for which the tax is imposed; provided, however, that upon a proper showing that the tax imposed will not be collected until after a regular billing period of the collecting agent, then the collection of the tax may be deferred by the city for an additional period not exceeding 30 days.
- (2) Return; time of filing; person required to file; contents. On or before the 20th day of the month following each monthly period, a return for the preceding monthly period shall be filed with the city in such form as the city may prescribe by every licensee liable for the payment of tax hereunder. All returns shall show the gross receipt of the sale of distilled spirits by the drink and the amount of tax collected on such drinks.
- (3) Collection fee allowed licensees. Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be

reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if such amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the "Georgia Retailers' and Consumers' Sales and Use Tax Act," approved February 20, 1951, as now or hereafter amended (OCGA Section 48-8-1, et seq.).

(f) **Deficiency determinations.**

- (1) If the city has cause to believe that the return or returns of the tax or the amount of the tax required to be paid to the city by any person is not proper, it may compute and determine the amount required to be paid upon the basis of any information that is within or may come into its possession. One or more deficiency determinations may be made of the amount due for any monthly period.
- (2) Interest on deficiency. The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof, from the due date of taxes.
- (3) Notice of determination; service. The city or its designated representatives shall give to the licensee written notice of its determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at his address as it appears in the records of the city. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.
- (4) Time within which notice of deficiency determination to be mailed. Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period should last expire.

(g) **Determination if no return made.**

- (1) Estimates of gross receipts. If any person fails to make a return, the city shall make an estimate of the amount of the gross receipts of the person or, as the case may be, of the amount of the total sales in this city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is in possession of or may come into the possession of the city. Written notice shall be given in the manner prescribed in Section Fourteen (f)(3).

(2) Interest on amount found due. The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof, from the tenth day of the month following the monthly period for which the amount or any portion thereof would have been returned until the date of payment.

(h) Penalty for nonpayment. Any person who fails to pay the tax herein imposed or fails to pay any amount of the tax required to be collected and paid to the city within the time required shall pay a penalty of 25 percent of the tax or amount of the tax in addition to the tax or the amount of the tax plus interest on the unpaid tax or any portion thereof as set forth in Section Fourteen (g)(2).

(i) Action for tax; tax credit; penalty or interest paid more than once or erroneously or illegally collected. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the city may bring an action in the courts of this state, any other state or of the United States in the name of the city to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorneys' fees and other legal fees incident thereto. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the city under this ordinance, it may be offset against any future liability for the tax. If the licensee determines that he has been overpaid or paid more than once, which fact has not been determined by the city, he will have three years from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The claim shall be audited. If the claim is approved by the city, the excess amount paid the city may be credited on any amounts then due and payable from the person by whom it is paid or from his administrator or executors.

(j) **Administration.**

(1) Records required from licensee, etc.; form. Every licensee for the sale of alcoholic beverages by the drink in the city shall keep such records, receipts, invoices and other pertinent papers in such form as the city may require.

(2) Examination of records; audits. The city or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee for sale of distilled spirits by the drink and any licensee liable for the tax in order to verify the accuracy of any return made or, if no return is made by the licensee, to ascertain and determine the amount required to be paid.

- (3) Authority to require reports; contents. In administration of the provisions of this subsection, the city may require the filing of reports by any person having in such person's possession or custody information relating to purchases which are subject to the tax. Reports shall be filed with the city when required by the city and shall set forth the purchase price for each purchase, the date or dates of purchase and such other information as the city may require.

(k) **Violations.**

- (1) Criminal penalties. Any person violating any of the provisions of this subsection shall be deemed guilty of an offense and upon conviction thereof shall be punished as follows: a maximum penalty of 90 days in jail or a \$500.00 fine or both. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the subsection is committed, continued or permitted by such person and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made or fails or refuses to furnish a supplemental return or other data required by the city or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid.
- (2) Civil penalties. Any person violating any of the provisions of this subsection shall, in addition to the other penalties and liabilities provided for herein, have his license or permit revoked as provided for previously herein.

**SECTION FIFTEEN**

**Excise Tax Generally**

- (a) Except as to the mixed drink tax provided for in Section Fourteen, excise taxes on alcoholic beverages shall be paid and collected in the following manner. Such tax shall be paid by persons selling alcoholic beverages to retail package and/or consumption on the premises licensees by the tenth day of each month following the month in which deliveries were made. Copies of the "summary of sales" showing delivery by each supplier to retailers and/or consumption on the premises licensees shall be furnished to the city clerk with each monthly payment. Any misstatement or concealment of fact in reports or applications shall be grounds for revocation of the license issued and shall make the applicant or licensee liable to prosecution for perjury under the laws of the state.
- (b) In addition to such annual license fee there is hereby levied and imposed upon each wholesale dealer selling distilled spirits within the city, an excise tax computed at the rate of 22 cents per liter, the rate shall be prorated so that all containers of distilled spirits shall be taxed on the basis of 22 cents per liter. It shall be unlawful and a

violation of this ordinance for any wholesaler to sell, ship or deliver in any manner any distilled spirits to a retail dealer without collecting said tax. It shall be unlawful and a violation of this ordinance for any retail dealer to possess, own, hold, store, display or sell any distilled spirits on which such tax has not been paid. Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of said tax.

## **SECTION SIXTEEN**

### **Manufacturer, Importer, Wholesale, Retail And Consumption On The Premises Licenses.**

Manufacturer, importer, wholesale, retail and consumption on the premises licenses for the sale of alcoholic beverages in the city will be issued by the city council and pursuant to this ordinance.

## **SECTION SEVENTEEN**

### **Invalid Provisions**

If any part of this ordinance is declared invalid, unlawful or of no force and effect by any court, the remaining parts shall not be affected and they shall be of full force and effect.

## **SECTION EIGHTEEN**

### **Repealer**

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

## **SECTION NINETEEN**

### **Effective Date**

The effective date of this ordinance shall be upon approval by the City Council of the City of Oakwood.

FIRST READING	<u>April 13, 1998</u>
PUBLISHED	<u>April 19, 1998</u>
PASSED	<u>April 27, 1998</u>

**AN AMENDMENT TO ORDINANCE NO. 266**

**AN AMENDMENT TO THE ORDINANCE KNOWN AS THE  
DISTILLED SPIRITS ORDINANCE FOR THE  
CITY OF OAKWOOD TO AMEND THE HOURS OF  
OPERATION FOR OTHER PURPOSES**

**THE CITY COUNCIL AND OF THE CITY OF OAKWOOD, GEORGIA  
HEREBY ORDAINS AND IT IS HEREBY ORDAINED BY THE AUTHORITY  
OF THE SAME as follows:**

-1-

Section Eight of Ordinance Number 266 is deleted in its entirety and the following is substituted in lieu thereof.

**SECTION EIGHT**

**Hours and Days of Sale**

It shall be unlawful to sell alcoholic beverages on any day or at any time when such sale or consumption is prohibited by law. The hours of sale of distilled spirits shall be:

(a) No distilled spirits shall be sold by the drink in the city on Sundays, Christmas Day, Thanksgiving Day or within two hundred fifty (250) feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

(b) On all other days the hours of sale of distilled spirits by the drink shall be as follows:

7:00 a.m. to 1:00 a.m. Monday thru Friday and 7:00 a.m. to 12:00 p.m. on Saturday provided that the regular store hours be the same as the hours that distilled spirits by the drink sold by the merchant.

The sale of alcoholic beverages on all election dates is hereby authorized. Election day as used herein shall mean that period of time beginning with the opening of the polls and ending with the closing of the polls on any statewide primary election, statewide general election and any runoff held for any such election.

-2-

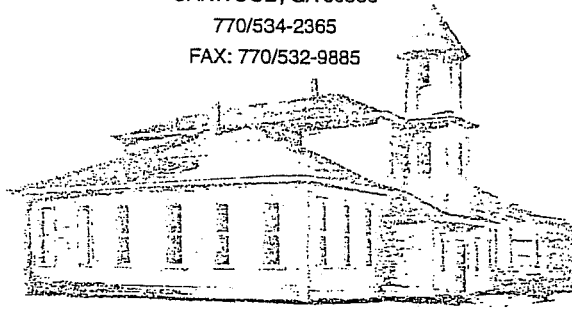
All ordinances and parts of ordinances in conflict herewith are hereby repealed.

-3-

The within ordinance shall be effective immediately upon passage.

# CITY OF OAKWOOD

POST OFFICE BOX 99  
4009 RAILROAD STREET  
OAKWOOD, GA 30566  
770/534-2365  
FAX: 770/532-9885



OAKWOOD HIGH SCHOOL  
ESTABLISHED 1914

H. LAMAR SCROGGS  
MAYOR

DONALD WOOD  
RON McFARLAND  
MONTIE ROBINSON, SR.  
CLINTON NEWBY  
GARY ANDERSON

DONALD T. HUNT  
CITY ATTORNEY

JIMMY McCAULEY  
CITY MANAGER

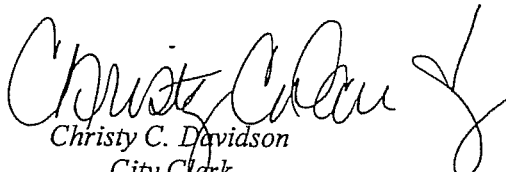
PATTI J. DOSS  
ASST. CITY MANAGER

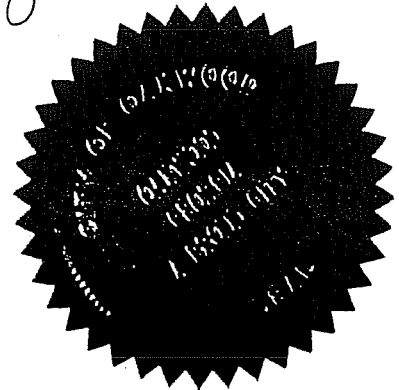
CHRISTY C. DAVIDSON  
CITY CLERK

## GEORGIA, HALL COUNTY

I, CHRISTY C. DAVIDSON, CLERK of the City of Oakwood, Georgia do hereby certify that the attached ordinance which appears of record in the minutes of the proceedings of the City of Oakwood, Georgia, known as an Amendment to Ordinance No.266, entitled "Distilled Spirits Regulations" was duly passed on the 27<sup>th</sup> day of April, 1998, and same is true and correct copy of said ordinance.

WITNESS, my official signature and seal of the City of Oakwood, Georgia on this 27<sup>th</sup> day of April, 1998.

  
Christy C. Davidson  
City Clerk  
City of Oakwood, Georgia



First Reading: 10-11-2004  
Published: 10-14-2004  
Final Reading: 10-25-2004

AN AMENDMENT TO  
ORDINANCE NO. 266

AN AMENDMENT TO THE ORDINANCE KNOWN AS THE DISTILLED SPIRITS BEVERAGE ORDINANCE FOR THE CITY OF OAKWOOD, GEORGIA TO AMEND THE APPLICATION/RENEWAL FEE AND FOR OTHER PURPOSES.

The City Council for the City of Oakwood, Georgia HEREBY ORDAINS AND IT IS HEREBY ORDAINED by the authority of the same as follows:

-1-

Paragraphs (o) of Section Three of Ordinance Number 266, as previously amended, are deleted in their entirety and the following are substituted in lieu thereof;

- (o) The applicant for a consumption on the premises distilled spirits license shall, in addition to all other fees, pay to the city clerk at the time the application is submitted the amount of \$2,500.00 for the sale of distilled spirits by the drink (Distilled Spirits Consumption)

-2-

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

-3-

The within amendment to Ordinance No. 266 shall be effective immediately upon passage.



City Of  
**OAKWOOD**

H. LAMAR SCROGGS  
MAYOR

RON McFARLAND  
MONTIE ROBINSON, SR.  
SAM EVANS  
TOM ADAM  
MARTHA COLLINS

DONALD T. HUNT  
CITY ATTORNEY

STAN BROWN  
CITY MANAGER

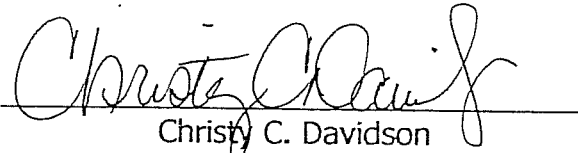
PATTI J. DOSS  
ASST. CITY MANAGER

HELEN A. PALMER  
CITY CLERK

GEORGIA, HALL COUNTY

I, CHRISTY C. DAVIDSON, Interim Clerk of the City of Oakwood, Hall County, Georgia do hereby certify that the attached ordinance which appears of record in the minutes proceedings of the City of Oakwood, Hall County, Georgia known as an Amendment to Ordinance No. 266 entitled "Distilled Spirits Beverage Ordinance" was passed on the 25<sup>th</sup> day of October 2004, same is a true and correct copy of said ordinance.

WITNESS, my official signature and seal of the City of Oakwood, Hall County, Georgia on the 26<sup>th</sup> day of October, 2004.



Christy C. Davidson  
Interim City Clerk  
City of Oakwood, Georgia



Post Office Box 99  
4035 Walnut Circle  
Oakwood, Georgia 30566

770-534-2365  
Fax: 770-297-3223

**First Reading:**11/13/2006

**Published:** 11/17/2006

**Final Reading:** 12/11/2006

**An Amendment to Ordinance  
No. 266**

**AN AMENDMENT TO OAKWOOD ORDINANCE NO. 266 KNOWN AS THE  
“OAKWOOD SALE OF DISTILLED SPIRITS ORDINANCE” TO PROVIDE  
FOR THE SALE OF DISTILLED SPIRITS BY THE DRINK FOR  
CONSUMPTION ON THE PREMISES ON SUNDAY; TO PROVIDE FOR AN  
EFFECTIVE DATE; TO PROVIDE FOR THE REPEAL OF CONFLICTING  
ORDINANCES AND FOR OTHER PURPOSES.**

**WHEREAS**, by referendum duly called, the citizens of the City of Oakwood approved the sale of distilled spirits by the drink for consumption on the premises on Sunday; and

**WHEREAS**, it is necessary to amend to Ordinance No. 266 to comply with said referendum;

**THE CITY COUNCIL OF THE CITY OF OAKWOOD, GEORGIA HEREBY ORDAINS  
AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME:**

-1-

Section Eight – Hours and Days of Sale is hereby amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

**SECTION EIGHT**

**Hours and Days of Sale**

It shall be unlawful to sell alcoholic beverages on any day or at any time when such sale or consumption is prohibited by law. The hours of sale of distilled spirits shall be:

(a) No distilled spirits shall be sold by the bottle or package in the City on Sundays, Christmas Day, Thanksgiving Day or within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

(b) On all other days, the sale of distilled spirits by the bottle or package shall cease at 11:45 p.m. and not be resumed before 8:00 a.m. All premises upon which distilled spirits are sold by the package shall be closed and empty of people between the hours of 11:45 p.m. and 8:00 a.m.

(c) The hours of sale of distilled spirits for consumption by the drink on the premises for beverage purposes are 7:00 a.m. to 12:00 p.m. (midnight) Monday through Saturday and 12:30 p.m. through 12:00 p.m. (midnight) on Sunday provided the regular establishment hours of operation be the same as the hours that distilled spirits are sold by the merchant and provided the establishment shall be in full compliance with all other provisions of the within ordinance including, but not limited to, the provisions of Section Twelve herein regarding the ratio of food sales to alcoholic beverages sold

-2-

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

-3-

This amendment shall be effective December 31, 2006.



H. LAMAR SCROGGS  
MAYOR

RON McFARLAND  
MONTIE ROBINSON, SR.  
SAM EVANS  
MARTHA COLLINS  
GARY ANDERSON

DONALD T. HUNT  
CITY ATTORNEY

STAN BROWN  
CITY MANAGER

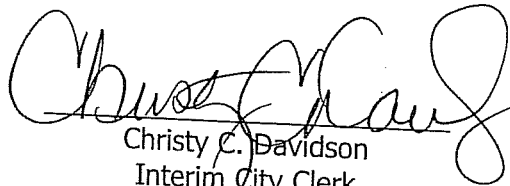
PATTI J. DOSS-LUNA  
ASST. CITY MANAGER

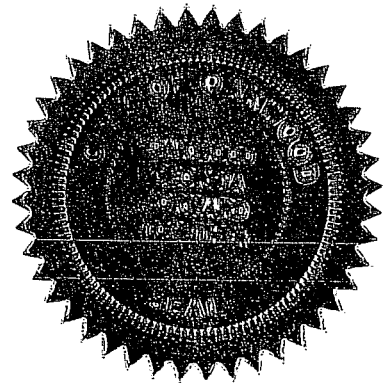
JENNIFER MOON  
CITY CLERK

GEORGIA, HALL COUNTY

I, Christy C. Davidson, Interim Clerk of the City of Oakwood, Hall County, Georgia do hereby certify that the attached ordinance which appears of record in the minutes proceedings of the City of Oakwood, Hall County, Georgia known as an Ordinance No. 266 "Amendment" entitled "Oakwood Sale of Distilled Spirits-Sunday Sales" passed on the 11th day of December 2006 same is true and correct copy of said ordinance.

WITNESS, my official signature and seal of the City of Oakwood, Hall County, Georgia on the 12th day of December 2006.

  
Christy C. Davidson  
Interim City Clerk  
City of Oakwood, Georgia



Post Office Box 99  
4035 Walnut Circle  
Oakwood, Georgia 30566

770-534-2365  
Fax: 770-297-3223

**First Reading: 01/22/2007**

**Published: 01/26/2007**

**Final Reading: 02/12/2007**

**An Amendment to Ordinance  
No. 266**

**AN AMENDMENT TO OAKWOOD ORDINANCE NO. 266 KNOWN AS THE  
“OAKWOOD SALE OF DISTILLED SPIRITS ORDINANCE” TO PROVIDE  
FOR THE SALE OF DISTILLED SPIRITS BY THE DRINK FOR  
CONSUMPTION ON THE PREMISES ON SUNDAY; TO PROVIDE FOR AN  
EFFECTIVE DATE; TO PROVIDE FOR THE REPEAL OF CONFLICTING  
ORDINANCES AND FOR OTHER PURPOSES.**

**WHEREAS**, by referendum duly called, the citizens of the City of Oakwood approved the sale of distilled spirits by the drink for consumption on the premises on Sunday; and

**WHEREAS**, it is necessary to amend to Ordinance No. 266 to comply with said referendum;

**THE CITY COUNCIL OF THE CITY OF OAKWOOD, GEORGIA HEREBY ORDAINS  
AND IT IS HEREBY ORDAINED BY THE AUTHORITY OF SAME:**

-1-

Section Eight – Hours and Days of Sale is hereby amended by deleting the section in its entirety and substituting in lieu thereof the following new section:

**SECTION EIGHT**

**Hours and Days of Sale**

It shall be unlawful to sell alcoholic beverages on any day or at any time when such sale or consumption is prohibited by law. The hours of sale of distilled spirits shall be:

(a) No distilled spirits shall be sold by the bottle or package in the City on Sundays, Christmas Day, Thanksgiving Day or within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

(b) On all other days, the sale of distilled spirits by the bottle or package shall cease at 11:45 p.m. and not be resumed before 8:00 a.m. All premises upon which distilled spirits are

sold by the package shall be closed and empty of people between the hours of 11:45 p.m. and 8:00 a.m.

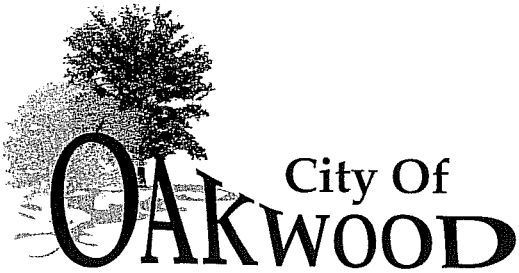
(c) The hours of sale of distilled spirits for consumption by the drink on the premises for beverage purposes are 7:00 a.m. to 1:00 a.m. Monday through Friday, 7:00a.m. to 12:00 midnight on Saturday and 12:30 p.m. through 12:00 midnight on Sunday provided the regular establishment hours of operation be the same as the hours that distilled spirits are sold by the merchant and provided the establishment shall be in full compliance with all other provisions of the within ordinance including, but not limited to, the provisions of Section Twelve herein regarding the ratio of food sales to alcoholic beverages sold.

-2-

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

-3-

This amendment shall be effective immediately upon passage.



H. LAMAR SCROGGS  
MAYOR

RON McFARLAND  
MONTIE ROBINSON, SR.  
SAM EVANS  
MARTHA COLLINS  
GARY ANDERSON

DONALD T. HUNT  
CITY ATTORNEY

STAN BROWN  
CITY MANAGER

PATTI J. DOSS-LUNA  
ASST. CITY MANAGER

JENNIFER MOON  
CITY CLERK

GEORGIA, HALL COUNTY

I, CHRISTY C. DAVIDSON, Interim City Clerk of the City of Oakwood, Hall County, Georgia do hereby certify that the attached ordinance which appears of record in the minutes proceedings of the City of Oakwood, Hall County, Georgia known as an Amendment to Ordinance No. 266 entitled, "Oakwood Sale of Distilled Spirits Ordinance" was passed on the 12th day of February, 2007, same is a true and correct copy of said ordinance.

WITNESS, my official signature and seal of the City of Oakwood, Hall County, Georgia on the 13th day of February, 2007.

Christy C. Davidson  
Interim City Clerk  
City of Oakwood, Georgia



Post Office Box 99  
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