

1 STATE OF GEORGIA)

2 COUNTY OF CHATHAM)

3 AN ORDINANCE TO AMEND CHAPTER 6, OF THE CODE OF ORDINANCES FOR THE CITY
4 OF POOLER, GEORGIA; TO REPEAL CONFLICTING ORDINANCES; TO SET AN
5 EFFECTIVE DATE AND FOR OTHER PURPOSES.

6 THE MAYOR AND THE COUNCILMEMBERS OF THE CITY OF POOLER, GEORGIA,
7 do hereby ordain as follows:

8 I.

9 Chapter 6 of the Code of Ordinances of the City of Pooler is hereby deleted in its entirety
10 and replaced with the following:

11 Chapter 6 - ALCOHOLIC BEVERAGES

12 **Footnotes:**

13 **Cross reference** – Business, ch. 26; public drinking and drunkenness, §54-1

14 **State Law reference**— Alcoholic beverages, O.C.G.A. § 3-1-1 et seq.

15 **ARTICLE I. - IN GENERAL**

16 This chapter shall not apply to private residences.

17 **Sec. 6-1. - Definitions.**

18 Unless a contrary intention is clearly apparent from the context, any term used in this
19 chapter shall have the same meaning as when used in a comparable provision of the Georgia
20 Alcoholic Beverage Code, O.C.G.A. §§ 3-1-2 and as amended thereto, provided that the
21 following terms used in this chapter shall have the following meanings:

22 **Cross reference**— Definitions generally, Pooler Ordinances § 1-2.

23 *Alcohol* means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, from whatever
24 source or by whatever process produced.

25 *Alcohol treatment center* means any building or location, publicly or privately owned,
26 engaged in the practice of treating any alcohol related illness.

27 *Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverage,
28 wine, or fortified wine.

29 *Alcoholic beverage code* means the Georgia Alcoholic Beverage Code presently found at
30 O.C.G.A. § 3-1-2, and including future amendments thereto.

31 *Bar* means any premises at which a retailer licensed pursuant to this title to sell alcoholic
32 beverages derives 51 percent or more total annual gross revenue from the sale of alcoholic
33 beverages for consumption on the premises.

34 *Beer or malt beverage* means any alcoholic beverage obtained by the fermentation of any
35 infusion or decoction of barley, malt, hops, or any other product, or any combination of such
36 products in water, containing not more than 14 percent alcohol by volume, and including ale,
37 porter, brown stout, lager beer, small beer, and strong beer. The term "malt beverage" does not
38 include sake, known as Japanese rice wine.

39 *Brewer* means a manufacturer of malt beverages.

40 *Brewpub* means any eating establishment in which malt beverages are manufactured,
41 subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36. As used in this
42 paragraph, the term "eating establishment" means an establishment which is licensed to sell
43 distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual
44 gross food and beverage sales from the sale of prepared meals or food; provided, however, that
45 when determining the total annual gross food and beverage sales, barrels of malt beverages
46 sold to licensed wholesale dealers, as authorized pursuant to subparagraph (D) of paragraph
47 (2) of O.C.G.A. § 3-5-36, or to the public for consumption off the premises, as authorized
48 pursuant to subparagraph (D) of paragraph (2) and paragraph (4) of O.C.G.A. § 3-5-36, shall
49 not be used.

50 *Church* means any permanent place where religious worship services are regularly
51 conducted, regardless of faith, religious affiliation, or creed.

52 *Convenience store* means a retail location that is primarily engaged in the sale of
53 convenience goods (basic food, household and/or pharmaceutical items), or both convenience
54 goods and gasoline, and has less than ten thousand (10,000) square feet of retail floor space.
55 Convenience store does not include any business where there is no retail floor space accessible
56 to the public. May or may not be attached to a gas, service, or fueling station.

57 *College campus* means real property owned by a college or university with educational
58 buildings in which are taught the subjects commonly taught in the colleges of this state.

59 *Crime of moral turpitude* means a crime which is contrary to justice, honesty, modesty,
60 good morals or a person's duty to other people. Misdemeanors that are crimes of moral
61 turpitude for the purpose of the chapter include but are not limited to theft, bad checks,
62 shoplifting, giving false name to a police officer, false swearing, forgery, fraud or extortion.

63 *Distilled spirits* means any alcoholic beverage obtained by distillation or containing more
64 than 24 percent alcohol by volume and also including, but not limited to, all fortified wines, sake,
65 and malt liquors. For purposes of this chapter, may be collectively referred to as liquor or
66 distilled spirits.

67 *Distiller* means a manufacturer of distilled spirits.

68 *Eating establishment* means an establishment:

- 69 (1) Whose primary business is the sale of prepared meals;
70 (2) Which is licensed to sell distilled spirits, malt beverages and/or wine; and
71 (3) Which derives at least 50.1 percent of its total annual gross food and beverage sales
72 from the sale of prepared meals or food.

73 An eating establishment shall have its primary floor area specifically designed, set aside,
74 set up and operating to serve meals and food on the premises and items required by the county
75 health department and city inspections department for the preparation of food. An eating
76 establishment shall have a printed or posted menu from which selections of prepared meals can
77 be made.

78 *Farm wineries* means a winery as defined in O.C.G.A. § 3-6-21.1.

79 *Food or beverage caterer* means any person who prepares food and/or beverages for
80 consumption off the premises of where it was prepared.

81 *Grocery store* means a retail establishment which has at least 85 percent of its total retail
82 floor space reserved for the sale of food and other nonalcoholic items and conducts all its sales

83 inside the building containing its retail floor space which is at least 10,000 ft. Also includes
84 *market and membership-only warehouse clubs.*

85 *Growler* means a reusable container no greater than 64 ounces used to transport draft beer
86 for off-premises consumption.

87 *Hard cider* means an alcoholic beverage obtained by the fermentation of the juice of apples,
88 containing not more than 6 percent alcohol by volume, including, but not limited to, flavored or
89 carbonated cider. For purposes of this chapter, hard cider shall be deemed a malt beverage.
90 The term does not include "sweet cider."

91 *Home-brew beverage* means any malt beverage produced pursuant to O.C.G.A. § 3-5-4.

92 *Home-brew special event* means any contest, judging, tasting, or other similar event that
93 occurs at a central location outside of private residences whereby different home-brew
94 beverages that have been manufactured in private residences are sampled, compared, and
95 consumed by participants in and judges of such events for awards, money, prizes, recognition,
96 or any other valuable consideration.

97 *Hotel* means a building or other structure kept, used, maintained, advertised and held out to
98 the public to be a place where sleeping accommodations are offered for adequate pay to
99 travelers and guests, whether transient, permanent or residential, in which 50 or more rooms
100 are used for the sleeping accommodations of such guests, such sleeping accommodations
101 being conducted in the same building or in separate buildings or structures used in connection
102 therewith that are on the same premises and are a part of the hotel operation. Motels meeting
103 the qualifications set out in this definition for hotels shall be classified in the same category as
104 hotels.

105 *Inn* means an establishment which is licensed to sell distilled spirits, malt beverages or
106 wines and which derives at least 50 percent of its total annual gross income from the rental of
107 rooms for overnight lodging.

108 *Keg* means any container of malt beverage sold at retail and having a capacity in excess of
109 two gallons.

110 *Licensed alcoholic beverage caterer* means any retail dealer who has been licensed to
111 serve alcoholic beverages according to this chapter.

112 *Licensed premises, or premises* includes all the space or area owned, leased and/or
113 controlled by the licensee and used for the purpose of operating under the license, including but
114 not limited to all rooms wherein alcoholic beverages are sold, furnished, served, or consumed,
115 except when such a room is located in a hotel, motel, or similar facility or in a shopping center in
116 which case only such room and any adjoining storage, office, toilet, and other similar rooms
117 shall constitute the licensed premises. For Class B1, B2, & B3 licenses, such premises include
118 adjoining patios, roofs, decks, porches, sidewalk cafes, or places generally considered to be a
119 part of the establishment. A floor plan for each licensed premise as defined herein must be
120 submitted with each application for a license under this chapter and the City Council may alter
121 or adjust where alcohol may be sold, furnished, served, or consumed as they see necessary.

122 *Licensee* means the individual to whom an alcoholic beverage license is issued..

123 *Liquor*, see Distilled Spirits.

124 *Liquor store* means that class of retail package dealer licensed to sell distilled spirits for off-
125 premises consumption; also includes package stores licensed for sale of malt beverages or
126 wine, or both, in addition to distilled spirits.

127 *Malt beverage*, see *Beer*.

128 *Malt liquor*, means any alcoholic beverage obtained by the fermentation of any infusion or
129 decoction of barley, malt, hops, or any other similar product, or any combination of such
130 products in water, containing more than 14 percent alcohol by volume. For purposes of this
131 chapter shall be deemed a distilled spirit.

132 *Manager* means any person who supervises the regular operations of a business licensed
133 under this chapter.

134 *Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The term
135 also means:

136 (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending
137 any distilled spirits; and

138 (b) In the case of any malt beverages, any brewer; and

139 (c) In the case of wine, any vintner.

140 *Non-restaurant bar* means a lounge or bar which is not part of a "restaurant" as defined
141 below.

142 *Package* means a bottle, can, keg barrel, growler, or another original consumer container.

143 *Package store* means a retail business establishment owned by an individual, partnership,
144 corporation, association, or other business entity:

145 (A) Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in
146 unbroken packages, not for consumption on the premises, except as authorized under this
147 chapter; and

148 (B) Which derives from such retail sale of alcoholic beverages in unbroken packages at
149 least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits,
150 malt beverages, and wine.

151 *Pouring license* means a license for retail sale for on-premises consumption of alcoholic
152 beverages including beer, wine, and distilled spirits.

153 *Private club* means a corporation organized and existing under the laws of the State of
154 Georgia, like fraternal or veterans' organizations, having bylaws and being a part of a national
155 organization in existence for at least one year immediately prior to the application for any
156 license hereunder, having at least 75 members, regularly paying monthly, quarterly or
157 semiannual dues, organized and operated exclusively for fraternal brotherhood, pleasure,
158 recreation and other non-profitable purposes, no part of the net earnings of which inures to the
159 benefit of any stockholder or member, and owning, hiring or leasing a building or space therein
160 for the reasonable use of its members with suitable kitchen and dining space and equipment,
161 and maintaining and using a sufficient number of employees for cooking, preparing and serving
162 meals for its members and guests; provided, that no member or officer, agent or employee of
163 the club is paid, or directly or indirectly receive in the form of salary or other compensation, any
164 profits from the sale of distilled spirits or any beverage licensed hereunder to the club or its
165 members or guests beyond the amount of such salary as may be fixed by its members at any
166 annual meeting or by its governing board out of the general revenue of the club.

167 *Retail consumption dealer* means a holder of a license to sell alcoholic beverages at retail
168 for consumption on-premises; holder of a pouring license.

169 *Retail package dealer* means a holder of a license to sell alcoholic beverages in their
170 original package at retail for off-premises consumption only. Sometimes referred to loosely as a

171 "package store." License may include sale of malt beverages, wine or distilled spirits, or some
172 combination of same.

173 *School building or educational building on a college campus* means governmental or church
174 school buildings and such buildings at such other schools that teach the subjects commonly
175 taught in the common schools and colleges of this state, and which are public schools or private
176 schools as defined in O.C.G.A. § 20-2-690(b). For the purposes of this chapter, it shall not
177 include private for-profit and private non-profit tutoring or learning centers.

178 *Special event venue* means any business, hall, location, or site that has a primary business
179 purpose for hosting events for private individuals numbering 12 or greater. Examples of a
180 special event venue include, but are not limited to, VFW Hall, Guild Hall, a retreat center,
181 conference center, or a property dedicated to hosting weddings or large gatherings.

182 *Underage* means any person under the State-defined legal age, O.C.G.A § 3-3-23, for
183 purchasing and/or consuming alcohol.

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

186 *Wine* means any alcoholic beverage containing not more than 24 percent alcohol by
187 volume made from fruits, berries, grapes, or a combination thereof either by natural
188 fermentation or by natural fermentation with brandy added. The term includes, but is not limited
189 to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special
190 natural wines, rectified wines and like products. The term does not include cooking wine mixed
191 with salt or other ingredients so as to render it unfit for human consumption as a beverage. A
192 liquid shall first be deemed to be a wine at that point in the manufacturing process when it
193 conforms to the definition of wine contained in this section.

194 Sec. 6-2. - License—Required; classes; fees.

195 (a) *License required.* It shall be unlawful for any person to manufacture, serve, furnish, sell, or
196 offer for sale, at retail or wholesale, within the city limits of the City of Pooler, any alcoholic
197 beverage, without at least one license listed in Sec. 6-2(b). It shall be unlawful for any
198 person to manufacture, serve, furnish, sell, or offer for sale, at retail or wholesale, within the
199 city limits of the City of Pooler any alcoholic beverage in violation of the terms of such
200 license or this chapter. Therefore, every person who manufactures, serves, furnishes, sells,
201 or offers for sale, at retail or wholesale, within the city limits of the City of Pooler, any
202 alcoholic beverage shall file an application with the City for a license to conduct such
203 business, to be brought before City Council for approval.

204 (b) *Classes.* The licenses shall be divided into the following classes (refer to Table 1.1 for a
205 guide showing what Class Licenses are allowed to have an Add-on Class License):

- 206 (1) Class A1, retail package: liquor, beer, and wine.
207 (2) Class A2, retail package: beer and wine.
208 (3) Class A3, retail package: beer only.
209 (4) Class B1, consumption on-premises: liquor, beer, and wine.
210 (5) Class B2, consumption on-premises: beer and wine.
211 (6) Class B3, consumption on-premises, beer only.
212 (7) Class C, wholesale liquor, beer, and wine.
213 (8) Class D, wholesale beer and wine.

- 214 (9) Class E, brewer, manufacturer of malt beverages, not including Brewpubs or
215 Homebrewers.
- 216 (10) Class F1, hotel. Includes: in-room delivery and consumption on-premises for liquor,
217 beer, and wine, excluding attached restaurant.
- 218 (11) Class F2, special event venue.
- 219 (12) Class G, manufacturer of wine.
- 220 (13) Class H, distiller, manufacturer of distilled spirits.
- 221 (14) Class I, temporary/private event, not including home-brew events, but including events
222 that are off-premises consumption for an already licensed Class B(1-3) establishment.
- 223 (15) Class J, Home-brew special event permit, limited to 6 per annum.
- 224 (16) Class K, complementary beer & wine. Separate from Add-on D, Tasting Event.
- 225 (17) Class L, consumption off-premises caterer, liquor, beer, and wine.
- 226 (18) Add-on A, add-on permit for Class B1 – B3 licensees who operate a Brewpub.
- 227 (19) Add-on B, Reserved for Future Use
- 228 (20) Add-on C1, Sunday sales, add-on permit for Class A1 – A3 licensees who wish to
229 engage in Sunday sales as permitted herein under section 6-14.
- 230 (21) Add-on C2, Sunday Sales 11am, add-on permit for Class B1 – B3 licensees who wish
231 to engage in Sunday Sales starting at 11am.
- 232 (22) Add-on D, Tasting Event. Add-on permit pursuant to O.C.G.A. § 3-3-26
233

234 Table 1.1 – Licenses valid with Add-on License

235 Y = Yes, add-on is permitted with listed class

236 N = No, add-on is not permitted with listed class

Class:	A1	A2	A3	B1	B2	B3	C	D	E	F1	F2	G	H	I	J	K	L
Add-on A – Brewpub	N	N	N	Y	Y	Y	N	N	Y	N	N	N	N	N	N	N	N
Add-on B -- Reserved																	
Add-on C1 – Sunday Sales	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
Add-on C2 – Sunday Sales 11am	N	N	N	Y	Y	Y	N	N	N	Y	Y	N	N	N	N	N	N
Add-on D – Tasting Event	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N

237

238 (c) *Expiration date.* With the exception of Class I, J and Add-on D, all alcoholic beverage
239 license classes shall expire at the end of each calendar year and may be renewed only in
240 the manner and form as provided in this chapter for the original granting of such licenses.
241 Class I, J and Add-on D shall expire 30-days from issuance.

242 (d) *Fees.* Not being covered by the provisions of O.C.G.A. §§ 48-13-5—48-13-26, license
243 fees for the following alcoholic beverage license categories are as set forth in the schedule
244 of fees and charges.

245 (1) *New application fee.* Any applicant for a new license shall pay a non-refundable
246 application fee of:

247 (i) Class A1 – H, & L - \$290.00

248 (ii) Class I, J, & K - \$20.

249 The fee shall cover administrative costs and enforcement. Add-on licenses, except for
250 Add-on D, shall have no application fee if applied for concurrently with any
251 accompanying base license, otherwise shall have a \$50 fee. Add-on D has no
252 application fee.

253 (2) *Applicational renewal fee.* Any applicant seeking a renewal of their license shall pay a
254 non-refundable renewal fee of \$50.00 plus the license fee listed below.

255 (3) *License types and fee schedule.* Before a new license shall be granted, the applicant
256 therefore shall comply with all rules and regulations adopted by the mayor and City Council
257 regulating the sale of alcoholic beverages and each applicant shall pay a license fee in
258 accordance with the scale fixed, from time to time, by the mayor and City Council set forth
259 below and kept on file with the code enforcement officer. Alcoholic beverage license fees
260 are fixed and assessed on an annual basis or on a prorated basis as set forth in subsection
261 (d) of this section. License fees shall be paid annually to the city finance department.

262 The basic fees for each type of license listed in paragraph (b) hereinabove shall be as
263 follows:

264 (i) Class A1, retail package: liquor, beer, and wine, \$1,850.00.

265 (ii) Class A2, retail package: beer and wine, \$800.00.

266 (iii) Class A3, retail package: beer only, \$600.00.

267 (iv) Class B1, consumption on-premises: liquor, beer, and wine, \$2,150.00.

268 (v) Class B2, consumption on-premises: beer and wine, \$1,000.00.

269 (vi) Class B3, consumption on-premises: beer only, \$750.00.

270 (vii) Class C, wholesale liquor, \$3,200.00.

271 (viii) Class D, wholesale beer and wine, \$1,900.00.

272 (ix) Class E, brewer, manufacturer of malt beverages, \$1,075.00.

273 (x) Class F1, hotel, \$2,500.00.

274 (xi) Class F2, special event venue, \$2,000.00

275 (xi) Class G, manufacturer of wine, \$2,250.00.

276 (xii) Class H, distiller, manufacturer of distilled spirits, \$2,250.00.

- 277 (xiii) Class I, temporary/private event (not including home-brew events), \$100 per
278 day, max 2-days
- 279 (xiv) Class J, Home-brew special event permit, \$100 per day, max 2-days and 6-
280 days per annum. Except for Caterers licensed in another Georgia municipality
281 or jurisdiction, in which case the fee is \$50 per event and a 3 percent excise tax
282 per out-of-city alcoholic beverage to be declared at the time of application.
- 283 (xv) Class K, complementary beer & wine, \$250.
- 284 (xvi) Class L, consumption off-premises caterer, \$1,500.00
- 285 (xvii) Add-on A, add-on permit brewpub operator. Requires qualifying Class license
286 (see Table 1.1), \$850.00.
- 287 (xviii) Add-on B, add-on reserved for future use.
- 288 (xix) Add-on C1, Sunday sales, add-on permit for licensees who wish to engage in
289 Sunday sales as permitted herein under section 6-13. Requires qualifying Class
290 license (see Table 1.1), \$750.00.
- 291 (xx) Add-on C2, Sunday Sales 11am, add-on permit for licensees who wish to
292 engage in Sunday Sales starting at 11am, \$1,000.00. (Add-on C1 is not
293 required with Add-on C2)
- 294 (xxi) Add-on D, Tasting Event, no fee, but notification (Sec 6-22) must be made 5
295 business days prior to event. Limited to 52 events per annum.
- 296 (4) *Proration of fees.* The fee for a new Class A1 – B3 licenses for a portion of the year may
297 be prorated after July 1 by 50% for the remainder of the year.
- 298 (f) *Granting of license.* The Council of the City Pooler may grant an alcoholic beverage license
299 when it is found to be in the public interest and general welfare. In determining whether any
300 license or permit applied for under this chapter may be granted, the Council may, but is not
301 limited to, consider the following:
- 302 (1) The applicant's reputation, character, and mental and physical capacity to conduct a
303 business engaged in the sale of wine, beer and/or alcoholic beverages.
- 304 (2) The number of licenses previously granted for similar businesses in the trading area
305 of the place for which the license is sought.
- 306 (3) The proximity of the location of such establishment to schools, churches, libraries,
307 and other public buildings in the surrounding area as provided for in section 6-9(g).
- 308 (4) Whether the applicant is a previous holder of a license to sell or manufacture wine,
309 beer and/or alcoholic beverages, and whether the applicant has violated any law,
310 regulation or ordinance relating to such business.
- 311 (5) If the applicant is a previous holder of a license to sell or manufacture wine, beer
312 and/or alcoholic beverages, whether unusual police observation and inspection were
313 required, including the number and frequency of complaints filed by citizens objecting
314 to the manner in which the business was conducted in such location.
- 315 (6) The City Council may consider the history of operations of bars and other
316 establishments at the site specifically applying for a license among other factors the
317 Council deems fit in its discretion to determine whether a license should be granted;
- 318 (7) The City Council may require as a condition of issuance of a liquor license or a
319 renewal of a particular license, or as a condition of probation that security guards be

320 present on the premises in non-restaurant bars. If the City Council requires the use of
321 security guards, terms of use shall be set by the City Council (regarding, e.g., hours of
322 security presence, location, level of training, and other terms as the City Council deems
323 appropriate). Such officer could be retired or off-duty from the Pooler Police
324 Department, the Chatham County Police Department, or any other Georgia or federal
325 law enforcement department.

- 326 (g) *Eligible business types.* This is intended to provide guidance to the City Council and to
327 inform those seeking a license. It is not an exhaustive or all-inclusive list of eligible
328 businesses. City Council may choose to issue a license Class as it deems appropriate.
- 329 (1) *Class A1, retail package: liquor, beer, and wine.* Package stores & convenience stores
330 (including gas stations).
- 331 (2) *Class A2, retail package: beer and wine.* Package stores, convenience stores
332 (including gas stations), grocery stores, and markets.
- 333 (3) *Class A3, retail package: beer only.* Package stores, convenience stores (including
334 gas stations), grocery stores, and markets.
- 335 (4) *Class B1, consumption on-premises: liquor, beer, and wine.* Restaurants (except fast
336 food), bars, clubs, and hotel bars without in-room delivery.
- 337 (5) *Class B2, consumption on-premises: beer and wine.* Restaurants (except fast food),
338 bars, clubs, and hotel bars without in-room delivery.
- 339 (6) *Class B3, consumption on-premises: beer only.* Restaurants (except fast food), bars,
340 clubs, and hotel bars without in-room delivery.
- 341 (7) *Class C, wholesale liquor, beer, and wine.* Wholesale package stores.
- 342 (8) *Class D, wholesale beer and wine.* Wholesale package stores.
- 343 (9) *Class E, brewer, manufacturer of malt beverages, not including Brewpubs or*
344 *Homebrewers.* Breweries with a tap or tasting room, no full-food service.
- 345 (10) *Class F1, hotel.* Hotels with an in-lobby bar offering in-room delivery and consumption
346 on-premises for liquor, beer, and wine. If the bar is a part of a separate restaurant that
347 is attached to the hotel, the hotel license shall not include the restaurant, which shall be
348 licensed separately with an appropriate B-Class license.
- 349 (11) *Class F2, special event venue.* Special event venues offering consumption on-
350 premises only during events and to event guests.
- 351 (11) *Class G, manufacturer of wine.* Small or farm winery, where wine is bottled, shipped,
352 and/or otherwise produced, including a tasting room.
- 353 (12) *Class H, distiller, manufacturer of distilled spirits.* Distillery with a tasting or sample
354 room, no full-food service.
- 355 (13) *Class I, temporary/private event, not including home-brew events.* Individuals,
356 companies, or organizations hosting an event that will serve alcohol at an
357 establishment, business, or location that does not currently hold a valid Class B (1-3)
358 or F (1-2) license.
- 359 (14) *Class J, Home-brew special event permit,* limited to 6 per annum.
- 360 (15) *Class K, complementary beer & wine.* Non-food service business, must be located in a
361 C-2 Zone.

362 (16) *Class L, consumption off-premises caterer.* Food and/or beverage caterers who
363 provides food and/or beverages to private or public events at a location that is not the
364 place of business or location where food/beverage preparation is performed.

365 Sec. 6-3. Tax on wholesalers.

366 Each wholesaler shall pay, in addition to the regular license fees provided by this chapter, a
367 tax on beverages sold to retailers located within the corporate limits of the city in accordance
368 with the following:

369 (a) *Malt beverages.*

370 (1) Where malt beverages are sold in or from a barrel or bulk container, a tax of \$6.00 on
371 each container sold containing not more than 15½ gallons and a proportionate tax at
372 the same rate on all fractional parts of 15½ gallons.

373 (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or
374 bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate
375 on all fractional parts of 12 ounces.

376 (b) *Distilled spirits.* For distilled spirits sold to retailers located within the city for sale either by
377 the package or by the drink, an excise tax shall be paid at the rate of \$0.22 per liter or
378 \$0.83 per gallon. The tax on distilled spirits sold in other size containers shall be computed
379 at proportionate rates.

380 (c) *Wine.* For wine sold to retailers located within the city, an excise tax shall be paid at the
381 rate of \$0.22 per liter or \$0.83 per gallon. The tax on wine sold in other size containers shall
382 be computed at proportionate rates.

383 Sec. 6-4. - Returns to finance department; right to inspect.

384 (a) Each wholesale dealer receiving, selling, shipping, or delivering malt beverages, distilled
385 spirits or wine to wholesalers or retailers in the corporate limits of the city shall make a
386 return to the city clerk by the tenth of the month following the month for which the tax is due,
387 and shall pay the taxes imposed by this chapter. The dealer shall also file with their monthly
388 return a certified copy of their report of monthly sales to retailers made to the state
389 department of revenue.

390 (b) The city shall have free and complete access by its duly authorized agents to any books,
391 papers, records or memoranda bearing upon the statement for the purpose of ascertaining
392 the correctness of any statement required to be filed by this chapter.

393 ~~Sec. 6-5. - Sale if taxes are not paid.~~

394 ~~(a) It shall be unlawful for any person to sell at retail or for consumption any malt beverages,~~
395 ~~wines, or spirituous liquors on which the taxes provided for in this chapter have not been~~
396 ~~paid to the wholesale dealer or distributor for the city.~~

397 ~~(b) It shall be unlawful for any wholesale dealer or other person to deliver any malt~~
398 ~~beverages, wines, or distilled spirits to any retail dealer in the city without first collecting the~~
399 ~~taxes as provided in this chapter.~~

400 Sec. 6-5. - Possession by retailers if taxes are not paid.

401 It shall be unlawful for any retail dealer to have in their possession any alcoholic beverages
402 unless the tax required by the city has been paid to the wholesaler, distributor or other source
403 delivering or causing the beverages to be delivered to the retail dealer. Whenever any alcoholic
404 beverages are found in the possession of a retail dealer and the records of the payment of the

405 taxes do not appear upon the records of the wholesaler, it will be presumed that the tax has not
406 been paid and the burden shall be upon the retailer or seller to prove such fact. All alcoholic
407 beverages found in the possession of any retail dealer on which the tax has not been paid shall
408 be subject to confiscation by the city authorities and shall be sold by the city authorities and the
409 receipts thereof paid into the city treasury.

410 Sec. 6-6. - Application.

- 411 (a) Application for a license to manufacture or sell alcoholic beverages or renewal of such a
412 license shall be made on a form to be furnished by the city and shall be made under oath.
413 The complete address of each applicant and applicant's Social Security number shall be
414 furnished together with such further information as the city may require on the form. Any
415 knowingly untrue, misleading, or omitted statement or information shall be cause for denial
416 or non-renewal and, if a license has been granted, shall be cause for revocation. Each
417 application shall be filed together with a certified or cashier's check in payment of the
418 application, renewal and/or license fee required by subsection 6-2.
- 419 (b) An application shall be made in the name of all the owners of the business or in the name
420 of the general manager. All such persons must meet the requirements of this chapter.
- 421 (c) The license application shall require the disclosure of any conviction of each applicant for
422 any violation of federal, state, or local law involving alcoholic beverages, gambling, taxes, or
423 moral turpitude.
- 424 (d) The City of Pooler shall investigate each applicant to determine whether said applicant is
425 eligible to receive a license under this code section. Each applicant authorizes the City of
426 Pooler and its agents to secure from any court, law enforcement agency, or other public
427 agency the applicant's criminal history and the criminal history of all individuals required to
428 be listed on the application, and authorizes the City of Pooler to use such information in
429 determining whether the license applied for shall be issued. Each applicant waives any right
430 that he would otherwise have to preclude the City of Pooler or its agents from obtaining and
431 using such information and each applicant further waives any liability of the City of Pooler or
432 its agents for obtaining and using such information and agrees to indemnify and hold the
433 City of Pooler harmless against the claims of any person listed by the applicant on the
434 application and by doing so has authorized the City of Pooler to investigate. The police
435 department shall make an arrest and conviction investigation concerning any applicants
436 hereunder and all individuals required to be listed on the application.
- 437 (e) A new application shall include a survey be prepared by the applicant showing the
438 location of the proposed licensed business is not in violation of the distance requirements
439 set forth in section 6-9(g). Said survey shall illustrate the application of minimum distances
440 in accordance with the manner of measurement provided for by state law. Upon receipt of
441 the survey, the city code enforcement department may conduct measurements of the
442 distances identified in the survey to confirm the applicant is in compliance with distance
443 requirements discussed herein. If the city code enforcement determines the survey is
444 inaccurate causing the proposed location to be in violation of section 6-9(g), they shall
445 immediately notify the applicant in writing and provide the findings of their measurements.
446 The survey shall not apply to renewal applications or management change applications,
447 see Section 6-9.3(h).
- 448 (f) The license application shall contain a statement as to whether an applicant holds any
449 other license for the sale of alcoholic beverages and the location thereof.
- 450 (g) If the proposed licensed premises require construction or substantial renovation, the
451 applicant shall submit a detailed set of plans and specifications showing the exact location

452 of the proposed licensed premises, the construction proposed to be carried out by the
453 applicant and the anticipated time for completion of construction.

454 (h) As a prerequisite to the issuance of any license, each applicant shall furnish a complete set
455 of fingerprints.

456 (i) The City Council may require such additional information as it may deem necessary.

457 (j) Any applicant for a new or renewal license, who desires to engage in Sunday sales,
458 pursuant to subsection 6-14 of this Chapter, shall complete a separate application form to
459 be furnished, along with the basic application form, by the city, such Sunday sales
460 application form to include the following statement made by the applicant under oath: "By
461 applying for a license to sell alcoholic beverages at retail for consumption on-premises on
462 Sundays, I am representing to the City Council of Pooler that the licensed premises is either
463 (1) a restaurant which derives at least 50 percent of its total annual gross sales from the
464 sale of prepared meals or food in all of the combined retail outlets of the individual
465 establishment where food is served; (2) an establishment which derives at least 50 percent
466 of its annual gross income from the rental of rooms for overnight lodging; or (3) is otherwise
467 allowed by state law to serve alcohol for consumption on-premises on Sundays. (If
468 applicant seeks Sunday sales licensure for a new establishment, I represent that the
469 anticipated annual revenue will be as required above.) I further certify that, if a restaurant,
470 the licensed premises will not be used for Sunday sales unless there is a currently valid
471 permit for restaurant operation issued by the county health department. I further certify that
472 I will furnish my bookkeeping/financial records for inspection within seven days of my
473 receipt of a written request for production of same from the chief of the city police
474 department or the city manager so that eligibility of the licensed establishment may be
475 monitored."

476 (k) Any applicant seeking a new license, or the renewal of a license, shall submit an
477 affirmation demonstrating its understanding and acceptance of the provisions set forth in
478 this chapter of the City of Pooler Code of Ordinances. Such affirmation shall be made in
479 writing and executed in the presence of a notary public.

480 (l) Any applicant seeking a new license shall appear before City Council or send a qualified
481 representative (manager, co-owner, attorney, or business partner) when their application is
482 on the published agenda for approval. Failure to appear may result in the application being
483 rejected and no refund on fees collected issued.

484 Sec. 6-7. - When issuance of license is prohibited.

485 Issuance of licenses required under section 6-2 is limited as set forth below.

486 (a) Alcoholic beverage licenses shall not be issued to the following:

487 (1) Any person who has been convicted of driving under the influence of intoxicants or
488 drugs or who has pleaded nolo contendere or forfeited bond in connection with any
489 such charge within the preceding two years; or criminal charges exist charging such
490 individual with any of such offenses and for which no final disposition has occurred. If
491 at the time of application, the applicant is charged with any of the offenses prescribed
492 in this subsection, consideration of the application shall be suspended until entry of a
493 plea or verdict or dismissal; or

494 (2) Any person who has been convicted within 10 years immediately prior to the filing of
495 the alcoholic beverage application with the city of any felony or for whom outstanding
496 indictments, accusations or criminal charges exist charging such individual with any of
497 such offenses and for which no final disposition has occurred. If at the time of

498 application, the applicant is charged with any of the offenses prescribed in this
499 subsection, consideration of the application shall be suspended until entry of a plea or
500 verdict or dismissal; Any person who has been convicted of a violation of law
501 pertaining to the sale of alcoholic beverages or the sale or possession of a controlled
502 substance or who has pleaded nolo contendere or forfeited bond in connection with
503 any such charge within the preceding five years; or

504 (3) Any person who has been convicted of three violations of the ordinances of the City
505 of Pooler alcoholic beverages licensed hereunder within the last five years immediately
506 prior to the filing of the licensee's application with the city, except as specifically
507 provided in paragraph (c) below, concerning revocation of alcohol license, or
508 paragraph (d) below, concerning selling alcohol to underage persons. If at the time of
509 application, the applicant is charged with any of the offenses prescribed in this
510 subsection, consideration of the application shall be suspended until entry of a plea or
511 verdict or dismissal; or

512 (4) Any partnership, unless all partners qualify; or

513 (5) Any corporation, unless all officers qualify who will be directly concerned in the
514 management of the business; or

515 (6) Any person whose business will be managed or operated by a person who could not
516 acquire a license under the terms of this chapter, except as to the citizenship
517 requirement provided in this article; or

518 (7) Any person whose license to manufacture or sell alcoholic beverages has been
519 revoked by any licensing authority during the preceding five years; or

520 (8) Any person who owes any debt or obligation to the City of Pooler or Chatham County,
521 including but not limited to excise taxes, occupational taxes, property taxes, or
522 utility fees; or

523 (9) For purposes of this section, the period of time relating to a prior conviction, plea of
524 nolo contendere, or forfeited bond shall be calculated from the date the offense
525 occurred, not from the date of disposition.

526 (b) For 12 consecutive months immediately following the date of the revocation, no person
527 whose license was revoked shall be eligible for renewal of or issuance of a license at the
528 same location for which the previously revoked license was issued. Furthermore, during
529 said 12-month period, the person whose license was revoked shall not be eligible to apply
530 for any additional licenses above the number of licenses held immediately prior to said
531 revocation. In determining the number of licenses that may be renewed or issued to said
532 person after revocation, the finance director shall not include the revoked license.

533 (c) No person shall hold a license in any retail category hereunder and a license under any
534 wholesale category at the same time.

535 Sec. 6-8. - Processing application.

536 (a) After investigation by the police department of the fitness of the applicant and the
537 proposed location, all alcoholic beverage license applications shall be approved or
538 disapproved by the City Council at a public meeting. In cases where applications are
539 disapproved, the finance department shall return the amount of the license fee submitted
540 with the application, excluding the amount of the processing fee provided for in section 6-
541 2(d), which shall be retained. In cases where such applications are approved by the City

542 Council, the Council shall issue a proper license to the applicant authorizing the applicant to
543 engage in the business and at the location applied for.

544 (b) - No application shall be processed unless the non-refundable application fees set forth in
545 section 6-2(d) are paid in full. Said fee(s) shall cover the city's investigative and
546 administrative costs to process the application. The fee(s) shall be established by the City
547 Council by resolution and may be adjusted from time to time by the same.

548 (c) The City Council shall have full power to determine whether the applicant for a license is a
549 fit and proper person to operate the type of business involved and whether the location of
550 such business is proper and in the best interest of the public, and the decision of the
551 Council shall be final.

552 (d) All decisions approving, denying, suspending, or revoking such license shall be in writing,
553 with the reasons therefor stated, and shall be mailed or delivered to the applicant
554 personally.

555 (e) Public notice of all proposed new alcoholic beverage licenses shall be given by
556 publication, at least once during each of the two seven-day periods immediately preceding
557 the City Council meeting at which the application of a new license is first to be considered,
558 of a notice containing the name of the proposed business, the name of the applicant, the
559 location (address) of the proposed place of business and the nature of the alcoholic
560 beverages license sought.

561 Sec. 6-9.1 - General regulations pertaining to all licenses.

562 For purposes of this subsection, distance shall be measured from the main portal of the
563 applicant's business to the nearest main portal of the property in question using the most
564 direct method of travel using public sidewalks, streets, and other public rights-of-way.

565 Licenses for Class A1, Class A2, and Class A3 are collectively referred to as "licensed
566 retail stores" for the remainder of this sub-section, unless otherwise specifically referenced
567 as a Class.

568 (a) *Location, transfers.*

569 (1) *License not transferable to another location.* Each license is issued for a specific
570 location only and may not be transferred to another location. A new application is
571 required for each licensed premises. No license, except for a manufacturer license,
572 may be issued to different licensees for the same location. Should a licensee relocate,
573 they shall apply for a license for the new location subject to approval from the City
574 Council. For purposes of a location change, only, with the licensee remaining the
575 same, the license shall not be considered new, but shall be treated as a renewal.

576 (2) *Transfer of license to another person.* No alcoholic beverage license shall be
577 transferred from one person to another. Except in the case of the death of a person
578 holding a license, in which event their personal representative may continue to operate
579 under the license for six months from the date of their qualification so as to furnish the
580 personal representative adequate time to apply for and obtain an appropriate alcohol
581 license with the state and city. Filing is required within 45 days of the death of the
582 license holder with the City Finance Department.

583 (b) *Interests of public employees; prohibited.* No license shall be granted to any City of
584 Pooler, state, or federal employee whose duties include the regulation or policing of
585 alcoholic beverages or licenses or any tax-collecting activity. Employees whose duties do not

586 include such regulating or policing activities, may apply for a license as outlined in this
587 chapter.

588 (c) *Inspection of books and accounts.* Upon demand by the director of finance, or their
589 designated representative, any person holding a license from the City of Pooler, Georgia,
590 shall open to the director of finance, or their designated representative, their place or places
591 of business for the purpose of enabling the director or their representative to ascertain and
592 gain such information as may be necessary for determination of the proper classification of
593 such license holder for license fee purposes and determination of the correct amount of
594 license fee to which such person is subject. Upon demand by the director of finance, or
595 their designated representative, any person holding a license from the City of Pooler shall
596 furnish the director or their representative, during normal business hours at such person's
597 place of business, all books of account, invoices, papers, reports and memoranda
598 containing entries showing amount of purchases, sale receipts, inventory and other
599 information, ascertained and from which the correct amount of the fee to which he is subject
600 may be determined, including exhibition of bank deposit books, bank statements, and
601 copies of sales tax reports, and any other such documents as the City of Pooler may deem
602 necessary. Any person holding a license from the City of Pooler shall secure, preserve,
603 maintain, and keep for a period of three years the records and documents enumerated and
604 referred to in this section.

605 (d) *Failure to open.* Failure to open a licensed establishment shall serve as a forfeiture and
606 cancellation of the unused license and no refund of the license fee shall be made to the
607 license holder.

608 (e) *False representation of age.* It shall be unlawful for any person to falsely misrepresent
609 their age in any manner whatsoever for the purposes of purchasing or otherwise acquiring
610 any beverage licensed hereunder.

611 (f) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a
612 licensee hereunder, their employees, subcontractors, or their agents, to add to the contents
613 of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality
614 or brand name of any beverage licensed hereunder.

615 (g) *General Manager.* All licensed establishments must have and continuously maintain within
616 50 miles of the city a General Manager upon whom any process, notice or demand required
617 or permitted by law or under this chapter to be served upon the licensee or owner may be
618 served. The licensee shall file the name of such person, along with the written consent of
619 such person, with the city and shall be in such form as the city may prescribe.

620 (h) *Rules for conduct and operation.* Of every place of business selling wine, beer and/or
621 alcoholic beverages, and of every person owning and operating such place of business:

622 (1) All establishments duly licensed under this chapter must fully comply with all sanitary
623 requirements promulgated by the county health department.

624 (2) All musical units or amusement machines installed in any establishment licensed
625 under this chapter must be properly registered with the city clerk.

626 (3) Illegal gambling conducted on the premises of any establishment licensed under this
627 chapter shall be cause for revocation of such license.

628 (4) Disorderly conduct in any place of business or other place where wine, beer and/or
629 alcoholic beverages are permitted to be sold is expressly forbidden by this chapter, and
630 every person owning and/or operating a place of business for which a license under
631 this chapter has been granted, and for which the license fee has been paid, may be

632 subject to license revocation, in the manner provided for in section 6-15, for permitting
633 any disorderly conduct in such place of business.

634 (5) All of the laws of the state pertaining to the sale of alcoholic beverages by retail
635 dealers are incorporated in this chapter and are as fully applicable as though
636 completely set forth in this chapter.

637 (6) Retail dealers shall keep their place of business sufficiently lighted to protect the
638 health and safety of patrons and persons lawfully on the premises. All retail dealers
639 and serving establishments shall keep their main entrance unlocked during normal
640 scheduled business hours and allow entry for inspection. Exceptions may be granted
641 for specially approved and permitted private events.

642 (7) The city reserves the right to promulgate additional regulations or ordinances
643 pertaining to the conduct of the business of selling alcoholic beverages, and any
644 person licensed under this chapter shall be subject to such additional regulations that
645 may be promulgated from time to time by the City Council.

646 (8) All persons holding an alcoholic beverage license within the city shall be permitted to
647 sell alcoholic beverages on any local and statewide election day; however, no sale of
648 alcoholic beverages shall be permitted within 250 feet of any polling place or of the
649 outer edge of any building within which such polling place is established. The term
650 "election day" shall include all elections as defined in O.C.G.A. § 3-3-20.

651 (9) Temporary/special event permits to dispense alcoholic beverages may be issued
652 when the event is:

653 (i) sponsored by a private non-profit organization located in the State of Georgia as
654 classified by the U.S. Internal Revenue Service and no less than 80 percent of
655 the proceeds of the event must benefit the sponsoring non-profit organization.
656 Selling of alcohol is permitted and admission to the event may be charged and
657 advance tickets to the event may be sold;

658 (ii) a closed private event to which the general public is not invited and during which
659 alcoholic beverages will be served only to invited guests. No exchange of
660 anything of value such as admission charges or sale of alcoholic beverages shall
661 be permitted.

662 Temporary/special event permits will be issued for events to be held on Mondays
663 through Saturdays and are prohibited on Sundays. Applications will be submitted for
664 approval by the police chief and City Council. Permits will be issued for a maximum of
665 two days at a rate set forth in the schedule of fees in Sec 2.

666 (10) Alcoholic beverages, by the drink, shall be permitted in an outdoor dining area, in a
667 space in which the licensee serves food and beverages as part of the operation of an
668 eating establishment under the provisions as follows:

669 (i) An outdoor dining area may be located immediately adjacent to the eating
670 establishment, including a balcony, rooftop, or attached deck, and with no part
671 located within a public right-of-way without a special event permit approved by
672 the City Council.

673 (ii) The width shall not exceed the width of the eating establishment and shall
674 contain no more than 50 percent of the total seating capacity of the
675 establishment.

676 (iii) The space shall be enclosed within a clearly delineated area, which is
677 surrounded by a continuous physical barrier (not designed to create a ladder
678 effect) at least 40 inches high with a maximum height of 48 inches and shall have
679 one or more points of emergency egress at least 36 inches wide, installed with
680 an audible alarm to notify the licensee that a patron has exited the outdoor dining
681 area.

682 (11) The serving of and employment of underage persons is subject to O.C.G.A § 3-3-23,
683 § 3-3-24, O.C.G.A 3-3-34, and § 3-3-24.1, as amended to from time to time.
684 Furthermore, unless allowed by a provision in this chapter or by state law, underage
685 persons shall be forbidden from entering the licensed premises of a retail package store
686 or a bar unless accompanied by a parent, guardian, or spouse that is over the age of 21
687 or they are an employee or independent contractor that meet the employment
688 requirements as outlined in O.C.G.A 3-3-34.

689 Sec 6-9.2 Minimum Distance & Limits for Certain License Classes

690 (a) *Minimum Distance of Class A1 licenses*

691 References: Centers for Disease Control and Prevention. *Guide for Measuring Alcohol*
692 *Outlet Density*. Atlanta, GA: Centers for Disease Control and Prevention, US Dept of Health
693 and Human Services; 2017

694 Sec 6-9.2 shall apply to Class A1 Licenses only.

695 (1) *Minimum Distance of Class A1 licenses*

696 Class A1 licenses (or their equivalent under the prior definition) that have been in
697 business before this chapter's date of enactment shall be exempt from Sec 6-9.2(1)-(2),
698 thus the distance requirements set forth herein shall not apply, if it is a renewal of an
699 existing license at an existing licensed location, or a change of owner or management
700 at an existing licensed location. Further, if business operations are suspended due
701 force majeure circumstances that prevent regular operation, not to exceed 36 months,
702 this exemption shall survive provided the license remain in good standing with the City
703 of Pooler. This exception shall not apply to licensees moving locations.

704 (i) No license for a Class A1 retail store shall be issued to a location that is 2,500
705 feet or fewer, measured main portal to main portal, of another Class A1 licensed
706 retail store. The distance requirements in Sec. 6-9.3 shall also apply.

707 (2) *Minimum Distance of Class A1 licenses Variance Criteria*

708 All criteria must be met for a variance to be considered by City Council.

709 (i) The new applicant's business can still meet the distance requirements in Sec
710 6-9.3.

711 (ii) The applicant's business is in a zone where sale of packages is permitted by
712 right and is not conditional.

713 (iii) The applicant is able provide a petition of at least 50 Pooler residents, aged 21
714 and older, in support of the application.

715 (iv) That if granted, the variance will not cause substantial detriment to the public
716 good.

717 Sec 6-9.3 *Distance requirements.*

718 For purposes of this subsection, the distance shall be measured from the main portal of
719 the proposed new licensed business to the main portal of the parcel in question using the
720 most direct method of travel using public sidewalks, streets, and other public rights-of-way.

721 (a) The applicant(s) for Class A (1-3), B (1-3), C, D, E, F1, G, & H licenses shall list all
722 churches, colleges, residences, schools, and alcoholic treatment centers within 750
723 feet of any portion of the proposed licensed premises and the distance between
724 property lines of the proposed place of business and the property lines of schools,
725 colleges, churches, alcoholic treatment centers and residences within 750 feet of the
726 proposed place of business.

727 (b) No Class A (1-3) license shall be issued for the retail sale of alcoholic beverages for
728 off-premises consumption within 300 feet of any church building, educational building,
729 school grounds, or college campus. Tutoring or learning centers, for purposes of this
730 section, private or public, profit or non-profit shall not be considered in these distance
731 requirements. Nothing in this subparagraph shall prohibit the issuance of a license to a
732 grocery store for the retail sale of only wine and malt beverages for consumption off
733 the premises within 300 feet of any school building, school grounds, or college
734 campus.

735 (c) No license shall be issued for the sale of liquor, wine, or malt beverages within 1,000
736 feet of an alcohol treatment center owned and operated by the state, Chatham County,
737 the City of Pooler, or other municipalities.

738 (d) No new Class A (1-3) license shall be issued for retail sale of alcoholic beverages for
739 off-premises consumption without consideration by the City Council of the proximity of
740 the location proposed for the establishment to any property zoned for or used for
741 residential purposes, any property with a valid license for sale of alcoholic beverages
742 for off-premises consumption, or which is owned by the city or other government
743 agency and planned for residential use. Where the applicant's proposed place of
744 business is located within 750 feet of any property zoned for or used for residential
745 purposes, any property with a valid license for sale of alcoholic beverages for off-
746 premises consumption, or which is owned by the city or other government agency and
747 planned for residential use, then any motion to approve the location must be
748 accompanied by a statement substantially to the effect that such proximity has been
749 considered and it is the Council's finding that the proximity does not cause the
750 establishment of the licensed premises as proposed to be harmful to the welfare of the
751 community or otherwise unsuitable for the location.

752 (e) No new Class A (1-3) license shall be issued, or new location be approved, for retail
753 sale of any alcoholic beverage for consumption on-premises without consideration by
754 the City Council of the proximity of the location proposed for the establishment to any
755 nearby school, college, church, or residence. If any school, college, church, or
756 residence is located within 750 feet of the main entrance to the proposed licensed
757 premises, then any motion to approve the location must be accompanied by a
758 statement substantially to the effect that such proximity has been considered and it is
759 the Council's finding that the proximity does not cause the establishment of the
760 licensed premises as proposed to be harmful to the welfare of the community or
761 otherwise unsuitable for the location.

762 (f) The distance requirements found herein may not apply to applications made on behalf
763 of locations falling within the city's designated Overlay District(s) provided the
764 District(s) provide different distance requirements. Otherwise, these distance
765 requirements shall apply.

766 (h) A license shall not be considered a new license for purposes of this subsection, and
767 thus the distance requirements set forth herein shall not apply, if it is a renewal of an
768 existing license at an existing licensed location, or a change of owner or management
769 at an existing licensed location, or the licensing of a business at a location if the sale of
770 alcoholic beverages was lawful at such location at any time during the 12 months
771 immediately preceding such application.

772 Sec. 6-10. - Sale for consumption on the premises.

773 (a) Alcoholic beverages shall not be sold at retail for consumption on the premises, except in
774 the following types of licensed businesses:

775 (1) Eating establishments, serving prepared food which is offered to the public.

776 (2) Hotels or motels kept, used, maintained, advertised, and held out to the public as
777 places where sleeping accommodations are offered to guests, whether transient or
778 permanent.

779 (3) Lounges where seating accommodations are provided for not fewer than 12 persons.

780 (4) Private clubs or bona fide associations of individuals organized for fraternal purposes,
781 conducted solely for the use and benefit of their members and their beneficiaries.

782 (5) Restaurants with a pouring license may sell wine or beer for consumption on certain
783 city-owned premises in accordance with the provisions of Sec. 6-19 of this chapter.

784 (6) Brewpubs may be licensed for the sale for consumption on the premises by applying
785 and obtaining a brewpub license in accordance with the provisions of this chapter.
786 Brewpub license holders are subject to state law limitations set forth in O.C.G.A. § 3-5-
787 36 and any other corresponding state or local regulations or requirements as may be
788 amended by the state from time to time.

789 (7) Farm wineries shall be permitted to offer the sale of alcohol for consumption on the
790 premises as provided by O.C.G.A. §§ 3-6-21.1, 3-6-21.2 and 3-6-21.3 as may be
791 amended by the state from time to time.

792 (8) A brewery shall be permitted to offer the sale of alcohol for consumption on the
793 premises as provided by O.C.G.A. § 3-5-24.1 as may be amended from time to time.

794 (9) A distillery shall be permitted to offer the sale of alcohol for consumption on the
795 premises as authorized by O.C.G.A. § 3-5-24.2 as may be amended from time to time.

796 (10) Special event venues, such as a conference center or a facility whose primary
797 business is that of providing space for special events, meetings, and/or conferences
798 with no fewer than 12 persons.

799 (b) *Sunday sales.* Refer to Sec. 6-14.

800 (c) *Brewpubs.* In addition to any authorizations provided by state law, brewpubs shall be
801 authorized to sell growlers or other packages of wine and malt beverages for on-premises
802 consumption.

803 Sec. 6-11. - Retail package sale of distilled spirits & caterer sales for consumption off-premises.

804 (a) Package sale of distilled spirits shall be sold at:

805 (1) stores which are duly licensed by the state to sell distilled spirits by the package and
806 which are devoted exclusively to the sale of alcoholic beverages in the original
807 container;

- 808 (2) locations licensed as distilleries in compliance with this chapter and in accordance with
809 O.C.G.A. § 3-5-24.2, as amended from time to time.
- 810 Retail package license holders shall not permit the breaking of a package containing any
811 alcoholic beverage or the drinking of any alcoholic beverage on the licensed premises.
- 812 (b) Caterers may only serve alcoholic beverages to eligible event guests at the authorized
813 catered function.
- 814 (c) Caterers licensed for alcohol sales in other Georgia municipalities other than the City of
815 Pooler, may apply for a special event permit for \$50.00 and an excise tax of three percent
816 of the total value of all alcoholic beverages transported into the city. All alcohol transported
817 to the event must be declared at the time of the application for the special event permit,
818 pursuant to O.C.G.A. § 3-11-3.
- 819 (d) Transportation to and from the venue will require a copy of all issued licenses pursuant to
820 O.C.G.A. § 3-11-3. Drivers must be 21 or older, alcoholic beverages must be in the rear of
821 the vehicle and secured in a manner that would prevent easy access while the vehicle is in
822 motion.
- 823 Sec. 6-12. - Retail package sale of malt beverages and wine for consumption off-premises.
- 824 (a) Malt beverages and wines shall not be sold at retail except in the following types of
825 businesses:
- 826 (1) Package stores;
- 827 (2) Grocery stores;
- 828 (3) Breweries, as provided by O.C.G.A. § 3-5-24.1 as may be amended from time to time;
- 829 (4) Farm wineries, pursuant to the powers set forth in O.C.G.A. §§ 3-6-21.1, 3-6-21.2 and
830 3-6-21.3 as may be amended by the state from time to time;
- 831 (5) Brewpubs;
- 832 (6) Convenience stores, including those with or without fuel for sale.
- 833 (b) No malt beverages or wine shall be displayed for sale on the licensed premises except in
834 the original package at room temperature or in an electric cooler or in a "growler" for
835 premises licensed to provide "growler" services.
- 836 (c) *Keg sales.* Any retail package dealer selling beer by the keg shall require the purchaser to
837 provide a drivers' license or other form of photo identification and shall record the
838 identification or serial number of the keg along with the full name, address, date of birth,
839 and Georgia Driver License or Identification Number of the purchaser. Such record shall be
840 maintained for a period of no less than one year following the date of purchase. Such
841 records shall be provided for inspection to any officer of the city police department upon
842 oral or written request.
- 843 (d) *Sunday sales.* Refer to Sec. 6-14.
- 844 (e) *Brewpubs.* In addition to any authorizations provided by state law, brewpubs shall be
845 authorized to sell growlers or other packages of wine and malt beverages for off-premises
846 consumption.
- 847 (f) Caterers, see Sec. 6-11(b)-(c)
- 848 Sec. 6-13. - Retailer to purchase from licensed wholesaler only.

849 Except as otherwise provided in this chapter, no retailer shall purchase for use at a licensed
850 place of business any alcoholic beverages, malt beverages, or wine from any person other than
851 a wholesaler licensed by the state. No wholesaler shall sell any alcoholic beverages, malt
852 beverages or wine to anyone other than a retailer licensed under this chapter.

853 Sec. 6-14. - Hours and days of sale.

854 The following hours of sale are hereby established for the sale of distilled spirits, beer, and
855 wine:

856 (a) Classes A1 – A3, K, Add-on B, & Add-on D – Retail package licensees shall not sell
857 distilled spirits, beer, and wine at any time on Sundays except as set forth in subsection (d)
858 of this section. And on any other day between the hours of 11:45 p.m. and 7:00 a.m.

859 (b) Classes B1 – B3, F1 & F2, & Add-on A – Alcoholic beverages shall not be sold on
860 Sundays for consumption on the premises except as set forth in subsection (e) of this
861 section. Alcoholic beverages shall not be sold for consumption on the premises on any
862 other day of the week between the hours of 1:45 a.m. and 7:00 a.m. All customers shall be
863 required to vacate the licensed premises by 2:00 a.m. on that day of operation and no drink
864 order shall be placed or filled subsequent to 1:45 a.m. Alcoholic beverages may be sold for
865 consumption on the premises from midnight Saturday until 1:45 a.m. Sunday. All customers
866 shall be required to vacate the licensed premises by 2:00 a.m. on Sunday and no drink
867 order shall be placed or filled subsequent to 1:45 a.m.

868 (c) Classes C, D, E, G, H – wholesale, brewery, winery & distillery licensees shall not sell
869 distilled spirits, beer, and wine at any time on Sundays before 12:30 p.m. or after 11:30
870 p.m. or on any other day between the hours of 11:45 p.m. and 7:00 a.m.

871 (d) Add-on C1 – Retailers packages of malt beverages, wine, and distilled spirits shall be
872 permitted to sell malt beverages, wine, and distilled spirits by the package Sundays
873 between the hours of 12:30 p.m. and 11:30 p.m. Retailers may sell only those alcoholic
874 beverages that are authorized by the retailer's alcoholic beverage license and only in the
875 manner authorized by such license.

876 (e) Add-on C2 – Alcoholic beverages may be sold for consumption on-premises on Sunday
877 from 11:00 a.m. until 11:30 p.m. in any restaurant licensed for Sunday sales, any licensed
878 establishment which derives at least 50 percent of its annual gross income from the rental
879 of rooms for overnight lodging, and/or any licensed premises otherwise allowed by
880 state law to serve alcohol for consumption on-premises on Sundays.

881 (f) All classes – Alcoholic beverages may be sold on a primary or election day either by the
882 package or for consumption on the premises; provided, however, that no sale shall take
883 place within 250 feet of any polling place or of the outer edge of any building within which
884 such polling place is established on primary or election days.

885 (h) Classes B1 – B3, & F – When New Year's Eve falls on Sunday, on-premises consumption
886 businesses may remain open until 1:45 a.m. January 1. All customers shall be required to
887 vacate the licensed premises by 2:00 a.m., unless the customer is an overnight guest, if
888 premises is a hotel or venue offering rooms to rent, and no drink order shall be placed or
889 filled subsequent to 1:45 a.m.

890 (i) All Classes – Serving establishments shall be required to be vacant and have all patrons
891 and non-employees exited from the premises within 15 minutes of the closing times
892 provided by this section. Establishments will be prohibited from serving alcoholic beverages
893 during non-regularly permitted hours unless approved and permitted for a private event.

894 This section does not pertain to vendors or licensed contractors providing a service to
895 establishments who serve alcoholic beverages.

896 (j) Classes A1 – A3, K, & Add-on B – Retail package retailers & complementary of malt
897 beverages, wine, and distilled spirits shall be permitted to sell malt beverages, wine, and
898 distilled spirits by the package on Christmas Day between the hours of 12:30 p.m. and 9:30
899 p.m.

900 (k) Classes B1 – B3 & F – On-premises consumption businesses, including hotels, may sell
901 alcoholic beverages on Christmas Day, except if Christmas is on a Sunday, between the
902 hours of 7:00am and 1:45am. If Christmas is on a Sunday, the operating hours will observe
903 the Sunday limitations.

904 (l) Classes I, J, L – temporary, private and homebrew events, & caterers may not sell or serve
905 malt beverages, wine, and distilled spirits between 1:45 a.m. and 7:00 a.m. Monday
906 through Saturday. No events may serve malt beverages, wine, and distilled spirits on
907 Sunday except between the hours of midnight through 1:45 a.m. if the event occurs on the
908 Saturday prior.

Table 1.2 – Hours and days of sale

	Sunday	Monday – Saturday	Christmas (Except Sunday)	New Year's Eve (Sunday)
Class A1	12:30pm – 11:30pm*	7:00am – 11:45pm	12:30pm – 11:30pm	12:30pm – 11:30pm*
Class A2	12:30pm – 11:30pm*	7:00am – 11:45pm	12:30pm – 11:30pm	12:30pm – 11:30pm*
Class A3	12:30pm – 11:30pm*	7:00am – 11:45pm	12:30pm – 11:30pm	12:30pm – 11:30pm*
Class B1	11:00am – 11:55pm**	7:00am – 1:45am	7:00am – 1:45am	11:00am – 1:45am**
Class B2	11:00am – 11:55pm**	7:00am – 1:45am	7:00am – 1:45am	11:00am – 1:45am**
Class B3	11:00am – 11:55pm**	7:00am – 1:45am	7:00am – 1:45am	11:00am – 1:45am**
Class C	12:30pm – 11:30pm*	7:00am – 11:45pm	N/A	12:30pm – 11:30pm*
Class D	12:30pm – 11:30pm*	7:00am – 11:45pm	N/A	12:30pm – 11:30pm*
Class E	12:30pm – 11:30pm*	7:00am – 11:45pm	N/A	12:30pm – 11:30pm*
Class F1	11:00am – 11:55pm**	7:00am – 1:45am	7:00am – 1:45am	11:00am – 1:45am**
Class F2	11:00am – 11:55pm**	7:00am – 1:45am	7:00am – 1:45am	11:00am – 1:45am**
Class G	12:30pm – 11:30pm*	7:00am – 11:45pm	12:30pm – 11:30pm	12:30pm – 11:30pm*
Class H	12:30pm – 11:30pm*	7:00am – 11:45pm	12:30pm – 11:30pm	12:30pm – 11:30pm*

Class I	N/A	7:00am – 11:45pm	N/A	N/A
Class J	N/A	7:00am – 11:45pm	N/A	N/A
Class K	12:30pm – 11:30pm*	7:00am – 11:45pm	12:30pm – 11:30pm	12:30pm – 11:30pm*
Class L	N/A	7:00am – 11:45pm	N/A	N/A

910 *requires add-on C1

911 **requires add-on C2

912

913 Sec. 6-15. - Reserved.

914 Reserved for future use.

915 Sec. 6-16. – Underage Persons.

916 No person who holds a license to sell alcoholic beverages by the drink shall allow any
917 underage persons to be in, frequent or loiter about the licensed premises of the establishment
918 unless such underage persons are accompanied by a parent, legal guardian, or spouse over the
919 age of 21; provided, however, that such underage persons shall be permitted in restaurants,
920 indoor commercial recreational establishments, hotels, brewpubs, private events, or private
921 clubs as defined in this chapter without being accompanied by a parent, legal guardian, or
922 spouse over the age of 21 and provided further that this section shall not apply to underage
923 persons who are employees under this chapter. All personnel employed by licensee shall be
924 advised by the licensee or the manager of the provisions of this subsection.

925 This section shall not prohibit such licensees from employing persons between the ages of
926 18 and 21 to work in the licensed establishment as servers, bartenders, or otherwise as
927 pursuant to O.C.G.A § 3-3-24. Except for bouncers as pursuant to O.C.G.A § 3-3-24.1

928 Furthermore, pursuant to O.C.G.A § 3-3-24, minors under the age of 18 employed in
929 supermarkets, convenience stores, breweries, or drugstores may sell or handle alcoholic
930 beverages which are sold for consumption off the premises.

931 Any licensee or any person acting on behalf of such licensee, who upon requesting proper
932 identification from a person attempting to purchase alcoholic beverages from such licensee
933 pursuant to state law is tendered a driver's license which indicates that such driver's license is
934 falsified, is not the driver's license of the person presenting it, or that such person is under the
935 age of 21 years, the person to whom said license is tendered shall be authorized to either write
936 down the name, address, and license number or to seize and retain such driver's license and in
937 either event shall immediately thereafter summon a law enforcement officer who shall be
938 authorized to seize the license either at the scene or at such time as the license can be located.
939 The procedures and rules connected with the retention of such license by the officer shall be the
940 same as those provided for the acceptance of a driver's license as bail on arrest for traffic
941 offenses pursuant to O.C.G.A. § 17-6-11.

942 Sec. 6-17. - Licensed premises only to be used for licensed purposes.

943 The licensed premises shall not be used, in whole or in part, for any purpose other than the
944 purpose for which it is licensed during the term of the license. This prohibition shall remain in
945 effect during any period of suspension of the license, as well as after normally authorized hours
946 of operation. Use of the premises for any unauthorized purpose during the term of the license
947 shall be deemed an abandonment of the license. For purposes of this provision, "unauthorized
948 purpose" shall include, but shall not be limited to, private parties, teen clubs, or any other
949 alcohol or non-alcohol use or event. Any use of the licensed premises of a non-restaurant
950 lounge or bar after 2:00 a.m. on any day of the week is prohibited.

951 Sec. 6-18. - "Brown bag" and "bring your own bottle" practices prohibited in unlicensed business
952 premises.

953 It shall be unlawful for any person to permit persons to bring their own alcoholic beverages
954 into any business premises within the city in return for a "cover charge," an "admission fee", a
955 "set-up charge", or for free for mixers or for any other services unless the premises are currently
956 licensed and in good standing (i.e., not under suspension) for on-premises consumption sales of
957 such category of alcoholic beverages.

958 The license requirements and other rules set forth in this chapter apply even though there is
959 no "sale" as such of the alcoholic beverage on the premises. No such "brown bag" or "bring
960 your own bottle" practices may be carried out at any unlicensed location in the city. No such
961 "brown bag" or "bring your own bottle" practices may be allowed in any licensed premises
962 during any period of closure, suspension, any other period of poor standing.

963 Nothing in this sub-section shall be seen as restricting or limiting on-premises consumption
964 for private events with self-furnished alcoholic beverages at licensed venues or events.

965 Sec. 6-19 - Consumption of alcohol on city streets or public property prohibited; limited in certain
966 area.

967 (a) Except as provided in subsection 6-19(b) below, it shall be unlawful for any licensed
968 establishment to dispense any alcoholic beverage in an open container for removal from
969 the premises, and it shall be unlawful for any person to remove from an alcoholic beverage
970 establishment any open container of alcoholic beverage or to drink or attempt to drink any
971 alcoholic beverage from any open container or to possess in any open container any
972 alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public
973 or private, within the corporate limits of the city.

974 (b) In connection with an event sponsored or cosponsored by the city, an authority (such as a
975 committee, commission, or board) established by the City Council, or an event obtaining the
976 specific approval of the City Council, open containers of alcoholic beverages shall be
977 permitted; the following regulations shall apply:

978 (1) Consumption of alcoholic beverages may be allowed in or on certain city-owned
979 facilities and parks to include: Pooler Recreational Park (Rogers St), Pooler Recreation
980 Complex, the Senior Citizens Center, Pooler Government Complex, and Police
981 Training Facilities, excluding the Pooler Stadium. Such beverages may be provided at
982 no charge by the approved special event applicant to its guests, or they may be sold to
983 such guests by an approved holder of a pouring license in good standing issued by the
984 City of Pooler. Events sponsored solely by the city require no permitting fee or
985 application but shall require City Council approval of the event.

986 (2) Consumption of alcoholic beverages shall be limited to a designated area, such as a
987 "beer garden" or similarly delineated area that is controlled and monitored by off-duty
988 police personnel. Any establishment licensed to dispense alcoholic beverages by the
989 drink for consumption on the premises is authorized to dispense an alcoholic beverage
990 in a paper or plastic cup, or other container other than a can, bottle, or glass; provided,
991 however, that no establishment shall dispense to any person more than one such
992 alcoholic beverage at a time.

993 (3) No container in which an alcoholic beverage is dispensed shall exceed 16 fluid
994 ounces in size. No person shall hold in possession on the streets and sidewalks, in
995 parks and squares, or in other public places within the defined area any open alcoholic
996 beverage container which exceeds 16 fluid ounces in size.

997 (4) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage
998 from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic
999 beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or
1000 private.

1001 (c) It shall be unlawful for any person to consume any alcoholic beverages while in the
1002 confines of a motor vehicle when the vehicle is parked on any city street, alley, way, or
1003 parking lot.

1004 (d) It shall be unlawful for any person to possess an open container of an alcoholic beverage
1005 while operating a vehicle in the city or while a passenger in or on a vehicle being operated
1006 in the city.

1007 (1) As used in this article, "open container" means any container which is immediately
1008 capable of being consumed from, or the seal of which has been broken.

1009 (2) An open container shall be considered to be in the possession of the operator of a
1010 vehicle if the container is not located in a locked glove compartment, locked trunk, or
1011 other locked non-passenger area of the vehicle.

1012 (3) Exceptions:

1013 i. A passenger of a vehicle in which the driver is operating the vehicle pursuant to a
1014 contract to provide transportation for passengers and such driver holds a valid
1015 chauffeur's license pursuant to Georgia law or any other state;

1016 ii. A passenger of a bus in which the driver holds a valid chauffeur's license pursuant
1017 to Georgia law or any other state; or

1018 iii. A passenger of a self-contained motor home which is more than 21 feet in length.

1019 (e) It shall be unlawful for any person to consume any alcoholic beverages or controlled
1020 substances in any of the city or public parks, stadium, sports fields, grounds, public facilities
1021 or lands owned by the city, or areas appurtenant to any lands and facilities which are
1022 owned and/or operated under the jurisdiction of the city. Unless a properly permitted and
1023 licensed event is underway at the location and authorized by City Council.

1024 (f) It shall be unlawful for any person to consume any alcoholic beverages or controlled
1025 substances in parking lots open to the public.

1026 **Cross reference**— Streets, sidewalks and other public places, ch. 74.

1027 Sec. 6-20. – RESERVED FOR FUTURE USE

1028 Sec 6-20.1

1029 RESERVED FOR FUTURE USE.

1030 Sec 6-20.2

1031 RESERVED FOR FUTURE USE.

1032 Sec. 6-21. - Home-brew malt beverages.

1033 (a) *Home-brew special events*: An event held pursuant to O.C.G.A. § 3-5-4(e) in which malt
1034 beverages brewed pursuant to the provisions found in O.C.G.A. § 3-5-4 may be consumed.

1035 (1) Home-brew special events shall not be held at any location licensed for the sale of
1036 alcoholic beverages, except if the event is to be held in a hotel or special event location
1037 that maintains a license and it is not the location's licensee hosting the home-brew
1038 event.

1039 (2) Consumption of malt beverages at home-brew special events shall be limited solely to
1040 malt beverages produced pursuant to O.C.G.A. § 3-5-4 and such malt beverages shall
1041 only be consumed by the participants in and judged of the home-brew special event.

1042 (3) Home-brew special events may be held on city property, including in parks and
1043 associated parking lots, if the event meets the requirements set forth in Sec. 6-19. But
1044 the event shall be required to provide a security & access plan to be approved by the
1045 city police chief that includes, but is not limited to, the hiring of off-duty police officers
1046 and traffic control.

1047 (b) *Home-brew special event permits:* Upon receiving an application from a qualified applicant
1048 including the fee, the City Council or their assignee may issue a home-brew special event
1049 permit for the holding of home-brew special events, including contests, tastings, and
1050 judging.

1051 (c) *Transportation of malt beverages to home-brew special event:* Malt beverages may be
1052 removed from the residence where produced and transported by the producer for use at
1053 home-brew special events in a quantity not to exceed 25 gallons, provided that such malt is
1054 securely sealed in one or more containers and clearly labeled with the following information:

- 1055 (1) The name of the producer; and
- 1056 (2) The address of the residence at which it was produced; and
- 1057 (3) The name and address of the home-brew special event to which it is being
1058 transported; and
- 1059 (4) The permit number under which the home-brew special event is being held.

1060 If transported by motor vehicle, the sealed containers shall be placed in a locked glove
1061 compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that
1062 is not equipped with a trunk.

1063 (d) *Transportation of home-brew malt beverages, generally:* Malt beverages produced under
1064 the provisions of O.C.G.A. § 3-5-4 may be removed from the residence where produced for
1065 transportation and delivery by the producer to a location not licensed under this title and for
1066 which a permit has not been issued pursuant to subsection (e) of this code section;
1067 provided that not more than 128 ounces of such malt beverages produced in the same
1068 residence shall be transported at one time; and provided, further, that such malt beverages
1069 shall be securely sealed in one or more containers and clearly labeled with the following
1070 information:

- 1071 (1) The name of the producer; and
- 1072 (2) The address of the residence at which it was produced.

1073 If transported in a motor vehicle, the securely sealed containers shall be placed in a locked
1074 glove compartment, a locked trunk, or the area behind the last upright seat of a motor
1075 vehicle that is not equipped with a trunk.

1076 Sec. 6-22. Tasting Events

1077 (a) A retail package liquor store, or a retail dealer can conduct tastings of small samples of
1078 beers, wines, or distilled spirits provided that the samples are of alcoholic products that are
1079 available for sale on the premises and that the samples are consumed in the presence of a
1080 representative of the store.

1081 (b) The tasting event must not take place in the public area of the store but instead must be
1082 conducted in an office, storage room, or other area of the licensed premises of the retail
1083 dealer that is closed to the public.

1084 (c) Permitted locations may conduct up to fifty-two (52) tasting events per calendar year.
1085 Tasting events may only take place during the hours that the licensed premises may

1086 lawfully sell unbroken packages of alcohol. Such tasting events must last no longer than
1087 four hours, with only one tasting event being held per day. Only one type of alcoholic
1088 beverage may be served at a tasting event, either malt beverages, or wine, or distilled
1089 spirits. However, more than one brand of each type of alcoholic beverage may be offered
1090 so long as not more than four packages are open at any one time. Packages opened for
1091 the purposes of providing samples may not be sold, but instead must be kept locked in a
1092 secure room or cabinet except when in use during a tasting event.

1093 (d) At least five (5) business days prior to holding a tasting event, the licensee must notify the
1094 City and the Chief of Police in writing of the tasting event and receive an Add-on D, Tasting
1095 Event permit. No additional fee is required, and administrative approval of the notification is
1096 permitted.

1097 (e) Proper notification shall include a form or a document that includes, but is not limited to,
1098 the following: name of license holder, name and location of business, time and date of the
1099 Tasting Event, and the type of alcoholic beverage to be served.

1100 Sec. 6-23. - Reserved for future use.

1101 Sec. 6-24. - Certificate of occupancy & state licenses.

1102 (a) No license shall be granted under this chapter until the business establishment referred to
1103 in the license application has been granted a certificate of occupancy by the building
1104 inspector's office.

1105 (b) Until the state-wide alcohol licensing system is operational, licensees are required to
1106 provide a copy of the state-issued license to the city. This sub-section shall not apply
1107 provided the state-wide system is functional and in use.

1108 Sec. 6-25. – Expiration, renewals, late renewals, and transfers.

1109 (a) All licenses granted under this article shall expire at midnight on December 31 of each
1110 license year. A licensee who desires to renew the license shall file application, together with
1111 the requisite fee, on the form provided for renewal of the license for the ensuing year.
1112 Application for renewal shall be filed on or before November 1 of each year.

1113 (b) Any license renewal application filed after December 13 of the license year shall be
1114 considered late and may be subject to a late fee of 25% of the value of the fee.

1115 (c) Any license for which renewal application has not been filed by the close of business of
1116 City of Pooler offices on the final business day of December will be deemed to have expired
1117 at midnight on December 31 and will be treated as a new license application, subject to
1118 publication of notice of the application as for new applicants, and a fee as for a new license
1119 with a work-up including background checks, location approval and all items and
1120 regulations as prescribed in this chapter for new applicants. During this period, the
1121 applicant may not sell, distribute, or offer alcoholic beverages for on or off-premises
1122 consumption.

1123 (d) The licensee's obligation to apply timely for renewal is not contingent upon any notice from
1124 the City of Pooler, which shall not be required to send renewal notices to any licensee.

1125 (e) The City Finance Department may extend the deadlines in Sec. 6-25(a-d) as needed or
1126 necessary for the operational effectiveness of the department, staff, or the business of the
1127 city by a period not to exceed one-month.

1128 (e) Existing licensees may not transfer the license to any other person or entity without the
1129 prior application, new license fee payment, and approval of the proposed new licensee by

1130 the City Council. This shall not be considered a new license application and notice need not
1131 be published prior to approval.

1132 (f) Existing licensees may not change the location of the licensed premises without the
1133 approval of City Council. This shall not be considered a new license application but notice
1134 of consideration of the new location shall be published by the city clerk in the manner
1135 prescribed in this article.

1136 Sec. 6-26. - Display.

1137 The alcoholic beverage license shall always be displayed in prominent and plain view at the
1138 licensed premises.

1139 Sec. 6-27. - Supervision, revocation, non-renewal, or probation.

1140 (a) The City Council may suspend, revoke, refuse to renew, or impose conditions of probation
1141 upon any license required under this chapter if:

1142 (1) The license application is not filed in good faith or is filed by some person as
1143 subterfuge for any other person; or

1144 (2) Any applicant for a license or any licensee under this chapter willfully fails to comply
1145 with any provision of this chapter or with rules and regulations adopted by the City
1146 Council, or the Georgia Alcoholic Beverage Code; or

1147 (3) Any person to whom a license has been issued is no longer engaged in the sale of
1148 alcoholic beverages, malt beverages or wine or no longer qualifies as a licensee under
1149 this chapter; or

1150 (4) A licensee permits the licensed premises to be operated in a disorderly manner so as
1151 to constitute a public nuisance after:

1152 i. The licensee has been advised in writing by the chief of police of the unsatisfactory
1153 manner in which business is being operated; and

1154 ii. The licensee has been given a reasonable opportunity to cure such deficiencies.

1155 (b) Conditions of probation may include such conditions of operation as the City Council
1156 determines to be in the best interest of the public including, but not limited to, any of the
1157 following:

1158 (1) Limitation on days or hours of operation;

1159 (2) Limitation on number of persons allowed in licensed premises;

1160 (3) Limitation on manner of service, e.g., use of glass containers;

1161 (4) Requirements as to security personnel or other personnel;

1162 (5) Requirements as to lighting, parking, means of egress and similar matters;

1163 (6) Requirements for employee training in addition to the training set forth in section 6-30;
1164 (7) Requirements that the establishment obtain a scanner or other like technology used
1165 to scan and verify acceptable forms of identification;

1166 (8) Requirements as to litter or trash pickup, reduction of noise levels and similar matters;
1167 or

1168 (9) In addition to the imposition of the requirements or limitation above, in the event a
1169 licensee, or their agents, employees, or designees are found to be in violation of the

1170 sale of alcohol to a minor, the City Council may impose the following fines on the
1171 licensee:

- 1172 i. For a first offense, the licensee shall be assessed a \$150.00 fine and receive a
1173 period of six months on probation;
- 1174 ii. For a second offense, the licensee shall be assessed a \$300.00 fine and receive a
1175 period of six months on probation;
- 1176 iii. For a third offense, the licensee shall be assessed a \$750.00 fine and receive a
1177 period of 12 months on probation.

1178 (c) If a firearm is discharged, or any other weapon, such as, but not limited to, a knife, brass
1179 knuckles, a blade etc., are used around a bar, on its grounds or approaches, including
1180 parking areas, or by any customer or employee upon leaving the bar while within 300 feet
1181 of the entrance to the bar. If the police chief, the city manager, or their designee
1182 determines that there is a threat to public safety they may place on suspension the liquor
1183 license of any establishment for a period not to exceed three days. Any such suspension of
1184 a liquor license for the discharge of a firearm, or other use or attempted use of a weapon,
1185 shall be accomplished by written notice to the licensee from the chief of police or their/her
1186 designee of such suspension and the length of such suspension as well as notification as to
1187 when a public hearing shall be held. Furthermore, city council shall convene a special
1188 meeting as soon as is allowed by state law to review the suspension. The licensee, their
1189 representative, and/or legal counsel shall be allowed to attend, present evidence, and
1190 testify at the special meeting. Upon probable cause of the belief of further risk to public
1191 safety, City Council may suspend the license for up-to 30-days while conducting a more
1192 thorough review and investigation of the circumstances. A follow-up hearing, pursuant to
1193 Sec. 6-28 – 6-29.2, may be held at a regularly scheduled or specially called Council
1194 meeting provided that no greater than 30-days has elapsed from the initial suspension of
1195 the license to determine if the license should be revoked.

1196 (d) If a citation is issued for the sale of alcohol to underage persons within a licensed premise,
1197 such license shall be immediately placed on probation for a 12-month period beginning on
1198 the date of the issuance of the citation. During the probationary period, the licensee shall be
1199 subject to random periodic testing for sales to underage persons. The licensee shall be
1200 given notice of the commencement of the probationary period via certified mail or personal
1201 service within 30 days of the issuance of the citation. If, during the probationary period, the
1202 licensee is found to be in violation any state law or provision of this chapter related to the
1203 sale of alcohol, the City Council may immediately revoke said license and provide notice in
1204 the same manner set forth in Section 6-28 – 6-29.2.

1205 Sec. 6-28. - Violation; penalty.

1206 Any person convicted of violating any of the provisions of this chapter may be punished as
1207 provided in section 1-12. Upon the conviction of any holder of any alcoholic beverage license of
1208 a violation of this chapter, the City Council, in its discretion, shall be authorized to revoke the
1209 license of the violator.

1210 Sec. 6-28.1. - Notice and hearing.

1211 All decisions approving, denying, suspending, revoking, refusing renewal of, or imposing
1212 conditions of probation upon alcoholic beverage licenses shall be in writing, with the reasons
1213 therefor stated, and mailed or delivered to the applicant personally. Within 30 days of any such
1214 decision, any applicant or license holder aggrieved by the decision of the City Council regarding

1215 a license shall be afforded a public hearing with an opportunity to present evidence and cross
1216 examine opposing witnesses.

1217 Sec. 6-29. – Disciplinary Hearings.

1218 (a) Each license issued pursuant to this article is granted as a mere privilege and not a right.
1219 Upon violation of any provision of this chapter or of any law or regulation of the state
1220 relating to alcoholic beverages, malt beverages and wine, the Council, at a regular or
1221 special called meeting, after reasonable written notice of the pending violations to the
1222 licensee and after the licensee has been afforded an opportunity to be heard as to the
1223 proposed grounds for revocation, may revoke or suspend the license, or in lieu of
1224 revocation or suspension may impose conditions or probation upon continued operations
1225 under the license. When a license is revoked or suspended, no portion of the license fee
1226 shall be refundable.

1227 (b) Upon the recommendation of the chief of police, the City Council may temporarily suspend
1228 any license involving the sale of alcoholic beverages, if the manner of operation poses a
1229 serious safety or health hazard, for a person not to exceed 30 days pending a hearing and
1230 final action by the Council.

1231 Sec. 6-29.1. - Disciplinary action; reporting required.

1232 Within 45 days of any disciplinary action, as defined in O.C.G.A. § 3-3-2.1(a)(1), taken by
1233 the city against a licensee, the City shall report such disciplinary action to the Georgia
1234 Department of Revenue "GDOR" in accordance with the format, rules, and regulations
1235 promulgated by the GDOR.

1236 Sec. 6-29.2. - Revocation of license.

1237 (a) (1) In addition to any criminal penalty that may be imposed by section 6-28, the City
1238 Council shall have the right to deny, suspend or cancel any license under this chapter
1239 if:

1240 a. The license application is not filed in good faith or is filed by some person as a
1241 subterfuge for any other person.

1242 b. Any applicant for a license or any licensee under this chapter willfully fails to
1243 comply with any provisions of this chapter.

1244 c. Any person to whom a license has been issued under this chapter is no longer
1245 engaged in the dealing of alcoholic beverages or no longer qualifies as a licensee
1246 under this chapter.

1247 (2) Before any denial, suspension or cancellation of a license granted under this chapter,
1248 the applicant or licensee shall be afforded notice and a hearing as follows:

1249 a. The notice shall be served personally or by certified mail, not less than 20 days
1250 before the hearing. The notice shall include a:

1251 1. Statement of the time, place and nature of the hearing;

1252 2. Statement of the legal authority under which the hearing is to be held;

1253 3. Reference to the sections of ordinances and statutes involved;

1254 4. Short and plain statement of the matters asserted;

1255 5. Statement as to the right of any party to representation by legal counsel at the
1256 hearing; the right of any party to present evidence on all issues; and the right
1257 of any party to subpoena witnesses and documentary evidence.

1258 (b) At the hearing, all parties may be represented by legal counsel, and may respond to and
1259 present evidence on all issues involved. The City Council, as the hearing agency, shall
1260 have the right to exercise the powers provided in O.C.G.A. § 50-13-13, and to promulgate
1261 such other rules for the orderly disposition of the hearing as it deems appropriate.

1262 Sec. 6-30. - Employee regulations.

1263 (a) Certain regulations shall apply to employees and/or potential employees of all
1264 establishments holding an alcoholic beverage license for the retail sale of alcoholic
1265 beverages issued by the city.

1266 (b) All persons shall be employed to engage in the sale of alcoholic beverages by an
1267 establishment holding a license under this chapter shall be provided such training by the
1268 licensee to ensure compliance with the provisions set forth in this chapter. In no case shall
1269 a licensee allow any employee to engage in the sale of alcoholic beverages when such
1270 employee has not received the training required by this subsection within four days of the
1271 date of their original employment.

1272 (c) All employees who work for a business licensed to sell alcoholic beverages within the city
1273 who are engaged in the sale of alcoholic beverages shall be trained to sell or serve alcohol
1274 in a manner which complies with the laws of the State of Georgia and City of Pooler Code
1275 of Ordinances. Proof of such training shall be maintained by the licensee and available for
1276 inspection by the City of Pooler code enforcement.

1277 (d) This section shall not be construed to include employees whose duties are limited solely to
1278 those of busboys, cooks, dishwashers, or similar jobs that do not involve selling or serving
1279 or controlling the selling or serving of alcoholic beverages.

1280 (e) Any employee engaged in selling or serving or controlling the selling or serving of
1281 alcoholic beverages shall be 18 years of age or older.

1282 ARTICLE II. - MIXED DRINK EXCISE TAX

1283 Sec. 6-31. - Definitions.

1284 For the purpose of this article, the following words and phrases shall have the meanings
1285 respectfully ascribed to them below except where the context clearly indicates a different
1286 meaning:

1287 *Distilled spirits or liquor:* Any alcoholic beverage obtained by distillation or containing more
1288 than 21 percent alcohol by volume, including but not limited to, all fortified wines.

1289 *Drink:* Any alcoholic beverage served for consumption on the premises which may or may
1290 not be diluted by any other liquid.

1291 *Due date:* From the 20th day after the close of the monthly period for which tax is to be
1292 computed.

1293 *Licensee:* Any person who holds a license or permit from the City of Pooler to sell alcoholic
1294 beverages by the drink.

1295 *Monthly period:* The calendar months of any year.

1296 *Person:* An individual, firm, partnership, joint venture, association, social club, fraternal
1297 organization, joint stock company, corporation, nonprofit corporation or co-operative non-profit
1298 membership, estate, trust, business trust, receiver, trustee, syndicate or any other group or
1299 combination acting as a unit, the plural as well as the singular members, excepting the United
1300 States of America, the State of Georgia, and any political subdivision of either thereof upon
1301 which the city is without power to impose the tax provided herein.

1302 *Purchase price:* The consideration received for the sale of distilled spirits by the drink
1303 valued in money, whether received in cash or otherwise, including all receipts, cash, credits and
1304 property or services of any kind or nature and also the amount for which credit is allowed by
1305 licensee to the purchaser, without any deduction therefrom whatsoever.

1306 *Purchaser:* Any person who orders and gives present or future consideration for any
1307 distilled spirits by the drink.

1308 *Tax:* The tax imposed by this section.

1309 Sec. 6-32. - Administration generally.

1310 (a) The city manager or his authorized representative shall administer and enforce the
1311 provisions of this article for the levy and collection of the tax imposed hereby.

1312 (b) The city manager shall have the authority to make and publish reasonable rules and
1313 regulations not inconsistent with this article or other laws of the city and the State of
1314 Georgia, or the Constitution of this state or the United States for administration and
1315 enforcement of the provisions of this article and the collection of taxes hereunder.

1316 (c) Every licensee for the sale of distilled spirits by the drink in the city shall keep such
1317 records, receipts, invoices and other pertinent papers in such form as the city manager may
1318 require.

1319 (d) The city manager or designee may examine the books, papers, records, financial reports,
1320 equipment and other facilities of any licensee liable for the tax, in order to verify the
1321 accuracy of any return made, or if no return is made by the licensee, to ascertain and
1322 determine the amount required to be paid.

1323 (e) In administration of the provisions of this article, the city manager may require the filing of
1324 reports by any person having in such person's possession or custody information relating to
1325 the sales of distilled spirits which are subject to the tax. The reports shall be filed with the
1326 city manager's office when required and shall set forth the price charged for each sale, the
1327 date of sale and such other information as the city manager may require.

1328 Sec. 6-33. - Imposed; rate.

1329 There is hereby imposed and levied upon every sale of distilled spirits purchased by the
1330 drink in the city a tax in the amount of three percent of the purchase price of the drink.

1331 Sec. 6-34. - Collection due by licensee.

1332 Every licensee or his agent is hereby authorized and directed to collect the tax imposed by
1333 this article from the purchasers of distilled spirits by the drink sold within his licensed premises.

1334 Sec. 6-35. - Payment; returns, collection fees; penalties and interest for late payments.

1335 (a) All amounts of such taxes shall be due and payable monthly to the city manager's office of
1336 the City of Pooler on or before the 20th day of the next succeeding respective monthly
1337 period.

1338 (b) The remittance of the taxes collected should be on a return which shall include gross
1339 receipts from the sale of distilled spirits by the drink, amount of tax collected or due for the
1340 related period, and such information as may be required by the city manager.

1341 (c) Payments received after the 20th day of the month shall be assessed a penalty of ten
1342 percent of the amount due but not less than \$100.00 and interest at a rate of one percent
1343 per month or any part thereof.

1344 (d) Licensees collecting the tax shall be allowed a percentage of the tax due and accounted
1345 for and shall be reimbursed in the form of a deduction in submitting, reporting and payment
1346 of the amount due, if the amount is not delinquent at the time of payment. The rate of the
1347 deduction shall be the same rate authorized for deductions from state and uses taxes under
1348 O.C.G.A. 48-8-50, the "Georgia Retailers' and Consumers' Sales and Use Tax Act".

1349 Sec. 6-36. - Determination of deficiency amount.

1350 (a) If the city manager is not satisfied with the return or returns of the tax or the amount of tax
1351 required to be paid to the City of Pooler by any licensee he may compute and determine the
1352 amount required to be paid upon the basis of any information within his possession or that
1353 may come into his possession. One or more deficiency determinations may be made of the
1354 amount due for one or more monthly periods.

1355 (b) The amount of the determination shall bear interest at the rate of one percent per month or
1356 fraction thereof from the due date of the taxes.

1357 (c) In making a determination, the city manager(s) office may offset overpayment, for a period
1358 or periods, against any underpayment, for another period or periods against penalties and
1359 against the interest on underpayment. The interest on overpayment shall be computed in
1360 the same manner set forth in subsection (b) above.

1361 (d) If any part of the deficiency for which a deficiency determination has been made is due to
1362 negligence or disregard of the rules and regulation, a penalty amount of ten percent shall
1363 be added to the deficiency amount.

1364 (e) If any part of the deficiency for which a deficiency determination has been made is due to
1365 fraud or an intent to evade any provisions of this chapter or other authorized rules and
1366 regulations, a penalty of 25 percent of the deficiency shall be added to the amount of the
1367 deficiency.

1368 (f) The city manager or authorized representative, shall give to the licensee written notice of
1369 his determination. The notice may be served personally or by mail: if by mail, such service
1370 shall be addressed to the licensee at the address as it appears in the records of the city
1371 manager. Service by mail is complete when delivered by certified mail with a receipt signed
1372 by the addressee.

1373 (g) Except in the case of failure to make a return, every notice of a deficiency determination
1374 shall be mailed within three years after the 20th day of the calendar month following the
1375 monthly period for which the amount is proposed to be determined or within three years
1376 after the return is filed, whichever period should expire last.

1377 Sec. 6-37. - Determination upon failure to file return.

1378 (a) If any licensee fails to make a return, the city manager shall make an estimate of the
1379 amount of the gross receipts of the licensee for the sale of distilled spirits by the drink at
1380 said licensee's pouring outlet. The estimate shall be made for the period or periods in
1381 respect to which the licensee failed to make the return and shall be based upon any

1382 information which is or may come into possession of the city manager's office. Upon the
1383 basis of this estimate, the city manager shall compute and determine the amount required
1384 to be paid the City of Pooler, adding to the sum thus determined a penalty equal to ten
1385 percent thereof. One or more determinations may be made for one or for more than one
1386 period. Written notice shall be given in the manner prescribed in subsection 6-21(f).

1387 (b) The amount of the determination shall bear interest at the rate of one percent per month or
1388 fraction thereof from the 20th day of the month that any portion thereof should have been
1389 returned, until the date of payment. In addition, a penalty of ten percent of the
1390 determination, but not less than \$100.00 shall be assessed for failure to file a return.

1391 Sec. 6-39. - Overpayment.

1392 If the licensee or person determines that he has overpaid tax, penalty, or interest, or paid
1393 more than once, which fact has been determined by the city manager, the licensee will have
1394 three years from the date of payment to file a claim in writing stating the specific ground upon
1395 which the claim is founded. The claim shall be audited. If the claim is approved by the city
1396 manager, the excess amount paid the City of Pooler may be credited on any amounts then due
1397 and payable from the persons by whom it was paid or his administrators or executors.

1398 Sec. 6-39. - Purchasers or successors of business.

1399 (a) If any licensee or person liable for any amount under this article sells out his business or
1400 quits the business, his successors or assigns shall withhold a sufficient amount of the
1401 purchase price to cover such amount until the former owner produces a receipt from the city
1402 manager showing that the city has been paid or a certificate stating that no amount is due.

1403 (b) If the purchaser of a business fails to withhold purchase price as required, he shall be
1404 personally liable for the payment of the amount required to be withheld by him to the extent
1405 of the purchase price.

1406 Sec. 6-40. - Legal action to collect.

1407 At any time within three years after any tax or any amount of tax required to be collected
1408 becomes due and payable and at any time within three years after the delinquency of any tax or
1409 any amount of tax required to be collected, the city manager may bring an action in a court of
1410 competent jurisdiction in the name of the city to collect the amount delinquent, together with
1411 interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

1412 Sec. 6-41. - Revocation of license.

1413 The failure to pay the above prescribed tax shall render the licensee or person liable
1414 therefore subject to revocation of their alcoholic beverage license in accordance with the
1415 procedures set forth in section 6-15.

1416 Sec. 6-42. - Penalty.

1417 (a) Any person violating any of the provisions of this article shall be deemed guilty of an
1418 offense and upon conviction thereof shall be punished as provided in section 1-12. Any
1419 licensee or other person who fails to furnish any return required to be made or who fails to
1420 furnish a supplemental return or other data required by the city manager or who renders a
1421 false or fraudulent return shall be deemed guilty of an offense and upon conviction shall be
1422 punished as aforesaid.

1423 (b) Any person who fails to pay any taxes due under this article shall not be permitted to
1424 renew his occupational tax certificate or alcoholic beverage license until all said taxes have
1425 been paid in full.

1426 II.

1427 Applicability to Current Licensees

1428 Notwithstanding anything hereinabove stated in Article I, current alcohol license holders in
1429 good standing with the City of Pooler, as of the effective date of the adoption of this ordinance,
1430 shall have a grace period until January 31, 2022 to apply for a license renewal. This shall not be
1431 construed as an extension of any grace period offered by the Georgia Department of Revenue.
1432 Licensees shall, therefore, make their best effort to renew their current license with the City of
1433 Pooler before December 31, 2021.

1434 City staff may, as they deem necessary, refer license renewals to the City Council for
1435 further review.

1436 III.

1437 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

1438 IV.

1439 If any section, clause, sentence, or phrase of this ordinance is held to be invalid or
1440 unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect
1441 the validity of the remaining portions of this ordinance.

1442 V.

1443 This amendment shall become effective immediately upon its adoption by the City Council.

1444 SO ORDAINED, this 15th day of November, 2021

1445
1446 
1447 _____
Rebecca Benton, Mayor

1448 1st Reading: 11/01/21

1449 2nd Reading: 11/15/21

1450

1451 ATTEST:

1452 
1453 _____

1454 Kiley Fusco, City Clerk