

TITLE 7

Licensing and Regulations

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CHAPTER 1

General Provisions

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Sec. 7-1-1 Definitions.

The following words where used in this chapter, unless the context requires otherwise, shall be deemed to have the following meanings:

(1) Administrator. The city clerk shall be the administrator for the licensing of businesses under this chapter and may be assisted by employees of the clerk's office.

(2) Business. Any business, trade, occupation, profession, avocation or calling of any kind for gain or profit, directly or indirectly; provided that this shall not include any business, trade, profession and the like licensed by the state unless city licensing is allowed by state law, nor shall it include any

(3) Engaged in business. Any person shall be deemed to be engaged in business and thus subject to the requirements of this chapter when he performs any act of selling any goods or services or solicits business or offers goods or services for sale for payment in an attempt to make a profit, including the sales or services of the character as made by a wholesaler or retailer or involved in any of the functions performed as a manufacturer, either as an owner, operator or agent in any business within the city.

(4) Person. Any person, firm, partnership, corporation, association or group of individuals, or their representatives, acting as a unit.

Sec. 7-1-2 License required.

Every business in this city or person doing business or engaged in business within the city is hereby required to have a business license from the city for the privilege of engaging in a business, profession or occupation within the corporate limits, unless city licensing is prohibited under state law or the activity is exempted by this code.

Sec. 7-1-3 Separate businesses.

Where a person conducts a business at more than one (1) store, location or place, each store, location or place shall be considered a separate business under the terms of this chapter and a separate license shall be required. Should more than one (1) business on which a business tax is levied by this code be conducted in or in conjunction with one (1) place or kind of business, each business shall be separately licensed under this chapter.

Sec. 7-1-4 Application; fee; temporary business.

Every person required to procure a license under the provisions of this code shall submit an application for the license to the administrator, which application shall conform to the requirements of this section in addition to any other provisions of this code.

(1) Unless otherwise provided in this code, each application shall be a written statement upon forms provided by the city and submitted before the last day of February of each year or within 10 days of opening a new business or reopening of a business under a new ownership.

(2) Each application shall contain the following information:

a. name and home address of the applicant if an individual, or home office address if a corporation or partnership;

b. place where the proposed business is to be located;

- c. kind and class of business to be carried on;
- d. names and home addresses of the partners, if a partnership;
- e. names and home addresses of the officers and directors, if a corporation;
- f. any information as may be required by the administrator for the purpose of determining the amount of any business taxes to be collected under this code; and
- g. any additional information which the administrator may find reasonably necessary to the fair administration of this chapter of the code which may include a complete record of all arrests and convictions against the applicant and every partner, officer or director of the applicant for violations of any and all laws and ordinances of the city, state or federal government other than minor traffic violations.

(3) Each application shall be signed and sworn to by the applicant if an individual, or by a partner if a partnership, or by an officer if a corporation.

(4) All information furnished or secured under the authority of this chapter of the code shall be kept in strict confidence by the city; shall not be subject to public inspection; and shall be utilized solely by the officers of the city responsible for administering the provisions of this chapter and the city's business taxes.

(5) False statements on any application for a license shall be grounds for immediate revocation of the license or denial of the application.

(6) Any application, license and registration fees as fixed from time to time by the mayor and council or business taxes required under this code shall accompany the application.

(7) Transient and temporary businesses shall pay any fees or taxes provided for in this code. No license granted these businesses shall be valid after 180 days.

Sec. 7-1-5 Administration of chapter.

The administrator shall administer and enforce the provisions of this chapter for the application for and issuance of business licenses under this chapter of the code.

Sec. 7-1-6 Duties of administrator.

The administrator, or an authorized representative, shall have, among others, the following duties:

(1) To prepare and provide the necessary forms for the registration and application for a business license and for the submission of any required information as may be necessary to properly administer and enforce the provisions of this chapter.

(2) To issue to each person a business license within a reasonable time after the payment of the license fee assessed and any business taxes, property or other city taxes levied in this code; provided, however, where under other portions of this code, permits, certifications and compliance with enumerated conditions are required for the operation of the business, the administrator shall not issue a business license until the applicant exhibits to the administrator the obtained permits, certification and compliance.

Sec. 7-1-7 Duration of license.

Any license referred to in this chapter shall automatically expire on December 31 of the year of its issuance.

Sec. 7-1-8 Casual and isolated activity.

Except as otherwise provided in this title, nothing herein contained shall be interpreted so as to require any person who may engage in casual or isolated activity and commercial transactions, where they involve personal assets only and are not the principal occupation of the individual, to obtain a business license and pay a fee therefor.

Sec. 7-1-9 Special daily business license.

In lieu of obtaining a business license as provided in this chapter, a person not maintaining a fixed place of business in the city may obtain from the administrator a special daily business license which shall expire at 12 midnight of the day for which it is issued. A new license shall be obtained for each day on which any type of business is to be conducted. Any person desiring to engage in a business licensed under this section shall obtain a license prior to engaging in business on the day for which the license is issued and pay all license fees and business taxes required under this code.

Sec. 7-1-10 Procedure for issuance.

(a) If any provision of this code provides for the review of an application for a license by a city officer designated therein, the administrator shall forward a copy of the application to that officer. The officer charged with the duty of reviewing the application shall make a recommendation thereon, favorable or otherwise, and shall return the recommendation to the administrator after receiving a copy of the application.

(b) Upon the receipt of the recommendation of the reviewing officer as hereinabove provided, or upon the receipt of the application if no reviewing officer is designated, the

administrator shall forward the recommendation and application to the mayor and council for consideration and action at its next regularly scheduled public meeting, if approval by the mayor and council is required.

(c) No license shall be issued to any applicant who has any outstanding indebtedness to the city, including but not limited to property taxes, business license fees, business taxes, utility bills and any other taxes or assessments.

(d) Upon the express approval of the mayor and council, when so required, or otherwise upon a determination by the administrator that the application is in order and all requirements have been met, the administrator shall issue a business license to the applicant therefor, which license shall state the nature of the business authorized and bear the date of issuance and the signature of the administrator.

(e) If the administrator determines that the application is not in order or any requirements for the license have not been met then the administrator shall deny the application and immediately provide written notice of the denial and the grounds therefor to the applicant. The applicant may appeal the denial to the mayor and council within 10 days of the denial notice being issued. The mayor and council shall hold a public hearing on the appeal within 10 days of the appeal being filed with the city clerk. The mayor and council within 10 days of the hearing, may order the license granted with or without conditions or may affirm the denial of the application. The decision shall be based only upon a finding by the mayor and council that the administrator was correct or erred in the interpretation of the regulations involved or the facts of the case.

(f) Unless otherwise provided in this chapter, all license applications shall be approved or disapproved within 10 days of filing with the administrator.

(g) Nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in that business.

Sec. 7-1-11 Display of licenses and registrations.

All persons shall exhibit and display all licenses and registrations issued to them under this code in some conspicuous place in their business establishment at which address the license or registration was issued. Any transient or nonresident person, firm or corporation doing business within the city shall carry the license or registration either upon his or her person or in any vehicle or other conveyance which is used in the business and the person shall exhibit the same to any authorized enforcement officer of the city when so requested.

Sec. 7-1-12 Renewal of licenses.

Each licensee shall make a written application for renewal on forms supplied by the administrator no later than the last day of February of each calendar year, which application may require substantially the same information as the initial application.

Sec. 7-1-13 Revocation; suspension.

The mayor and council after affording the licensee a five (5) day notice of the charges and opportunity to be heard with respect to any revocation proceedings, may, if it finds this code to have been violated by the licensee, his or her agent, or employee in the operation of the business, revoke any and all city licenses in their entirety, suspend the same for a specified period of time, place the licensee on probation or place other conditions thereon as the mayor and council may deem necessary after a hearing thereon.

Sec. 7-1-14 Change of address.

Any person licensed hereunder moving from one location to another shall notify the administrator of the move and the new address in writing on a form provided by the administrator no later than the day of moving. The same business license will be valid at the new location if the new location conforms to any other location transfer requirements of this code.

Sec. 7-1-15 Transfer of licenses.

Business licenses shall not be transferable except as provided in this section. In the event that the owner of a business holding a currently valid paid up business license should sell or transfer the business to another person, the purchaser of the business shall obtain free of charge a new license in his name for the balance of the current term of the seller's business license, upon making application to the administrator, and the purchaser shall be punishable for violation of this chapter if the transfer of the business license provided for in this section is not made before the transferee begins to engage in the business. At the date of renewal of the seller's business license, the buyer must obtain a new annual business license and pay all license fees and business taxes required by this code and comply with all applicable provisions of this code and all ordinances in the same manner as if he had been the original owner of the business.

Sec. 7-1-16 Issuance of replacement licenses.

In the event that the administrator is notified that the licensee has lost his copy of the license, he shall make a new copy, upon showing by the licensee that the required fees have been paid. In addition, the licensee shall be charged a replacement fee as fixed from time to time by the mayor and council. Replacement licenses shall be signed by the

administrator and shall indicate the time and date upon which issued. The possession of a replacement license shall not be a defense to any charge of violation of this chapter except a charge made after the time of the issuance of the replacement license.

Sec. 7-1-17 Special provisions for disabled veterans.

All disabled veterans desiring to enter business without paying city license fees or business taxes must present a state disability license to the administrator whereupon a city license will be issued and marked "FREE" on the face of the same.

Sec. 7-1-18 Violations and penalties.

(a) It shall be a violation of this chapter for any person, whether based in the city or elsewhere, to transact any business of a type for which this chapter requires a license, or to carry on any business for which a license is required however briefly or however transitorily, without first obtaining a license to do so, under the provisions of this chapter.

(b) It shall be a violation of this chapter for any person, whether based in the city or elsewhere, made liable for obtaining a business license under this chapter, to fail to show the license or a copy thereof to any police officer within a reasonable time after the making of a demand therefor by the police officer.

(c) It shall be a violation of this chapter to fail to pay the license fees required by this chapter by the date on which such payments are due.

(d) Any person violating any of the provisions of this chapter shall, upon conviction in the recorder's court of the city, be punished as provided in section 1-1-5 of this code.

Sec. 7-1-19 Defense to prosecution.

It shall be a defense to any prosecution under this chapter for failing to obtain a business license before engaging in business, that a license has in fact been issued in the manner provided by law. It shall be presumed that no license has been issued unless at his trial, the accused produces in court his currently valid business license or a certified copy thereof. In no event shall the claim by the accused that he has been issued a currently valid business license which has been lost be sustained unless that person shall have first reported the alleged loss to the administrator and made demand for the issuance of a new license. The report of loss or demand for issuance of a replacement license must have been made prior to the arrest for the violation for which the accused is charged.

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Sec. 7-1-20 Owner and manager both punishable for violations.

In the event that a business is being conducted without a license, both the person owning the business and the person in charge of the management of the business in the city may be held liable for the violation of the provisions of this chapter, and upon conviction, either or both may be punished as provided for in section 7-1-18.

Sec. 7-1-21 Subsequent amendments; other fees.

This chapter shall be subject to amendment or repeal, in whole or in part, at any time, and no amendment or repeal shall be construed to deny the right of the city to assess, levy and collect any of the license fees prescribed. The payment of any license fee herein provided for shall not be construed as prohibiting the assessment, levy or collection of additional license or permit fees upon the same person, firm or corporation.

Sec. 7-1-22 Sale of alcoholic beverage on election day.

Pursuant to the delegation of authority granted to this governing authority by Act. No. 750 (House Bill No. 247) approved April 10, 1985, amending Official Code of Georgia Annotated Section 3-3-20(b)(B), the sale by wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are opened. (Ord. of 7-1-85)

Sec. 7-1-23 Insurer license fees.

There is levied for the year 1993 and for each year thereafter an annual license fee upon each insurer doing

business within the city. For each separate business location in excess of one (1) which is operating on behalf of such insurers within the city, there is levied a license fee in the amount of \$25.00. For the purposes of this section, the term "insurer" means a company which is authorized to transact business in any of the classes of insurance designated in O.C.G.A. section 33-3-5. (Ord. effective 11/1/94)

CHAPTER 2

Peddling, Soliciting and Canvassing

State Law Reference: County licensing of peddlers, OCGA, Sec. 43-32-1 et seq.

- § 7-2-1 Registration required.
- § 7-2-2 Registration; fee; application for identification card.
- § 7-2-3 Exhibition of registration card.
- § 7-2-4 Unlawful acts.

Sec. 7-2-1 Registration required.

Any person peddling, soliciting or canvassing within the city shall be required to register and obtain an identification card as provided by this chapter.

Sec. 7-2-2 Registration; fee; application for identification card.

Any person desiring to peddle, solicit or canvass within the city shall pay to the city clerk or his designated representative a registration fee as fixed from time to time by the mayor and council and shall make application with the chief of police for an identification card which shall show payment of the registration fee and the days that the registrant has registered to peddle, solicit or canvass within the city.

Sec. 7-2-3 Exhibition of registration card.

Each registrant shall at all times while in the city have upon his person the registration card and shall exhibit the same when requested to do so by any law enforcement officer or by any municipal authority and by any person being solicited. Possession of this registration card shall not in any way represent an endorsement or approval of any products or project by the city.

Sec. 7-2-4 Unlawful acts.

(a) It shall be unlawful for any person to peddle, canvass or solicit after sundown.

(b) It shall be unlawful for any person to peddle, canvass or solicit without having registered with the city clerk in accordance with this chapter or to peddle, solicit or canvass without having on his person and in his possession an identification card issued in accordance with this chapter.

CHAPTER 3

Malt Beverages and Wine

Historical Note: The provisions codified in this chapter are derived from an ordinance adopted 6/14/82.

Cross Reference: Excise tax on malt beverages and wine, Sec. 2-5-41 et seq.

State Law Reference: Alcoholic beverages, OCGA, Title 3.

ARTICLE A

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- § 7-3-1 Sale of spirituous liquors prohibited.
- § 7-3-2 Inspection of stocks.
- § 7-3-3 Multiple interest in businesses.
- § 7-3-4 Penalties and punishment; generally; suspension or revocation of license and permit by mayor and council.
- § 7-3-5 Revocation of license or permit by council.
- § 7-3-6 Prices to be conspicuously displayed.
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ARTICLE B

Malt Beverages or Beer

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- § 7-3-21 Definitions.
- § 7-3-22 Sale to or employment of minor.
- § 7-3-23 Sale to intoxicated person.
- § 7-3-24 Excluding rowdy, intoxicated or disorderly persons.
- § 7-3-25 Sale on Sunday, election day and other days prohibited by law.
- § 7-3-26 Consumption on Sunday prohibited.
- § 7-3-27 Hours of sale.
- § 7-3-28 Customers prohibited from premises after hours and certain other time.
- § 7-3-29 Delivery vehicle ownership, transportation method restricted.
- § 7-3-30 Confiscation of illegally distributed beverages; punishment of violator.
- § 7-3-31 Storage of beverages, inspection.
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- § 7-3-41 Permit, and license tax payment, prerequisite to doing business.
- § 7-3-42 Sale without permit prohibited.
- § 7-3-43 Conditions of permit embraced in chapter.

- § 7-3-44 Display of permit.
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- § 7-3-46 Action of council; standards of consideration.
- § 7-3-47 Application required; contents.
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- § 7-3-75 Grounds for suspension or revocation; notice; hearing; refund.
- § 7-3-76 Automatic revocation.
- § 7-3-77 Criminal provisions.

ARTICLE A

General Provisions

Sec. 7-3-1 Sale of spirituous liquors prohibited.

It shall be unlawful for any person to sell, offer for sale, keep for sale or deliver for sale, in the city, any distilled spirits, as that term is defined by the Official Code of Georgia Annotated, section 3-1-2.

Sec. 7-3-2 Inspection of stocks.

The city clerk, chief of police, or other officer directed by the mayor and council to make inspections to determine whether or not the terms and provisions of this chapter are complied with

are hereby clothed with the power, and authority to promulgate and enforce such reasonable regulations and requirements for the stacking and placing and keeping of all retail stocks of malt beverages as will most effectually facilitate such examinations and inspection; and the willful and continued violation of such reasonable regulations, independent of any or all other causes or reasons, shall be sufficient grounds for the revocation of the license and permit of the offending dealer by the city.

Sec. 7-3-3 Multiple interest in businesses.

It shall be unlawful for any person to operate, either directly or indirectly, or to have an interest in, more than two (2) businesses in the city where any malt beverage is sold at retail.

Sec. 7-3-4 Penalties and punishment; generally; suspension or revocation of license and permit by mayor and council.

Any person who shall violate any of the provisions of this chapter, or who shall assist another to evade or avoid the payment of the license imposed and provided herein, or any excise tax imposed in section 2-5-41 et seq., shall be deemed guilty of a crime against the city, and upon conviction thereof in recorder's court, may be punished as provided in section 1-1-5; and in addition thereto, the license and permit of such offender may be suspended or revoked in the discretion of the governing body.

Sec. 7-3-5 Same; revocation of license or permit by council.

Any violator of the terms of this chapter may in the discretion of the mayor and council have his license or permit revoked, which revocation shall become effective immediately upon notice to the person so offending or violating the terms of this chapter. No appeal from such revocation shall be had except as set out in this chapter.

Cross Reference: Revocation procedure, Sec. 7-3-75.

Sec. 7-3-6 Prices to be conspicuously displayed.

Each retail licensee hereunder shall have conspicuously displayed within the interior of the licensed premises a printed price list of the beer and wine offered for sale; provided, however, in lieu thereof, the price may be placed on the bottle or container or on the shelf where the beer and/or wine is exhibited for sale.

Secs. 7-3-7 through 7-3-20 reserved.

ARTICLE B

Malt Beverages or Beer

DIVISION 1. Generally

Sec. 7-3-21 Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

(1) Beer means any fermented beverage made in whole or in part from malt and any similar fermented beverage.

(2) Brewer means any person who manufactures malt beverages.

(3) Election day means the full 24 hour period commencing at 12:01 a.m. to 11:59 p.m. on the day of election.

(4) Malt beverages means a fermented beverage made in whole or in part from malt, and any similar fermented beverage, but no such beverage shall be sold or manufactured under this article which contains more than six percent (6%) of alcohol by volume.

(5) Retail dealer means any person who sells any malt beverage at retail within the city, irrespective of the quantities sold. A class "A" retail dealer is a person other than a wholesale dealer or brewer who sells malt beverages to the consumers thereof, irrespective of the quantities sold, and upon whom no limitation is made relative to advertising and service on the outside of business establishment.

(6) Wholesaler means any person who sells or deals in any malt beverage to a retail dealer within the city or for the purpose of resale only.

Sec. 7-3-22 Sale to or employment of minor.

It shall be unlawful for any person to sell any malt beverage to a minor; or for any person engaged in the business of dealing in malt beverages to employ any person under 19 years of age.

Sec. 7-3-23 Sale to intoxicated person.

It shall be unlawful for any person to sell to a person in an intoxicated condition or to a person who appears to be in an intoxicated condition any malt beverage, and it shall be the responsibility of the person to whom the permit is issued to enforce this section.

Sec. 7-3-24 Excluding rowdy, intoxicated or disorderly persons.

It shall be the duty of all persons granted a permit under this article, and their employees in such place of business, to keep their premises clear of all persons who are rowdy or noisy; who are intoxicated; who fail to keep the peace or who do anything which tends to disturb the peace or cause any other disturbance.

Sec. 7-3-25 Sale on Sunday, election day and other days prohibited by state law.

It shall be unlawful for any person, firm or corporation selling, dispensing or delivering beer or malt beverages under a permit or privilege license from the city to sell, dispense, or deliver beer or malt beverages between the hours of 12:00 p.m. on Saturday night until the hour of 8:00 a.m. on Monday, within the city, from 12:01 a.m. to 11:59 p.m. on election day and any other time prohibited by state law.

Sec. 7-3-26 Consumption on Sunday prohibited.

It shall be unlawful for any person, to drink or consume any beer or malt beverages on the premises where the same are sold after 12:00 p.m. on Saturday night until 8:00 a.m. Monday within the city.

Sec. 7-3-27 Hours of sale.

The hours during which malt beverages are authorized for sale by licensed dealers are: Mondays through Saturdays, from 8:00 a.m. until 1:00 a.m., except as provided in section 7-3-25 hereof or at any other time prohibited by state law.

Sec. 7-3-28 Customers prohibited from premises after hours and certain other time.

No customers shall be allowed to remain in an establishment where malt beverages are sold for consumption on the premises past 1:00 a.m. and at other times when sale is prohibited.

Sec. 7-3-29 Delivery vehicle ownership, transportation method restricted.

The transportation or delivery of malt beverages for resale within the city shall be by a conveyance owned and operated by a licensed wholesale dealer of malt beverages, licensed to make deliveries within the city, and it shall be unlawful to transport or deliver malt beverages by any other means.

Sec. 7-3-30 Confiscation of illegally distributed beverage;
punishment of violator.

All malt beverages offered for sale in the city by a distributor not licensed to make deliveries in the city, shall be confiscated, and the distributor punished as provided in section 1-1-5.

Sec. 7-3-31 Storage of beverages, inspection.

Malt beverages received within the city by a wholesale or retail license shall be stored only in the premises for which a license is issued and shall be subject to inspection at all times.

Secs. 7-3-32 through 7-3-40 reserved.

DIVISION 2. Licenses and Permits

Sec. 7-3-41 Permit, and license tax payment, prerequisite to doing business.

It shall be lawful to sell malt beverages at retail or wholesale in the city only after the proper permit has been applied for and issued by the city and upon payment of the proper city license fee or business tax designated for said business.

Sec. 7-3-42 Sale without permit prohibited.

It shall be unlawful for any person to sell any malt beverage unless he has secured the permit required in this article.

Sec. 7-3-43 Conditions of permit embraced in chapter.

Any person granted a permit to sell any malt beverage in the city may carry on the business only under the conditions and restrictions of this chapter, which are conditions under which such permits are issued.

Sec. 7-3-44 Display of permit.

The permit issued under this article shall be posted in a conspicuous place in full view of the public.

Sec. 7-3-45 Location transfer permit.

It shall be unlawful for any person possessing a permit to carry on a business under this article at a particular address, to move said business to some other address without first obtaining a permit for such removal signed by the city clerk, who shall, in any case of doubt, refer the matter to the mayor and council.

Sec. 7-3-46 Action of council; standards of consideration.

(a) It shall be the duty of the mayor and council to act on all applications for permits under this chapter, and where any person to whom the mayor and council may grant a license or permit violates the terms of this chapter or for any reason it becomes necessary to revoke said permit, the council shall have the power and it shall be the duty of the mayor and council to revoke the permit. The mayor and council has adopted the following rules and regulations regarding the consideration and passage of such beer and wine applications.

(b) In considering applications for licenses hereunder, the mayor and council shall be guided by the following:

(1) The moral character, reputation, and prior record of the applicant or of any shareholder, director, officer, agent or

employee thereof, or of any person having any interest in the proposed establishment.

(2) The credit standing of the applicant and his or its reputation for payment of bills, debts and obligations.

(3) Whether the location of the proposed establishment would present a hazard to pedestrian or vehicular traffic.

(4) The existence and number of existing licenses within the immediate vicinity of the location of the proposed establishment.

(5) The character of the community or neighborhood in which the establishment is to be located, whether residential, commercial or industrial.

(6) Whether due to proximity or other reasons, the proposed establishment would present a danger that substantial numbers of minors would be brought into contact with the establishment or persons frequenting same.

(7) Any valid objections made in writing by any person, firm, or corporation as hereinbefore provided.

(8) Whether the applicant has furnished false information in connection with the application.

(9) Whether the proposed establishment has complied with all other state, federal, and local laws or regulations, including but not limited to those promulgated by the state and local boards of health, and the state fire marshal.

(10) The number of such establishments or licenses already owned or held by the applicant or any other person, firm or corporation connected therewith.

(11) If applicant is a previous holder of a license to sell beer and wine, whether or not he has violated any law, regulation, or ordinance relating to such business.

(12) If applicant is a previous holder of a license to sell beer or wine, the manner in which he conducted the business thereunder as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.

(13) Whether the applicant or anyone connected therewith has previously had a beer or wine license suspended or revoked.

Sec. 7-3-47 Application required; contents.

Any person desiring to carry on the business of selling or manufacturing malt beverages shall file an application with the city clerk, stating the following information:

- (1) The name, residence, location and mailing address of the applicant.
- (2) Whether the license is to be used in a business which is an individual proprietorship, partnership, corporation or tradename. If a corporation, the application shall include the names and addresses of all shareholders, directors, officers and real persons at interest. If a partnership, the application shall state the names and addresses of all partners therein. If a trade name or individual, the application shall state the names and addresses of all owners or parties having an interest therein. In any event, the application shall state the names of all persons, firms or corporations holding any note, mortgage, or bill of sale to secure debt against the business.
- (3) The location at which the establishment is to be conducted, and a description of the building in which the business is to be conducted, indicating the size and type of construction.
- (4) Whether the applicant or any partner, shareholder, director, officer, owner or real party in interest has been convicted during the last 10 years of any crime, misdemeanor or a violation of any municipal ordinance (other than minor traffic offenses) in any state, county, municipal or federal court, and the particulars of same.
- (5) The prior business address(es) of the applicant for the past 10 years.
- (6) Names and addresses of three (3) persons who have known the applicant (or the shareholders, directors, officers, agents thereof) for the past five (5) years.
- (7) Whether applicant or any shareholder, officer, director or other persons connected therewith holds or has held any beer, wine or liquor license in Georgia at any time prior to the application, and the particulars thereof.
- (8) The name and address of the person who will manage the establishment or be responsible for its operation.
- (9) Such other information as the city clerk, the mayor, council or other authority may require, either initially, at any time during the consideration of the application, or at any time thereafter.
- (10) The applicant shall furnish a plat or drawing prepared by a licensed surveyor or engineer showing the proximity of the proposed place of business if requested by the city clerk, mayor, council or other authority.
- (11) Whether the permit or license being applied for is for sale for consumption on premises or off premises.

Sec. 7-3-48 Processing application.

Upon the filing of the application, it shall be the duty of the city clerk to turn same over to the mayor and council, the duty of which it shall be to investigate the facts as set out in the application, and to determine whether said person shall be granted a permit to carry on said business. If the mayor and council come to the conclusion that it will not be for the best interests of the social, moral or business life of the city to grant said permit, or that the character or reputation of the person or group applying is such that it would not be for the best interest of the city to grant a permit, or for any reason within its knowledge and in its discretion, said council shall mark on the application the word "Disapproved", which application so marked shall be returned to the clerk with the instructions not to grant said permit. If, however, the council decides to grant said permit it shall mark the application "Approved", and return it to the clerk, who shall immediately issue said permit.

State Law Reference: Due process requirements for denial of license, OCGA, Sec. 3-3-2.

Sec. 7-3-49 Appeal from denial of permit.

In the event any person is refused a permit, said person may appeal the decision of the council, in writing by either separate instrument or endorsing on the back of said application, "I appeal to the Mayor and Council of the City of Sardis, the decision refusing to issue the permit herein applied for". In the event of such appeal, the clerk shall file said appeal with the mayor and council for a hearing at a meeting of said body, at which time it shall be the duty of said body to hear and determine said appeal, and on said hearing the applicant shall have the right to be and appear in person or by counsel and offer evidence and be heard at such meeting. After the hearing, if the mayor and council determine that the applicant is entitled to carry on the business under the terms of this chapter, the appeal of the applicant shall be sustained, and the clerk shall be instructed to issue the permit as applied for.

Sec. 7-3-50 Revocation by council; appeal.

All permits issued by the city clerk under this chapter shall be subject to revocation at any time by the mayor and council. However the person from whom said permit is revoked shall have the right to appeal to the mayor and council in the same manner as the appeal provided in section 7-3-49. The grounds of and method of revocation or suspension shall be the same as outlined in section 7-3-75.

Sec. 7-3-51 Permit reinstatement.

Whenever a permit is revoked for any reason, by the mayor and council, a two-thirds (2/3) vote of the council at a regular

meeting, or a meeting properly called by the mayor, shall be necessary before the reissue or reinstatement of a permit.

Sec. 7-3-52 License tax, period.

There is imposed a license fee or business tax annually upon all persons dealing in malt beverages in the city, said license fee or business tax to be exclusive of and in addition to any other tax or license fee such person may be required to pay. The license fee or business tax shall be paid upon the filing of the application for a permit as provided in this chapter and shall be in the amount of \$150 for a wholesale license; \$150 for a license to sell at retail for off-premises consumption; and \$200 for a license to sell at retail for on-premises consumption which tax shall be due annually on January 1.

Sec. 7-3-53 License and permit nontransferable, issuance to new licensee.

Permits and licenses issued pursuant to this chapter may not be transferred from one person or firm to another. The committee may upon application issue another permit and license to a successor in the same business establishment upon proper proof of a bona fide transfer of said business.

Sec. 7-3-54 Noncompliance grounds for license and permit revocation.

Any permit or license granted to any person to engage in the business of a wholesale or retail dealer under this article shall be subject to the provisions of title 2, chapter 5, article D, concerning excise taxes, and a failure to comply with the same shall be a sufficient basis and grounds for the mayor and council to revoke the license and permit.

Secs. 7-3-55 through 7-3-60 reserved.

Sec. 7-3-64 Wholesale permits.

Wholesale licenses shall be issued only to those parties who are licensed by the State of Georgia to sell and distribute wine at wholesale. Application for such license shall be made with the city clerk containing the same information as outlined in article B, section 7-3-47. The same standards as outlined in section 7-3-62 will be considered by the mayor and council in granting or refusing said licenses.

Sec. 7-3-65 Regulations.

(a) No holder of a license authorizing the sale of wine at retail in the city, nor any agent or employee; shall do any of the following upon the licensed premises:

- (1) Knowingly sell wine to a minor.
- (2) Knowingly sell wine to any person while such person is in an intoxicated condition.
- (3) Sell wine upon the licensed premises or permit wine to be consumed thereon, on any day or at any time when such sale or consumption is prohibited by law.
- (4) Wine shall be received at or delivered to the premises of the retail licensee by no means other than by a conveyance owned or leased and operated by a wholesale dealer with a permit from the State of Georgia to sell wine at wholesale.
- (5) Dealers in wine shall not engage in the sale of wine on Sunday or on any other days prohibited by state law.

(b) Any violation of the provisions of this article shall be grounds for immediate revocation of a license issued hereunder.

Sec. 7-3-66 Sale without license.

It shall be unlawful for any person to sell or possess for the purpose of sale any wine where such person does not have a license from the city to sell or possess such wine for resale.

Sec. 7-3-67 Sales to minors; possession by minors.

(a) The term "minor" as used in this article shall mean any person under the age of 19 years.

(b) It shall be unlawful for any person to attempt to purchase or for any person to purchase wine for a minor.

(c) It shall be unlawful for a minor to exhibit faked, fixed, or borrowed credentials in an effort to obtain wine to which he is not legally entitled.

(d) It shall be unlawful for any minor to have wine in his or her possession.

(e) No person engaged in the business licensed and regulated by this article shall make or permit to be made any sales to minors.

State Law Reference: Penalties for certain offenses by minors, OCGA, Sec. 3-3-23.1.

Sec. 7-3-68 License fee.

The annual license fee shall be in the amount of \$150 for a wholesale license; \$150 for a license to sell at retail for consumption off the premises;; and \$200 for a license to sell at retail for consumption on premises. Said license fee or business tax shall be due annually on January 1.

Sec. 7-3-69 Hours of sale; sale and consumption of wine on Sunday prohibited and other restrictions.

It shall be unlawful for any person, firm or corporation selling, dispensing or delivering wine under a permit or privilege license from the city to sell, dispense or deliver wine between the hours of 12:00 on Saturday night until the hour of 8:00 a.m. Monday within the city. The requirements contained in sections 7-3-22 through 7-3-31 shall apply to retail and wholesale delivery and sale and consumption on-premise of wine within the city.

Sec. 7-3-70 Type of sale.

Wine may be sold in the city for consumption off or on the premises according to the discretion of the mayor and council of the city and the type of license or permit issued.

Sec. 7-3-71 Authorities to issue licenses.

All applications for licenses shall be presented to the mayor and council for approval, and if approved, the licenses shall be issued upon the payment of the required license fee.

Sec. 7-3-72 Rules and regulations.

Licensees shall at all times comply with the laws of the State of Georgia and the rules and regulations promulgated from time to time regulating the sale of wine by the Commissioner of Revenue of the State of Georgia and any violation of these regulations shall subject the licensee to revocation of his license.

Sec. 7-3-73 Annual renewal.

All licensees hereunder shall be required to renew their license annually with the city clerk.

Sec. 7-3-74 License constitutes grant or privilege.

(a) All licenses issued under this article shall constitute a mere grant or privilege to carry on or conduct the business covered by such license and subject to the terms and conditions imposed by the charter of the city, this article and other applicable ordinances of the city, and the Constitution, laws and regulations of the State of Georgia and the United States of America applicable thereto.

(b) All licenses issued under this article shall have printed on the face the following:

THIS LICENSE IS A MERE PRIVILEGE AND IS SUBJECT TO BEING REVOKED AND ANNULLED BY THE MAYOR AND COUNCIL OF SARDIS AND IS SUBJECT TO LAWS, ORDINANCES, AND REGULATIONS HEREAFTER ADOPTED.

Sec. 7-3-75 Grounds for suspension or revocation; notice; hearing; refund.

(a) Any license which has been issued or which may hereafter be issued by the city to any licensee may be suspended or revoked for due cause as hereinafter defined and after a hearing held for the purpose of considering any such suspension or revocation. At least five (5) days prior to written notice of the time, place and purpose of such hearing, a statement of the charge or charges upon which such hearing shall be held shall be given to the holder of such license which is sought to be suspended or revoked.

(b) "Due cause" for the suspension or revocation of any license shall consist of a violation of any laws or ordinances regulating such businesses, or violation of regulations made pursuant to the authority granted for the purpose of regulating such business, or for the violation of any state or federal law, or for the violation of any city ordinances other than traffic ordinances.

(c) The mayor of the city is hereby authorized to suspend any licenses issued hereunder for any emergency situation, civil disorders, or natural disasters, or in any situation that the mayor deems such immediate suspension necessary for the protection for the health and welfare of the citizens of Sardis, and said suspension may be made effective immediately and shall remain in force until the mayor determines the emergency is over or until the next regular meeting of the mayor and council or a special meeting called prior to the next regular meeting.

(d) When a license is suspended or revoked, the city shall not be required to refund any portion of the license taxed to the holder of such suspended or revoked license.

State Law Reference: Due process requirements for suspension or revocation of licenses, OCGA, Sec. 3-3-2.

Sec. 7-3-76 Automatic revocation.

Whenever the state shall revoke any permit or license to sell wine at wholesale or retail in the city, the city license to sell at wholesale or retail shall thereupon be automatically revoked without further action by the mayor and council or any officer of the city.

Sec. 7-3-77 Criminal provisions.

Any person, firm or corporation who shall violate any of the provisions of this article or who shall assist or aid another in violating this article shall, upon conviction therefor by the recorder's court, be punished as provided in section 1-1-5.

CHAPTER 4

Miscellaneous Regulations

§ 7-4-1 Poolrooms; minors prohibited.

Sec. 7-4-1 Poolrooms; minors prohibited.

It is unlawful for any person who operates a billiard parlor or poolroom in the city to allow any person under 16 years of age to enter billiard parlors or poolrooms in the city.

CHAPTER 5

Cable Television Regulations

§ 7-5-1

Cable television basic service rates regulation.

Sec. 7-5-1

Cable television basic service rates regulation.

(a) The city will follow the FCC rate regulation in its regulation of the basic service rates and charges of the company and any other cable television system operating in the city, notwithstanding any different or inconsistent provisions in the franchise; and

(b) In connection with such regulation, the city will ensure a reasonable opportunity for consideration of the views of interested parties; and

(c) The mayor, or his or her designee, is authorized to execute on behalf of the city and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC rate regulations in order to enable the city to regulate basic service rates and charges. (Ord. of 1993)

