

## CHAPTER 2-3

### LIQUOR, MALT BEVERAGE AND WINE ORDINANCE

#### Article I - In General - Sections 2-3-1 - 2-3-38

##### 2-3-1 Short Title.

This Ordinance shall be known and may be cited as the "Liquor, Malt Beverage and Wine Ordinance of Glynn County." (Ordinance of 6/18/81, amended 3/17/83; 10/20/83, 11/15/84, 10/1/87, 1/7/88; 4/6/89; 7/6/89; 7/20/89 11/5/92; 11/21/96; 7/17/97; 12/18/97; 03/4/99; 9/23/99; 08/17/00; 1/18/01; 09/20/01; 05/22/03; 07/01/04; 09/02/04; 07/07/05; 10/20/05; 01/19/06; 09/17/09; 12/02/10, 12/01/11, 09/06/12, 03/19/15, 06/18/15, 11/03/16, 08/03/17, 12/07/17, 05/03/18, 12/06/18, 02/07/19, 04/02/20)

##### 2-3-2 Definitions.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

Airport or Airport Property. The terms "Airport" and "Airport Property" shall have the meaning given to such terms in Ordinance Sections 2-8-5(a) and 2-8-55.

Alcoholic Beverage. "Alcoholic Beverage" means and includes all alcohol, distilled spirits, malt beverages, wine or fortified wine.

Alcoholic Beverage Caterer. "Alcoholic Beverage Caterer" means any person that has obtained an off-premises catering license to sell and/or distribute alcoholic beverages by the drink.

Authorized Catered Function. "Authorized Catered Function" means an event for which an Event Permit has been issued pursuant to Section 2-3-8.1 of this Ordinance for the sale and/or distribution of alcoholic beverages by the drink for consumption at such event.

Barrel. When used as a reference to a quantity of malt beverages, "barrel" means 31 gallons.

Beer Specialty Shop. "Beer Specialty Shop" means any person, business, or establishment which deals exclusively in the sale and/or distribution, by the drink, of malt beverages for consumption on the premises. For purposes of this Ordinance, a beer specialty shop shall not be considered a lounge. (#O-2016-13)

Bona Fide Nonprofit Civic Organization. “Bona Fide Nonprofit Civic Organization” means an entity which is exempt from federal income tax pursuant to the provisions of subsection (c) of 26 U.S.C. Section 501.

Brewer. “Brewer” means a manufacturer of malt beverages.

Brewpub. “Brewpub” means any restaurant in which malt beverages are manufactured, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36. To be licensed as a brewpub under this Ordinance, the establishment must meet the requirements for a “restaurant” under this Ordinance, including Section 2-3-3(a), but must also be licensed to sell distilled spirits, malt beverages, or wines and derive at least 50 percent (50%) of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers or to the public for consumption off the premises, as authorized pursuant to O.C.G.A. § 3-5-36 and Sections 2-3-2 and 2-3-5 of this Ordinance, shall not be used.

Building. “Building” shall mean any structure having a roof supported by columns or walls intended for shelter, housing or enclosure of persons.

Commission. “Commission” shall mean the Board of Commissioners of Glynn County.

Consumption on Premises. “Consumption on Premises” shall mean the sale or offering to sell alcoholic beverages, malt beverages or wine for consumption on premises at retail only to consumers and not for resale. The license issued to such person shall be known as a “Consumption on Premises License.”

Currently Licensed Premises. “Currently Licensed Premises” shall mean a Premises that is currently licensed by Glynn County to sell alcoholic beverages.

Department. Department shall mean the Department of Revenue, State of Georgia.

Distilled Spirits. “Distilled Spirits” shall mean all beverages containing any alcohol obtained by distillation or containing more than twenty-one (21%) percent alcohol by volume including, but not limited to, all fortified wines.

Existing Alcohol Location. “Existing Alcohol Location” shall mean a Proposed Licensed Premises that is a Currently Licensed Premises or has been licensed by Glynn County to sell alcoholic beverages at any time within the immediately preceding twelve month period.

Gallon or Wine Gallon. “Gallon or wine gallon” shall mean a United States

gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

Growler. "Growler" shall mean a glass or ceramic bottle or jug not to exceed sixty-four (64) ounces in volume that is filled by a licensed retailer or employee of a licensed retailer with malt beverages from a keg and then capped by a licensed retailer or an employee of the licensed retailer for consumption off the premises.

Individual. Individual shall mean a natural person.

Keg. Barrel or bulk container of malt beverage commonly known as tap or draft beer. (O#2001-01)

License Officer. "License Officer" is the Glynn County Occupation Tax Coordinator appointed by the Director of the Glynn County Community Development Department.

Licensed Premises. "Licensed Premises" shall mean the building and real property described in the license application as approved by the County Commission where the sale of alcoholic beverages, malt beverages or wines is permitted to be sold.

Licensed Retailer. "Licensed Retailer" shall mean any person (not a producer) selling or offering to sell alcoholic beverages, malt beverages or wine in an original package not for consumption on the premises where sold and holding a valid license issued by Glynn County and the State of Georgia.

Licensed Wholesaler. "Licensed Wholesaler" shall mean any person (not a producer) who sells or offers to sell alcoholic beverages, malt beverages or wine for purposes of resale to Licensed Retailers, to Licensed Wholesalers, or to persons holding a Consumption on Premises License.

Malt Beverages. "Malt Beverages" shall be defined to mean any alcoholic beverages obtained by fermentation of any infusion or decoction of barley, malt, hops, or any similar product, or any combination of such product in water, containing not more than fourteen (14) percent alcohol by volume.

Manufacturer. "Manufacturer" means any maker, producer, or bottler of an alcoholic beverage. The term also means: (A) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits; (B) in the case of malt beverages, any brewer; and (C) in the case of wine, any vintner.

New Alcohol Location. "New Alcohol Location" shall mean a Proposed Licensed Premises that has not been licensed by Glynn County to sell

alcoholic beverages at any time within the immediately preceding twelve month period.

Package. "Package" means a bottle, can, keg, barrel or other original consumer container, as delivered by a Licensed Wholesaler to Licensed Retailer. Package shall also mean a "growler" filled from a keg procured by the Licensed Retailer from a Licensed Wholesaler.

Package Store. "Package Store" shall mean a store licensed by the State of Georgia to sell distilled spirits not for consumption on premises.

Person. "Person" shall mean an individual, firm, partnership, corporation, association, company, agency, syndicate, estate, trust, business trust, receiver, fiduciary or any combination acting as a unit, body politic, or political subdivision whether public, private or quasi-public.

Retail Consumption Dealer. "Retail Consumption Dealer" shall mean any person who sells or offers to sell alcoholic beverages, malt beverages or wine for consumption on the Licensed Premises.

Taxpayer. Taxpayer means any person made liable by law to file a return or to pay tax.

Wine. "Wine" means all alcoholic beverages containing not more than twenty-four (24%) percent alcohol by volume made from fruit, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. "Wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

Wine Specialty Shop. "Wine Specialty Shop" means any person, business, or establishment which deals exclusively in the sale and/or distribution, by the drink, of wine for consumption on the premises. For purposes of this Ordinance, a wine specialty shop shall not be considered a lounge. (#O-2016-13)

### **2-3-3**

#### **In Certain Retail Establishments Only - For Consumption on Premises.**

Alcoholic beverages, wine or malt beverages shall not be sold at retail for Consumption on Premises except in the following types of businesses:

- (a) In restaurants, including restaurants meeting the definition of a brewpub under Section 2-3-2, that serve prepared food which is offered to the general public and where chairs, tables and counters are provided to seat and serve twenty-five (25) or more persons. Such establishments shall be located in zoning districts which

permit restaurants and shall meet the criteria of a “bona fide restaurant” as set out in Section 2-3-7(e)(i) and (ii) of this Ordinance. (Amendment of 12/18/97)

Fast food restaurants shall not qualify for an alcoholic beverage license under this Ordinance. For the purpose of this Ordinance, a fast-food restaurant is defined as a restaurant that derives more than fifteen (15%) percent of its sales by use of a carry-out window serving persons outside the building, who are either on foot or who are the occupants of motor vehicles.

- (b) **Hotels/Motels.** (#O-2017-09; 08/03/17)
  - (i) In hotels or motels, kept, used, maintained, advertised and held out to the general public to be a place where food is served and consumed, and sleeping accommodations are offered for adequate rates to travelers and guests, whether transient, permanent or residential, in which forty (40) or more rooms are used for sleeping accommodations for guests, and having one or more public dining rooms, with adequate and sanitary kitchen and with a seating capacity for at least fifty (50) people, and where at least two (2) meals a day are regularly served to such guests.
  - (ii) In hotels or motels that do not meet the food service and dining accommodations requirements or the minimum room requirements set forth above in this section, but otherwise meet all other requirements for a hotel or motel, provided that: (1) any such a hotel or motel may sell alcoholic beverages by the drink only to registered guests of the hotel or motel and their invited guests for consumption on the premises; (2) there is no display, advertisement, or sign of any type on the exterior of the premises or visible from the exterior of the premises which advertises or calls attention to the sale of any alcoholic beverages on the premises of the hotel or motel; and (3) the premises and applicant meet all other requirements of this Ordinance for the issuance of such an alcoholic beverage license by Glynn County.
- (c) In lounges where seating accommodations are provided for not less than twenty-five (25) persons, where such establishments are located in zoning districts where such establishments are permitted or in a district where existing lounges exist as a nonconforming use. In addition, the lounge shall meet the criteria set out in Section 2-3-16 b) of this Ordinance. (#O-2016-13)
- (d) In private clubs organized and existing under the laws of the State of Georgia, or a bona fide association of individuals organized for fraternal purposes, conducted solely for the benefit of its members

and their beneficiaries, operated on the lodge system with ritualistic form of work, having a representative form of government and at least seventy-five regular members paying monthly dues, where no part of the net earnings of which shall inure to the benefit of any shareholder or member, provided further that no member, officer or agent, or employee of the club is compensated, directly or indirectly, by any form of commission or other compensation based on the amount of profit from the sale of alcoholic beverages, malt beverages or wine beyond the amount of such salary as may be fixed by its members or by its governing body out of the general revenue of the club. For the purpose of this subsection, tips which are added to the bills under club regulations shall not be considered as profits hereunder. (Ordinance of 1-8-88)

- (e) In bowling alleys, provided that the following rules and regulations are followed:
  - (i) No alcoholic beverages will be consumed on or upon the bowling lanes or the approach area of such lanes, but only in a seating area set aside for spectators located separately and apart from the bowling lanes;
  - (ii) No alcoholic beverages will be served in any part of the bowling alley prior to 12:00 noon on Monday through Saturday; and
  - (iii) No alcoholic beverages will be sold on Sundays. (#O-2009-06)
- (f) Malt beverages and wine for consumption on premises, in addition to the places set out in subparagraphs (a) through € of this Section, may also be sold in refreshment stands or club houses located within the boundaries of golf courses or racetracks. (#O-2016-13)
- (g) Any licensed establishment permitting persons to bring their own alcoholic beverages into the premises for consumption on premises (brown bagging) shall comply with all requirements of this ordinance regarding operation of their establishment with the exception of payment of excise taxes for drinks sold (except as to alcoholic beverages sold by them). (O-1994-13)
- (h) In wine specialty shops or beer specialty shops, provided the following rules and regulations are followed: (#O-2017-10; 08/03/17)
  - (i) Alcoholic beverages may only be served Monday through Saturday between the hours of 11:00 a.m. and 11:00 p.m.;

- (ii) No alcoholic beverages for consumption on the premises may be sold or served on Sundays, except as set forth in section 2-3-7(d) when New Year's Eve falls on a Sunday;
- (iii) Alcoholic beverages may also be sold at retail for consumption off the premises under the following limited circumstances:
  - (A) an establishment licensed by Glynn County as a Beer Specialty Shop under this section may also be authorized to sell growlers not for consumption on the premises, so long as the applicant and premises meet the requirements of the Liquor, Malt Beverage and Wine Ordinance of Glynn County and also obtain a license from Glynn County to sell growlers for consumption off the premises in accordance with Ordinance Section 2-3-5(f). Where an applicant desires to sell at the same establishment both growlers for consumption off the premises and malt beverages for consumption on the premises of a Beer Specialty Shop, as set forth in this subsection, the applicant shall file two applications, which shall be acted upon and considered by the Board of Commissioners separately. No alcoholic beverages, other than growlers, may be sold or offered for sale for consumption off the premises at any establishment that receives the licenses described in this subsection to sell malt beverages both for consumption on the premises and for consumption off the premises;
  - (B) an establishment licensed by Glynn County as a Wine Specialty Shop under this section may also be authorized to sell wine in the original unbroken package, not for consumption on the premises, so long as the applicant and premises meet the requirements of the Liquor, Malt Beverage and Wine Ordinance of Glynn County and also obtains a license from Glynn County to sell wine for consumption off the premises in accordance with Ordinance Section 2-3-5(h). Where an applicant desires to sell at the same establishment both wine for consumption off the premises and wine for consumption on the premises of a Wine Specialty Shop as set forth in this subsection, the applicant shall file two applications, which shall be acted upon and considered by the Board of Commissioners separately. No alcoholic beverages, other than wine in the original unbroken package, may be sold or offered for sale for consumption off the premises at any establishment

that receives the licenses described in this subsection; (#O-2019-01; 02/07/19)

- (iv) The licensed premises may only sell or offer for sale the type of alcoholic beverage for which it is licensed (i.e. either malt beverages or wine, but not both) and may not sell, serve, or maintain on the premises any other type of alcoholic beverage, including distilled spirits; and
- (v) No mechanical sound-making devices may be played, used, or operated at such a volume and in such a manner as to create any noises or sounds that are plainly audible outside the interior of the licensed premises. The terms “mechanical sound-making device” and “plainly audible” shall have the meanings as defined in section 2-9-51 of the Code of Ordinances.

### **2-3-3.1 Unlawful Practices**

It shall be unlawful for any licensee holding a license for the sale of alcoholic beverages of any kind who derives more than 20 percent of their gross annual income from the sale of such alcoholic beverages to permit, perform, promote, advertise, stage, suffer, or in any way to allow any person to expose specified anatomical areas or engage in specified sexual activities in, on or about the licensed premises.

#### Definitions:

As used in Section 2-3-3.1, these terms shall have the following meanings:

- (a) Specified anatomical areas shall include any of the following:
  - (i) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or
  - (ii) Human male genitalia in a discernable turgid state, even if completely and opaquely covered.
- (b) Specified sexual activities means and shall include any of the following:
  - (i) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral and anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct:



analingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

- (ii) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (iii) Use of human or animal ejaculation, sodomy, or oral copulation, coitus or masturbation; or
- (iv) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- (v) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
- (vi) Erotic and lewd touching, fondling or other sexual contact with an animal by a human being; or
- (vii) Human excretion, urination, menstruation, vaginal or anal irrigation. (O-1994-04)

**2-3-4 Sale of Distilled Spirits - Not for Consumption on Premises.**

Distilled spirits, except as set forth in Section 2-3-6, shall only be sold in retail establishments duly licensed by the State of Georgia, to sell distilled spirits by the package, which establishments are devoted exclusively to sale of distilled spirits or alcoholic beverages in a package. The licensee holding such a license shall not permit the breaking of said package or packages containing any distilled spirit, malt beverage or wine on the Licensed Premises and shall not permit the drinking of any alcoholic beverage at the Licensed Premises.

**2-3-5 Sale of Malt Beverages and Wine - Not for Consumption on Premises.**

No malt beverages or wines shall be sold at retail except as follows:

- (a) In retail stores devoted principally to the sale of groceries and food products to the general public and located in zoning districts in which food or convenience stores are permitted as a conforming use or in districts where existing food or convenience stores exist as a nonconforming use. In order for a store to be devoted principally to the sale of groceries and food products, the building must contain at least one thousand (1,000) square feet and sixty (60%) percent of the retail floor area of the building must be devoted exclusively to the sale of groceries or related grocery items. For the purpose of this Ordinance, groceries and related grocery items are defined so as to exclude any drinks containing

any amount of alcohol.

- (b) In a facility duly licensed by Glynn County to sell at retail alcoholic beverages in the original unbroken package.
- (c) In a marina providing space to secure moorings for boats, motorboats and yachts and offering or supplying repairs, fuels, refreshments and other facilities.
- (d) No malt beverages shall be displayed for sale or sold on the Licensed Premises, other than in an air cooled cooler which is operated by means of electrical current, except that this section shall not apply to malt beverages or wine which are stored and displayed at room temperature in the original package.
- (e) All licensees selling kegs of malt beverage shall, at the time of the sale of such, record the serial number of the keg along with the name and address of the buyer. Further, the licensee shall require the buyer to provide documentation, in the form of a driver's licenses, etc., to verify the identity of the buyer. Said record shall be maintained for a period of six (6) months, and shall be provided to the Glynn County Police Department upon request. For purposes of this subsection, the form utilized by the Georgia Department of Revenue, Alcohol and Tobacco Division, properly filled out, shall be sufficient to satisfy the information retention requirements herein.  
(O#2001-10)
- (f) Growlers. (#O-2017-10; 08/03/17)
  - (i) The sale of growlers shall be permitted at a premises licensed by Glynn County and the State of Georgia to sell malt beverages in the original unbroken package not for consumption on premises. Growlers must be filled by the licensed retailer or an employee of the licensed retailer with malt beverages from a keg and then capped by the licensed retailer or an employee of the licensed retailer for consumption off the premises. No filled growlers may be consumed on the premises, and each growler must be removed from the premises in its original sealed condition. Growlers shall not exceed sixty-four (64) ounces in volume. The filling of a growler by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26. The sale of growlers shall not be permitted at a licensed premises where distilled spirits by the package are sold or are offered for sale or at a licensed premises where vehicular fuel is sold or offered for sale.
  - (ii) An establishment licensed by Glynn County to sell growlers not for consumption on the premises under this section may

also be authorized to sell malt beverages for consumption on the premises, so long as the applicant and premises meet all of the requirements of the Liquor, Malt Beverage and Wine Ordinance of Glynn County and also obtain a license from Glynn County for a Beer Specialty Shop for consumption of malt beverages on the premises in accordance with Ordinance Section 2-3-3(h). Where an applicant desires to sell at the same establishment both growlers for consumption off the premises and malt beverages for consumption on the premises of a Beer Specialty Shop, as set forth in this subsection, the applicant shall file two applications, which shall be acted upon and considered by Glynn County separately. No alcoholic beverages, other than growlers, may be sold or offered for sale for consumption off the premises at any establishment that receives the licenses described in this subsection to sell malt beverages both for consumption on the premises and for consumption off the premises.

- (g) An establishment licensed as a brewpub may sell malt beverages manufactured on the premises of such brewpub by the package at retail directly to individuals for consumption off the premises; provided, that such sales are directly to individuals who are on the premises of the brewpub and no more than a total of 3,000 barrels of such malt beverages shall be sold at retail for consumption off the premises per calendar year, and provided further that such retail malt beverage sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day. In addition, a brewpub license authorizes the holder of such license to sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers, but under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale. (#O-2018-03; 05/03/18)
- (h) Wine by the Bottle in a Wine Specialty Shop. (#O-2019-01; 02/07/19)
  - (i) The sale of wine in the original unbroken package for consumption off the premises may be permitted at a premise licensed by Glynn County as a Wine Specialty Shop so long as the applicant and premises meet all of the requirements of the Liquor, Malt Beverage and Wine Ordinance of Glynn County and also obtains a license from Glynn County for a Wine Specialty Shop for consumption of wine on the premises in accordance with Ordinance Section 2-3-3(h). Where an applicant desires to sell at the same establishment both wine in the unbroken package for consumption off the premises and wine for consumption on the premises of a

Wine Specialty Shop, as set forth in this subsection, the applicant shall file two applications, which shall be acted upon and considered by the Board of Commissioners separately. No alcoholic beverages, other than wine in the original unbroken package, may be sold or offered for sale for consumption off the premises at any establishment that receives the licenses described in this subsection. Wine sold by the bottle must be removed from the premises in its original unbroken condition.

**2-3-6 Hotel In-Room Service License.** (#O-2011-13)

Any hotel, motel, inn or other establishments which meets the requirements set out in Section 2-3-3(b) is hereby authorized to provide in-room service as defined in this section.

In order to qualify for a hotel-in-room service, the applicant must satisfy the following requirements:

- (a) Applicant must be the current holder of a retail consumption dealer license; provided, however, the applicant may only qualify for a hotel in-room service for the type of alcoholic beverage for which he holds a current license.
- (b) Applicant shall apply on a form provided by the Glynn County Business License Department specifying the type of in-room service license sought (malt beverages, wine, distilled spirits or any combination thereof) together with any other forms, documentation, or other information required by the Board of Commissioners.
- (c) A hotel in-room service licensee shall be authorized to deliver alcoholic beverages by the unbroken package if the hotel holds a valid in-room service license, by a hotel employee to a registered guest's room when such distilled spirits, malt beverages or wine have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages, at the time of the delivery; provided further, however, such sale shall be evidenced by a signed receipt indicating which guest ordered alcoholic beverages, indicating the identification and quantity of alcoholic beverages, malt beverages and wine actually delivered; provided, however, that the hotel may provide the guest with a credit for any unused and unopened alcoholic beverages.
- (d) All hotels having in-room service shall comply with all requirements promulgated by the Department of Revenue of the State of Georgia dealing with storage of alcoholic

beverages and records required to be maintained in order to provide hotel in-room service.

- (e) Nothing contained in this Ordinance shall be construed to restrict or prohibit possession of alcoholic beverages by hotel guest in quantities otherwise permitted by O.C.G.A., Title 3.

**2-3-7 Hours of Sale.** (#O-2011-13) (#O-2018-09; 12/06/18)

The following hours of sale are hereby established for the sale of alcoholic beverages, malt beverages or wine:

- (a) Licensed Retailers shall not sell distilled spirits in the package for consumption off the premises or hotel in-room service on Sundays before 12:30 P.M. or after 11:30 P.M., any time on Thanksgiving Day, any time on Christmas Day, or on any other day during the hours of 11:45 P.M. and 8:00 A.M.
- (b) Licensed Retailers shall not sell wine or malt beverages in the package for consumption off the premises or hotel in-room service on Sunday before 12:30 P.M. or after 11:30 P.M., any time on Christmas Day or any other day between the hours of 11:45 P.M. and 6:00 A.M.
- (c) Except as set forth in Section 2-3-7 (d), (e), (f), and (i), alcoholic beverages, malt beverages or wine sold for consumption on the premises, shall not be sold on Sundays. No alcoholic beverages, malt beverages or wine for consumption on the premises shall be sold on any other day of the week between the hours of 2:01 A.M. and 8:00 A.M.
- (d) Alcoholic beverages, malt beverages and wine for consumption on premises may be sold on Sundays until 1:45 A.M. in lounges, private clubs and bona fide full-service restaurants. All customers shall vacate the Licensed Premises by 2:00 A.M. and no drink order shall be placed or filled subsequent to 1:45 A.M. In the event that New Year's Eve falls upon a Sunday, lounges, private clubs, wine specialty shops, and beer specialty shops may also sell alcoholic beverages, malt beverages or wine for consumption on the premises on that Sunday from 12:30 P.M. until 12:00 midnight.
- (e) Alcoholic beverages, malt beverages and wine for consumption on premises may also be sold on Sundays between the hours of 11:00 A.M. and 11:00 P.M. in bona fide full-service restaurants. In the event that New Year's Eve or

July Fourth falls upon a Sunday, the hours of sale shall be from 11:00 A.M. to 12:00 o'clock midnight. As used in this subsection the term "bona fide full-service restaurant" shall mean an establishment which is licensed to sell alcoholic beverages, malt beverages and wines and which also meet the following additional requirements.

- (i) Where meals with substantial entree selected by patrons are served;
  - (ii) Has adequate facilities and sufficient full-time employees
  - (iii) Derive at least fifty (50%) percent of its total annual gross income from the sale of meals prepared, cooked and consumed on the Licensed Premises as determined by totaling all of combined retail outlets located on the Licensed Premises; and
  - (iv) Alcoholic beverages, malt beverages and wines may only be served as an accessory to a food service.
- (f) Alcoholic beverages, malt beverages and wine for consumption on premises may also be sold on Sunday between the hours of 11:00 A.M. and 11:00 P.M. in full-service hotels and motels. In the event that New Year's Eve falls upon a Sunday, the hours of sale shall be from 11:00 A.M. to 12:00 midnight. As used in this subsection, the term "full-service hotel or motel" means an establishment which is licensed to sell alcoholic beverages, malt beverages and wine and which also derives at least fifty (50%) percent of its total annual gross income from the rental of rooms for overnight lodging.
- (g) Alcoholic beverages either in the unbroken package or by the drink for consumption on premises, may be sold on a primary or election day; provided, however, that no such sale shall take place within 250 feet of a polling place or of the outer edge of any building within which such polling place is established during such time as the polls are opened.
- (h) Retailers of malt beverages, wine, and distilled spirits shall be permitted to sell malt beverages, wine, and distilled spirits by the package for consumption off the premises and for hotel in-room service on Sundays between the hours of 12:30 P.M. and 11:30 P.M. Sunday package sales by retailers of malt beverages, wine, and distilled spirits hereunder may be made only by retailers that are licensed to sell by the package. Retailers may sell only those alcoholic beverages that are authorized by the retailer's alcoholic

beverage license and only in the manner authorized by such license.

- (i) A hotel or motel that is licensed in Glynn County to sell alcoholic beverages for consumption on the premises pursuant to Ordinance Section 2-3-3(b)(ii) may only sell alcoholic beverages on Monday through Saturday between the hours of 11:00 A.M. and 11:00 P.M. Provided that such a hotel or motel derives at least fifty (50%) percent of its total annual gross income from the rental of rooms for overnight lodging, any such hotel or motel may also sell alcoholic beverages on Sundays between the hours of 11:00 A.M. and 11:00 P.M. In the event that New Year's Eve falls upon a Sunday, such hotel or motel may sell alcoholic beverages for consumption on the premises on that Sunday from 11:00 A.M. until 12:00 midnight. (#O-2017-09; 08/03/17)
- (j) The days and times permitted for the sale of alcoholic beverages for consumption on the premises of a brewpub shall be the same as those established in this section for restaurants, including Sunday sales. The days and times permitted for the sale of malt beverages by a brewpub at retail to individuals for consumption off the premises shall be the same as those established in this section for the retail package sale of malt beverages for consumption off the premises, including Sunday sales. (#O-2018-03; 05/03/18)

## **2-3-8**

### **Required for Sale or Possession for Sale; Possession for Consumption On Premises.**

It shall be a violation of this Ordinance for any person to sell or possess for the purpose of sale, alcoholic beverages, malt beverages or wine when such person does not hold a valid license issued by Glynn County and the State of Georgia to sell or possess for sale such items. Any holder of a license issued pursuant to this ordinance is required to apply for and obtain an alcoholic beverage license from the State of Georgia before any sales commence. It shall also be a violation of this ordinance for any business, as defined by Chapter 2-6 of the Code of Ordinances, Glynn County, Georgia to permit any person to consume alcoholic beverages of any kind on the premises of such business without first securing an alcoholic beverage license and/or Event Permit as provided by this Ordinance; except that the following shall not be regulated hereby: (i) private meetings of employees or owners of any such business and their invited guests, provided that no alcohol is sold thereat, the meeting is not open to the general public, there is no charge or fee as a condition of entry to the meeting, donations are not solicited or accepted at or in connection with the meeting, and there is no rental fee paid or imposed by the business, its owners or employees, or the attendees at the meeting for the use of the premises for such meeting; and (ii) possession of alcoholic

beverages by hotel guests in quantities otherwise permitted by O.C.G.A., Title 3 and the rules and regulations of the Department of Revenue. (#O-2015-08)

### **2-3-8.1 Alcoholic Beverage Catering.**

- (a) Off-Premises License Issued by Glynn County. Any person that holds a valid license issued by Glynn County to sell alcoholic beverages for consumption on the premises (as provided for in this Ordinance) may apply for and be issued an off-premises catering license by the License Officer that permits said person to sell and/or distribute alcoholic beverages by the drink off-premises at an Authorized Catered Function. Any person seeking an off-premises catering license shall make application therefore with the License Officer, which shall be processed and decided according to the same guidelines set forth for other licenses under this Chapter, including payment of the application fee and annual license fee set forth in Ordinance Sections 2-3-12 and 2-3-14. Upon issuance of an off-premises catering license by the License Officer, an Event Permit as set forth in this section shall be required for each Authorized Catered Function.
- (b) Off-Premises License Issued by Other Jurisdictions. If a person is licensed by a municipality or county of this State (other than Glynn County) to sell alcoholic beverages by the drink for consumption on the premises and also holds a valid off-premises catering license issued by the same licensing authority, such person may sell and/or distribute alcoholic beverages by the drink at an Authorized Catered Function, provided that such person obtains an Event Permit for each function as set forth in this section.
- (c) Bona Fide Nonprofit Civic Organization. A Bona Fide Nonprofit Civic Organization (hereinafter referred to as “Nonprofit Civic Organization”) may distribute alcoholic beverages by the drink at an Authorized Catered Function without an alcoholic beverage license, provided that such Nonprofit Civic Organization first obtains an Event Permit for each function as set forth in this section.
- (d) Event Permit Application. Any person authorized under paragraphs (a), (b), or (c) of this section to sell and/or distribute alcoholic beverages at an Authorized Catered Function shall apply for and obtain an Event Permit issued by the Glynn County Occupation Tax Officer prior to serving alcohol at such function. Applications should be submitted at least fifteen (15) calendar days prior to the event and shall include:
  - (i) The name of the Alcoholic Beverage Caterer (including license number) or Nonprofit Civic Organization, and the name and phone number of the representative for same who will be at the event;



- (ii) A plan of the event, which includes: (a) the date, location and hours of the event; (b) the number of persons expected to be in attendance; (c) the location of guest parking; and (d) whether security, valet parking, or additional restroom facilities will be provided;
  - (iii) The name and phone number of the host or sponsor of the event, including the name and telephone number of the representative of the host or sponsor who will be at the event;
  - (iv) Whether food is being provided by the applicant, and if not, the name and phone number of the person providing food at the event;
  - (v) Any alcoholic beverage caterer not licensed by Glynn County shall also be required to submit: (a) the name of the local jurisdiction issuing the off-premises catering license to the applicant; (b) a photocopy of the applicant's off-premises catering license; and (c) payment of a non-refundable \$75 Event Permit fee; and
  - (vi) A Nonprofit Civic Organization shall provide a copy of the Internal Revenue Service's determination letter (or other official correspondence) recognizing the organization's federal tax exempt status under subsection (c) of 26 U.S.C. Section 501.
- (e) Event Permit Application Review. Within ten (10) business days after receipt of an application for an Event Permit, the License Officer, in consultation with the Fire, Police, and Community Development Departments, shall either approve or deny the Event Permit and communicate same in writing to the Applicant. An Event Permit may be denied for any of the following reasons or combination of reasons:
- (i) The applicant, and/or event host or sponsor does not meet the requirements for an Event Permit or has on prior occasion(s) violated or failed to comply with this Ordinance or with any state rules or laws regarding alcoholic beverages;
  - (ii) The event location is a site where a violation of this Ordinance or the state laws or rules regarding alcohol has previously occurred;
  - (iii) The plan of the event as proposed is likely to restrict and/or congest traffic on any of the public roads, rights-of-way, or

sidewalks in the immediate vicinity of the event, or is likely to present a danger to the health and safety of guests at the event or members of the public;

- (iv) The plan of the event as proposed is likely to cause a disturbance of the peace at the time of the event, or is likely to intrude upon the privacy or property of citizens in the area of the event; and
- (v) The plan of the event as proposed is inconsistent with the uses of or is prohibited at the event location.

(f) *Event Requirements.* All Authorized Catered Functions permitted under this Section 2-3-8.1 and all Alcoholic Beverage Caterers and Nonprofit Civic Organizations receiving an Event Permit hereunder shall be subject to the following requirements and conditions:

- (i) An Alcoholic Beverage Caterer may sell and/or distribute only those alcoholic beverages that are authorized by that person's alcoholic beverage license;
- (ii) Alcoholic beverages may only be served at the location and on the date(s) specified in the Event Permit. Event Permits shall be valid for a period not to exceed three (3) consecutive calendar days;
- (iii) Food, the total cost of which must exceed the total cost of the alcohol served, must be served at the event;
- (iv) Copies of Event Permits shall be posted and/or maintained at the front door or entrance of the event location at all times during the event. Alcoholic Beverage Caterers must also carry a copy of the caterer's off-premises catering license, copy of the Event Permit, and any necessary state documents and permits in the vehicle transporting the alcoholic beverages to the event;
- (v) Alcoholic beverages may only be served between the hours of 9:00 a.m. and 2:00 a.m. (until 1:45 a.m. on Sundays), except for events held on sites zoned for residential uses where only four (4) events may be held per calendar year and alcoholic beverages may only be served between the hours of 12:00 noon and 10:00 p.m.;
- (vi) No Event Permit will be issued for an event on Sunday, except to an Alcoholic Beverage Caterer who possesses a valid Sunday sales license and complies with all requirements of state law with respect to service of alcohol on Sunday. Such service shall be permitted from 12:30 p.m.

to 11:00 p.m. Service until 1:45 a.m. on Sundays as referenced in paragraph (b)(v) of this section shall not constitute a Sunday event;

- (vii) Alcoholic beverages may not be sold at events held on sites zoned for residential uses (e.g. no "cash bar" sales will be permitted) or at events where a Nonprofit Civic Organization is the permit holder, except that such Nonprofit Civic Organizations may charge admission and collect donations so long as the money collected is neither intended to sell or profit from the alcohol provided nor intended solely to defray the costs thereof;
- (viii) The service of alcoholic beverages is subject to compliance with state laws and regulations regarding service of alcoholic beverages at such an event, including the receipt of any necessary state permits and filing of reports with the state revenue commissioner; and
- (ix) Alcoholic Beverage Caterers licensed by Glynn County shall pay excise taxes on the sale of alcoholic beverages, as calculated under this Ordinance and provide a report to the Glynn County Finance Department on or before the time when other excise taxes are due for such licensee, while alcoholic beverage caterers not licensed by Glynn County shall pay excise taxes on the total quantity of alcoholic beverages brought into the county, as calculated under this Ordinance, and provide a report to the Finance Director within fifteen (15) days of the conclusion of the event. In addition to information required to determine the amount of tax due, the report shall state the quantity and type of alcoholic beverages transported from the licensee's primary premises to the location of the event.

(g) Violations.

- (i) It shall be unlawful for any person licensed to sell alcoholic beverages to sell or distribute alcoholic beverages off the premises of such person's business without an off-premises catering license and Event Permit as set forth in this section.
- (ii) It shall be unlawful for any person holding an Off-Premises Catering license and/or Event Permit to sell or distribute alcoholic beverages in a manner inconsistent with such license, permit, or the requirements or conditions for Authorized Catered Functions set forth in this section.
- (iii) It shall be unlawful for any person to serve, distribute, or sell alcoholic beverages in violation of this Section 2-3-8.1 or any

other provision of this Ordinance regarding alcoholic beverages.

- (iv) Nothing contained in this section is intended to prohibit anyone from hosting a private function at his or her personal residence where the host provides alcohol to guests free of charge or permits the otherwise legal consumption of alcoholic beverages.

## **2-3-9**

### **Application On Form Prescribed by Glynn County.**

Any person desiring to sell alcoholic beverages shall make application therefore on a form to be furnished by Glynn County, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits and other supporting data as required thereby. Any knowingly, untrue, misleading or omitted statement or information contained in any such application shall be cause for denial and if a license has been granted, shall be cause for revocation or suspension of the same. Each application shall be filed together payment of the license fee, and if an initial application, the investigation fee required by Section 2-3-12(b). All applications and fees shall be submitted to the License Officer, except that applications and fees may also be submitted online through Glynn County's website, if such an option is made available by Glynn County. An application may be denied and/or a license suspended or revoked if an applicant or licensee's form of payment for a license fee or investigation fee is returned to the County as dishonored or otherwise results in the County receiving insufficient funds for such application or license. The application shall contain the following information: (Ordinance of 1-7-88)

- (a) Where the owner of such business is an individual (a natural person), the application shall be made in that name and the complete address of the applicant, together with applicant's social security number, shall be listed.
- (b) Where the applicant is a domestic corporation lawfully registered and doing business under the laws of the State of Georgia, or any foreign corporation lawfully registered under the laws of the State of Georgia to do business in this State, the applicant may be permitted to apply for such license in the name of the corporation as registered in the Office of the Secretary of State. The applicant shall provide the License Officer with the name of its agent authorized to receive service of process under the laws of this State and also provide the License Officer with the address of its registered office.
- (c) The written application for a license on file in the Glynn County Community Development Department shall be a permanent record which the licensee must maintain current with correct information at

all times. The failure to maintain a current license application shall be grounds for revocation of a license.

- (d) Glynn County may, in the exercise of its discretion, require a Personnel Statement as to any employee or agent of an applicant for licensing purposes.
- (e) The license application shall require the disclosure of any conviction of a felony of the owner, agent or any proposed employee for any offense under Federal, State or local law involving moral turpitude.
- (f) The license application shall require the disclosure of any conviction of a misdemeanor of the owner, agent or any proposed employee for any offense under Federal, State or local law involving alcoholic beverages, malt beverages and wine, in any form; gambling or tax law violations.
- (g) The license application shall list the names of any persons having an interest in the operation of a Proposed Licensed Premises or control over or ownership interest in such Proposed License Premises. Such persons must meet the same requirements as set forth in this Ordinance for the licensee.
- (h) An accurate sketch or diagram drawn to scale showing the location of the Building, the area thereof to be used, and the property lines of the real property where the applicant proposes to carry on the business of selling alcoholic beverages, malt beverages and wine. The diagram shall also show the location of all churches or recognized place of worship and schools in the immediate area, and the distance between property line of the proposed place of business and the property line of schools, churches or recognized place of worship as measured along a straight line. The License Officer may require a statement from a civil engineer or registered land surveyor at applicant's expense certifying the correctness of the distances shown on the diagram or sketch.
- (i) The license application shall contain a statement as to whether applicant holds any other license for the sale of alcoholic beverages, malt beverages or wine, and the location thereof.
- (j) If the Proposed Licensed Premises is not in existence or requires substantial renovation, the applicant shall submit a detailed set of plans and working drawings showing the exact location of the Proposed Licensed Premises and the construction proposed to be carried out by the applicant and the anticipated time for completion of said construction or renovation.
- (k) As a prerequisite to the issuance to any license, the applicant shall

furnish a complete set of fingerprints of the applicant or any managing officer. Upon written recommendation of the Chief of Police of Glynn County this requirement may be waived by the License Officer.

- (l) Such other information as the License Officer under the direction of the Glynn County Community Development Director may require.

## **2-3-10**

### **Consideration for a License.**

In determining whether or not any license applied for hereunder shall be granted, in addition to all other provisions of the Ordinance, the following shall be considered in the public interest and welfare:

- (a) The applicant's reputation, character, and mental capacity to conduct this business, personal associations, record of arrest or reputation in any community in which he or she has resided, and whether or not applicant is likely to maintain the operation of the business for which he or she is seeking a license in conformity with Federal, State or local laws.
- (b) If applicant is a previous holder of a license to sell alcoholic beverages, malt beverages and wine, whether or not he has violated any law, regulation or ordinance relating to such business.
- (c) If applicant is a previous holder of a license to sell alcoholic beverages, malt beverages or wine, the manner in which he conducted the business thereunder as it pertains to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business; and
- (d) Whether a person has previously had a similar license suspended or revoked and the reason therefore.
- (e) Glynn County shall also give consideration to such other factors as may affect the health and general welfare of the unincorporated area of Glynn County, to include the type of license applied for, the effect that license will have on schools, public parks and churches in the area, the effect the granting of the license will have on existing land uses in the area, the character of the area and its peculiar suitability for the particular use sought, and the congestion of roads and streets. These items shall receive reasonable consideration with a general view of promoting desirable living conditions, and sustaining the stability of neighborhood property values.
- (f) When any application is denied or any license is revoked because of a decision by Glynn County that such license or application fails

to meet any of the factors or requirements of subsection (e) of this section or in any case where such a decision was made because of the undesirability of the location itself, no application can be made until at least one year has elapsed from the date the previous application was denied or revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal.

- (g) When any application is denied or any license is revoked because of a decision by Glynn County that such licensee or applicant fails to meet the requirements of subsections (a) through (d) of this section or in any case where such a decision was made because of the ineligibility of the applicant to receive or the licensee to retain an alcoholic beverage license, that applicant or former licensee may not apply for an alcoholic beverage license in Glynn County until at least one year has elapsed from the date the previous application was denied or revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal. (O-1995-07)

## **2-3-11**

### **Persons Prohibited from Holding Licenses.**

Licenses shall not be issued to:

- (a) A person who is not a citizen of the United States or a resident alien.
- (b) A person who has in Georgia or any other jurisdiction been convicted of a misdemeanor or a violation of a municipal or county ordinance involving driving under the influence of intoxicants or drugs, or who has pled nolo contendere or forfeited bond in connection with any such charge of the same within the preceding two (2) years. (Amended 7/6/89).
- (c) A person who has in Georgia or any other jurisdiction been convicted of a felony, or who has pled nolo contendere or forfeited bond in connection with any charge of the same within the preceding five (5) years.
- (d) A person who has been convicted or pled nolo contendere or forfeited bond for a violation of a law or ordinance pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance within the preceding five (5) years.
- (e) A partnership, unless all partners qualify.
- (f) A corporation, unless all officers and stockholders qualify.
- (g) A person whose place of business is managed, operated or

owned by a person who could not acquire a license hereunder, except as to the residence requirements herein above provided.

- (h) Any person whose license to sell alcoholic beverages, malt beverages and wine has been revoked by any licensing authority, during the immediately preceding five (5) years.

## **2-3-12**

### **Processing of Applications.**

- (a) All applications for a license to sell alcoholic beverages shall be filed with the License Officer and are subject to investigation and review of the fitness of the applicant and the proposed location. All applications to sell alcoholic beverages at a New Alcohol Location shall be approved or disapproved by the Board of Commissioners at a public meeting. All applications for a license to sell alcoholic beverages at an Existing Alcohol Location and all applications for renewal of existing licenses, shall be approved or disapproved by the License Officer. Applications will be approved or disapproved based upon the requirements and terms of this Ordinance.
- (b) If the application is filed prior to July 1 of a particular license year, the full license fee shall be paid. If the application is filed after July 1, the license fee shall be one-half the amount of the normal license fee charged for the entire year. The investigation fee shall not be prorated. In cases where applications are disapproved, the License Officer shall return the amount of the license fee submitted with the application to the applicant, but not the investigative fee for new applications. In cases where such applications are approved, Glynn County shall issue a proper license to the applicant authorizing the applicant to engage in the particular business and at the particular location applied for. All applications for new licenses for either a New Alcohol Location or an Existing Alcohol Location, as compared to a renewal license, shall, in addition to the license fee, include a non-refundable fee in the amount of \$375.00 to cover the cost of the investigation into whether or not applicant should be granted the license applied for.
- (c) Copies of each application received shall be forwarded to the following offices: (1) Building Inspector's Office; (2) Police Chief of Glynn County; (3) Fire Chief; (4) Director of the Department of Community Development; and (5) if a hotel, motel restaurant, lounge, or private club to the Glynn County Health Department for their recommendations.
- (d) Prior to approving or disapproving an application to sell alcoholic beverages at a New Alcohol Location, the Board of Commissioners shall conduct a public hearing on the application. After the application is complete and all information is received by the



License Officer, a public hearing will be scheduled on the application and held by the Board of Commissioners. Notice of such public hearing shall be published once a week for two (2) weeks in the official newspaper of Glynn County wherein legal advertisement are published. If the application is for a New Alcohol Location, a sign shall be posted by the License Officer on premises at least fifteen (15) days prior to the public hearing. The requirements of this subsection (c) shall not apply to applications to sell alcoholic beverages at an Existing Alcohol Location or to applications for renewal of an Existing Alcohol Location. All persons making an application for a license at a New Alcohol Location or for a provisional license shall be required to attend the hearing on such application and to answer such questions and provide such information as the Board of Commissioners deems necessary and proper. If the applicant fails to appear at such hearing, the application shall be deferred to the next meeting. If the applicant fails to appear at the next meeting, the application shall be treated as having been withdrawn.

- (e) Glynn County shall have full power to determine whether the applicant for a license under the provisions of this Ordinance is a fit and proper person to operate the type of business involved, and whether the location of such business is proper and in the best interest of Glynn County, and Glynn County's determination of these requirements shall be final, except where a right of appeal exists under this Ordinance or applicable law.
- (f) All decisions of the Board of Commissioners, License Officer, or County Manager approving, denying, suspending, revoking, or withdrawing any such license or any renewal thereof shall be in writing, with the reasons therefore stated, and mailed or delivered to the applicant or licensee personally.

## **2-3-13**

### **Temporary License.**

- (a) Persons making an application for a license to operate a Currently Licensed Premises may be issued a temporary license by the License Officer for a period not to exceed ninety (90) days. Before a temporary license is issued, the applicant must have filed a complete application, and a preliminary records check must indicate that the applicant is eligible to hold the License. Prior to selling any alcoholic beverages under any temporary license issued by the County, an applicant and/or licensee shall ensure that all state requirements for such sale of alcohol are met and shall obtain the necessary approvals and licenses from the state.
- (b) The issuance of any temporary license pursuant to the above conditions is within the discretion of Glynn County and such temporary license may be withdrawn by the License Officer or

County Manager at any time without notice or hearing, if final record check, including the response to the fingerprint search shows applicant was not entitled to the license applied for or issued.

**2-3-14**

**Fee Scale.**

Before such license shall be granted, the applicant shall pay a license fee in accordance with the following scale:

- (a) Wholesale dealers in alcoholic beverages, having a place of business located in the unincorporated area of Glynn County, \$2,907.00 per year.
- (b) Retail dealers in distilled spirits, sold in original packages only, \$2,025.00 per year, provided that where a retail dealer also sells wine and malt beverages in the original package, the total License fee shall not exceed \$2,025.00.
- (c) Retail dealers in alcoholic beverages where the same is sold by the drink to be consumed on the premises, \$2,025.00 per year.
- (d) Wholesale dealers in wine, having a place of business located in the unincorporated area of Glynn County, \$1,050.00 per year.
- (e) Retail dealers in wine, sold in original packages only, \$619.50 per year.
- (f) Retail dealers in wine for consumption on the premises only \$619.50 per year.
- (g) Wholesalers of malt beverages, having a place of business located in the unincorporated area of Glynn County, \$1,050.00 per year.
- (h) Retail dealers in malt beverages where the same is sold in the original packages, \$732.00 per year.
- (i) Retail dealers in malt beverages where the same is sold to be consumed on the premises, \$619.50 per year.
- (j) A combination license to sell malt beverages and wine at retail in original packages, not to be consumed on premises at the same location where the malt beverage and wine may be unchilled, chilled, iced or refrigerated, \$1,162.50 per year.
- (k) A combination license to sell wine and malt beverages at retail where it is to be consumed on the premises, \$1,050.00 per year.
- (l) Separate licenses for one or more alcoholic beverages in two

different names may be issued for the same location, provided both applicants meet the requirements of the Ordinance. Such separate license shall be treated as a combination license. In the event of separate applications for one location, the investigative fee will be \$750.

- (m) A combination license for wholesalers of malt beverage and wine, \$1,275.00 per year.
- (n) The manufacturer of alcoholic beverages whose plant is located in the unincorporated area of Glynn County shall pay a license fee of \$4,687.50 per year.
- (o) Hotel in-room service licensee shall pay an additional license fee in an amount equal to the fee charged to a Licensed Retailer.
- (p) Off-Premises Catering License (Caterer's License), \$750.00 per year.

#### **2-3-15**

#### **Expiration; Renewal.**

All licenses granted hereunder shall expire on December 31 of each license year. Licensees who desire to renew their license shall file application together with the requisite fee with the License Officer on the form provided for renewal of a license for the ensuing year. Applications for renewal must be filed on or before November 1 of each year in order to allow sufficient time for the License Officer to review and process the application prior to expiration of the license on December 31. However, nothing herein shall be construed as precluding the filing of an application for renewal after November 1, but in such case, the License Officer shall use reasonable efforts to review the application upon receipt, but neither the License Officer nor the County shall be under any obligation to process the renewal application or issue any renewal license prior to December 31. If a license is not renewed before it expires on December 31, the application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of license to the same extent as if no previous license had been held.

#### **2-3-16**

#### **Required Distance of Place of Business from School, Schoolhouse or Church; Residential Area.**

- (a) No license shall be issued where the property line of the proposed Licensed Premises for the sale, either at retail or wholesale, of alcoholic beverages is located within 200 yards of the property line of any school ground, college campus, church, or recognized place of worship, as measured along a straight line on the ground between the two property lines. A school referred to in this section shall mean a State or County school, or private school (including

church schools) which normally teach the same subjects as commonly taught in public schools.

- (b) No license for a package store or for lounges shall be issued to a proposed location where the property line of the proposed licensed Premises is located within 200 yards of any area zoned for residential uses under the Glynn County Zoning Ordinance, as measured along a straight line on the ground between the two property lines. The prohibition of this section shall not apply to lounges which are operated as an integral part of a hotel, motel, bona fide full service restaurant or which is located within the boundaries of a golf course or which is located within a freeway commercial district under the Glynn County Zoning Ordinance.
- (c) No license shall be issued for a new retail package liquor business or relocation of an existing retail package liquor business engaged in the retail package sale of distilled spirits within 500 yards of any other business licensed to sell package liquor at retail as measured by the most direct route of travel on the ground. This limitation shall not apply to any hotel licensed under this chapter.
- (d) Glynn County may grant an exception to distance requirements as hereinbefore set forth to a proposed location for the sale of malt beverages and wine in the original package and not for consumption on premises of not more than fifty percent, if Glynn County finds the following circumstances exist:
  - (i) The proposed site is located in an area of Glynn County where numerous establishments are licensed to sell malt beverages and wine and which were licensed prior to June 18, 1981; and
  - (ii) The property line of the proposed site to be licensed is separated from the property line of a school, college, church or recognized place of worship by a public road having a right-of-way of not less than 200 feet in width; or
  - (iii) The property line of the proposed site to be licensed is separated from the property line of a school, college, or church or recognized place of worship by a permanent, natural or physical barrier of such nature as to render it highly unlikely that the distance of travel on the ground, between the two property lines, would be less than 200 yards. (Amendment #O-2004-16)
- (e) Glynn County may grant an exception to distance requirements as hereinbefore set forth to a proposed location of a restaurant meeting the requirements of Section 2-3-3(a) for the sale of all alcoholic beverages when sold for consumption on premises of not

more than fifty percent, if Glynn County finds the following circumstances exist:

- (i) The property line of the proposed site to be licensed is separated from the property line of a school, college, or church or recognized place of worship by a public road having a right-of-way of not less than 200 feet in width; or
  - (ii) The property line of the proposed site to be licensed is separated from the property line of a school, college, or church or recognized place of worship by a permanent, natural or physical barrier of such nature as to render it highly unlikely that the distance of travel on the ground, between the two property lines, would be less than 200 yards.
- (f) Nothing contained in this Section shall prohibit the issuance of a license to an Existing Alcohol Location licensed under this or any proceeding Ordinance at any time during the immediately preceding twelve (12) month period.
- (g) Nothing contained in this Section shall prohibit the issuance of any alcoholic beverage permit because of the proximity of the proposed location to a church or recognized place of worship if that church or recognized place of worship both at the time they began conducting worship services, and at the time of issuance of the proposed alcoholic beverage permit, was located in any of the following zoning districts: Local Commercial, General Commercial, Highway Commercial, Freeway Commercial, General Commercial Core, Shopping Center, Planned Commercial, Limited Industrial, Basic Industrial, General Industrial, Planned Development or Restricted Neighborhood Commercial. In such circumstances, there is no limitation as to how close the proposed alcoholic beverage establishment may be to the church or recognized place of worship. (#O-2005-17)
- (h) Nothing contained in this Section shall prohibit the issuance of any alcoholic beverage permit because of the proximity of the proposed location to a church or recognized place of worship if the applicant is a non-profit organization offering comprehensive services to veterans of the Armed Services of the United States. For purposes of this subsection, an organization is deemed to be non-profit if exempted from taxation under Section 501 (c) of the Internal Revenue Code. In such circumstances, there is no limitation as to how close the proposed alcoholic beverage establishment may be to the church or recognized place of worship. (Amended 01/19/06 - #O-2006-03)
- (i) Glynn County may grant an exception to the distance requirement

as set forth in Section 2-3-16(b) for the proposed location of a package store of not more than fifty percent, if Glynn County finds the following circumstances exist: (#O-2015-03; March 19, 2015)

- (i) The property line of the proposed site to be licensed is separated from the property line of an area zoned for residential uses under the Glynn County Zoning Ordinance by a public road having a right-of-way of not less than 200 feet in width; or
  - (ii) The property line of the proposed site to be licensed is separated from the property line of an area zoned for residential uses under the Glynn County Zoning Ordinance by a permanent, natural or physical barrier of such nature as to render it highly unlikely that the distance of travel on the ground, between the two property lines, would be less than 200 yards.
- (j) Glynn County may grant an exception to the distance requirements as set forth in Section 2-3-16(a) for the proposed location of a wine specialty shop or a beer specialty shop of not more than fifty percent if Glynn County finds the following circumstances exist:
- (i) The property line of the proposed site to be licensed is separated from the property line of school, college, church, or recognized place of worship by a public road having a right-of-way of not less than 200 feet in width; or
  - (ii) The property line of the proposed site to be licensed is separated from the property line of school, college, church, or recognized place of worship by a permanent, natural or physical barrier of such nature as to render it highly unlikely that the distance of travel on the ground, between the two property lines, would be less than 200 yards. (#O-2016-13)

## **2-3-17**

### **Leased Premises.**

In the event premises for which a license is sought is part of a larger parcel of land, which would not qualify for a license, because of the proximity to school, college, church or recognized place of a worship as defined in Section 2-3-16 of this Ordinance, a license may nevertheless be issued by Glynn County, provided the applicant meets the following additional requirements:

- (a) The owner of the larger tract of land does not own or have a direct or indirect financial interest in the business sought to be licensed (other than the payment of rents). The lease does not require the lessee to pay to the lessor a percentage of profits based upon the amount of sales.

- (b) The owner has agreed to lease the premises to applicant for a period of at least one year.
- (c) The lease is an arm's length transaction.
- (d) The leased premises, as described in the application, if owned by applicant, would meet the requirement of Section 2-3-16, where by the property line of said leased tract would be set back two hundred (200) yards from the property line of any school, college, church, or recognized place of worship, as measured along a straight line on the ground between said property lines.
- (e) The leased premises does not exceed fifty percent (50%) of the land area or larger parcel of land.
- (f) The lease is not between any of the following parties:
  - (i) Person related by blood or marriage;
  - (ii) Affiliated companies or corporation;
  - (iii) Officers, director and stockholders (including family members) of a corporation and a corporation;
  - (iv) Persons who have no other financial or business relationship between themselves.

**2-3-18 Display at Place of Business.**

The Glynn County License shall at all times be displayed in plain view at the Licensed Premises.

**2-3-19 Transferability.**

No license for the sale of alcoholic beverages shall be transferred from one location to another. The holder of any license issued under this Ordinance must inform the License Officer in writing whenever such owner sells, surrenders, loses or transfers in any way any ownership interest or managerial rights with respect to the establishment for which the license is issued. No license for the sale of alcoholic beverages shall be transferred or continued after a licensee dies or severs their ownership of the licensed establishment except as provided herein:

- (a) In the case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of thirty (30) days from the date of death of the licensee or any one of the licensees or until the expiration of the existing license or until the approval of a new license for the establishment, whichever occurs first.

(b) In the event that a licensee who holds a license with other licensees severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of thirty (30) days from the date of surrender or the date determined by the License Officer to be the date of severance based upon a reasonable interpretation of the information available to him. PROVIDED, HOWEVER, that no such continued sales shall be allowed until such time as an application for a transfer to the name(s) of the new owners shall have been filed with Glynn County. Such application for transfer shall set forth the new ownership of the establishment or the licensed corporation, name the severed licensees and provide such information as the License Officer shall request to document the change of interest, control or ownership. For purposes of this ordinance, a severance shall have occurred when any partner or joint venturer or other holder of a license shall have sold his ownership interest in said licensed establishment except that no severance shall have occurred where the licensee is a corporation and less than 20% of any class of stock of the corporation shall be sold. A name change without any transfer of stock of any corporation or ownership of any partnership shall not be a severance.

(c) Except as provided herein, any change in the ownership of an entity holding a license shall cancel and revoke any alcoholic beverage license issued by Glynn County for the establishment automatically, without the necessity for any hearing.

(d) A transfer fee of \$100.00 and an investigation fee of \$375.00 per license to be transferred shall accompany any application for transfer.

(e) No license shall be transferred if any prospective owner fails to meet the requirements of a licensee as set forth in this Code of Ordinances or in state law at the time of transfer.

(f) Any violation of this section shall result in revocation of the license for the establishment involved and a fine up to \$1,000.00 or up to sixty (60) days imprisonment or both for both the old and the new ownership. (11/5/92)

## **2-3-20**

### **Refund.**

No fees paid for an alcoholic beverage license shall be refunded whether partially or in full once the license is issued. (O#2000-16)

## **2-3-21**

### **Provisional License.**

A provisional license may be issued by the Board of Commissioners to an



applicant for a New Alcohol Location, provided reasonable assurances are given to the Board of Commissioners that the premises, when all work is completed, will fully comply with this Ordinance, the Glynn County Zoning Ordinance and the Glynn County Building Codes. No license, other than a provisional license, shall be granted under this Ordinance until the business establishment referred to in the license application has been granted a certificate of occupancy by the Glynn County Building Inspector's Office. The provisional license for a New Alcohol Location shall not entitle the applicant to sell alcoholic beverages until such time as the necessary work has been inspected and approved by all county agencies having jurisdiction thereof and a Certificate of Occupancy has been issued by the Glynn County Building Inspector. When all necessary approvals have been obtained, including the certificate of occupancy, the License Officer shall issue the license to the applicant for the location that was previously applied for and approved on a provisional basis by the Board of Commissioners.

**2-3-22 Consumption on Premises and Package License.** (#O-2017-10; 08/03/17)

A license holder may apply for and obtain both the license for sales in original package and for consumption on the premises, but the sale of such items must be in separate establishments having independent entrances. This section shall not apply to:

- (a) hotel in-room service;
- (b) an establishment that is licensed by Glynn County pursuant to Ordinance Sections 2-3-3(h) and 2-3-5(f) to sell malt beverages both for consumption on the premises as a Beer Specialty Shop and for consumption off the premises in growlers;
- (c) the retail sale of malt beverages manufactured on the premises of a restaurant licensed by Glynn County as a brewpub; provided, however, a brewpub license holder must follow and abide by all applicable rules and regulations established under this Ordinance for such malt beverage sales. (#O-2018-03; 05/03/18)
- (d) an establishment licensed by Glynn County pursuant to Ordinance Sections 2-3-3(h) and 2-3-5(h) to sell wine both for consumption on the premises as a Wine Specialty Shop and in the original unbroken package for consumption off the premises. (#O-2019-01; 02/07/19)

**2-3-23 Compliance with Applicable Laws Necessary.**

Each licensee shall comply with all applicable rules, regulations, laws and statutes of the State of Georgia, and all local ordinances, and shall, in addition thereto or in furtherance thereof:

- (a) Prohibit the sale or serving of alcoholic beverages in

automobiles or other vehicles, or anywhere outside the main building or accessory thereto in which the business of such licensee is operated;

- (b) Strictly adhere to the laws of the State of Georgia respecting the sale of alcoholic beverages to minors, intoxicated persons or habitual drunkards. The term "minor" shall be construed in accordance with Section 3-3-23 et. seq. of the O.C.G.A., as now or hereafter amended.
- (c) Shall keep the Licensed Premises free and clear of cans, bottles, paper and other debris;
- (d) No one other than the holder of the license for consumption on the premises, except for a hotel, motel or inn, during normal business hours, shall carry into any Licensed Premises any alcoholic beverages in the original package, the seal of which has been broken or the original package opened;
- (e) The holders of license for Consumption on the Premises shall not knowingly permit the purchaser to carry off the Licensed Premises any alcoholic beverage;
- (f) The licensees shall not sell to, give away, or permit the consumption of alcoholic beverage by any minor as that term is defined by Sec. 3-3-23 O.C.G.A. et. seq. or by any person who is mentally incompetent.
- (g) Every licensed consumption dealer and retail dealer selling alcoholic beverages must display a sign warning customers that it is a violation of Glynn County Ordinances to have an open container or broken package containing alcoholic beverages in any motor vehicle. Glynn County shall furnish such signs and the sign furnished must be prominently displayed at or near the entrance to where alcoholic beverages are sold. In addition, the sign must be displayed so as to be readily visible, in a well-lighted area and safe from being defaced or destroyed.

## **2-3-24**

### **Employment of Minors Restricted.**

- (a) No licensee hereunder shall employ any minor in his establishment; provided, however, that in hotels, motels, and restaurants as defined herein, minors eighteen (18) years of age or below may be employed where their duties are not in any way involved with the preparation of, taking orders for, selling, or the service of any alcoholic beverages; provided

that musicians and other entertainers eighteen (18) years of age or below may provide professional entertainment in the Licensed Premises with permission of the Chief of Police of the Glynn County Police Department.

- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages, malt beverages or wine which are sold for consumption off the premises.

## **2-3-25**

### **Revocation or Suspension.**

Each license issued pursuant to this Ordinance is granted as a mere privilege and not a right. Upon violation of or failure to meet any provision or requirement of this Ordinance or any law or regulation of the State of Georgia relating to alcoholic beverages, malt beverages and wine, the County Manager, after reasonable written notice of the pending violations to the licensee, and after said licensee has been afforded an opportunity to be heard as to the proposed grounds for revocation or suspension, may revoke or suspend the license. When a license is revoked or suspended, no portion of the license fee shall be refundable.

The Chairman of the Board of Commissioners, upon the recommendation of the Chief of Police and License Officer, may temporarily suspend any license involving the sale of alcoholic beverages if the manner of operation poses a serious safety or health hazard, for a period not to exceed thirty (30) days pending a hearing and action by the County Manager.

## **2-3-26**

### **Denial, Suspension or Revocation of a License.**

Glynn County may deny, suspend, revoke, or refuse to renew any license required or issued under this Ordinance if:

- (a) The license application is not filed in good faith or is filled by some person as a subterfuge for any other person;
- (b) Any applicant for a license or any licensee under this Ordinance willfully fails to comply with any provision of this Ordinance or with rules and regulations adopted by the Commission;
- (c) Any person to whom a license has been issued is no longer engaged in the sale of alcoholic beverages, malt beverages, malt beverages or wine, or no longer qualifies as a licensee under this Ordinance;
- (d) In the event an applicant or any licensee permits the Licensed Premises to be operated in a disorderly manner so as to constitute a public nuisance after: (i) applicant or licensee has been advised

in writing by the Glynn County Police Chief of the unsatisfactory manner in which the business is being operated; and (ii) after applicant or licensee has been given a reasonable opportunity to cure said deficiencies;

- (e) the applicant or licensee violates or fails to meet any provision or requirement of this Ordinance or any law or regulation of the State of Georgia relating to alcoholic beverages, malt beverages and wine; or
- (f) the applicant or licensee fails to pay any tax or fee required by this Ordinance.

## **2-3-27**

### **Appeal.**

- (a) All decisions approving, denying, suspending, revoking, or withdrawing any license, or any renewal thereof, to sell alcoholic beverages under this Ordinance shall be in writing, with the reasons therefore stated, and mailed or delivered to the applicant or license holder personally. Upon receipt of a: (i) decision by the License Officer to deny a license or any renewal thereof to an Existing Alcohol Location; (ii) decision by the License Officer or the County Manager to withdraw a temporary license; (iii) decision by the County Manager to suspend or revoke a license; or (iv) decision by the Board of Commissioners to deny a license to a New Alcohol Location, an applicant or license holder whose application or license was denied, suspended, revoked, or withdrawn by such decision may appeal such decision to the Board of Commissioners, which appeal shall be in writing and filed with the License Officer within seven (7) calendar days of the applicant or license holder's receipt of the decision being appealed. Appeals to the Board of Commissioners must be sent to the License Officer by certified U.S. mail or by hand delivery.
- (b) The written appeal must state succinctly the grounds upon which it is asserted that the decision should be modified or reversed and shall be accompanied by a copy of the written decision to which appeal is being made, and any other documents relevant to the appeal. The filing of such an appeal to the Board of Commissioners will delay implementation of any decision adverse to the applicant or licensee until a decision is made on that appeal by the Board of Commissioners.
- (c) Within forty-five days of receipt of a written appeal, the Board of Commissioners shall conduct a hearing at a regular or special called meeting of the Board. The License Officer shall cause notice of the hearing to be served upon the Applicant or License holder by certified U.S. mail. Such notice shall include the date, time, and location of the hearing.

- (d) At the hearing, the applicant or license holder shall be afforded an opportunity to produce evidence and information relevant to the appeal. The Board of Commissioners shall affirm, modify, or reverse the decision being appealed. The notice of the decision shall be sent to the Applicant at by certified U.S. mail and shall set forth the reasons for the decision. The decision of the Board of Commissioners shall be binding, subject to the right of appeal as provided by O.C.G.A. § 5-4-1, et seq.

**2-3-28**

**Limitations as to Nature of Business.**

Upon and after the date of the adoption of this Ordinance, no future original alcoholic beverage, malt beverage or wine license of any type shall be issued to a business or person that does not meet the standards set out in this Ordinance. It is further provided that any location heretofore licensed to operate any of the businesses described herein, wherein a different method of ascertaining minimum distances was used, or other requirements imposed, may continue to operate such business at the present location, without being deemed in violation of this Ordinance.

**2-3-29**

**Retailer to Purchase from Licensed Wholesaler Only.**

No retailer shall purchase for use at licensed place of business, any alcoholic beverages, malt beverages, or wine from any person, firm or corporation other than a wholesaler licensed by the State of Georgia. No wholesaler shall sell any alcoholic beverages, malt beverages or wine to anyone other than a retailer licensed under this Ordinance.

**2-3-30**

**Excise Tax on Wholesale Distilled Spirits.**

- (a) Glynn County by this Ordinance pursuant to O.C.G.A. § 3-4-80 does hereby levy an excise tax on the sale of distilled spirits that are sold by the package by licensed wholesalers in the amount of twenty-two cents (22¢) per liter on a proportionate tax at like rates on any fractional part of a liter on distilled spirits (i.e. spirituous liquors), excluding fortified wine. This tax shall be collected by the Glynn County Finance Department.
- (b) Every licensed wholesaler shall file a monthly report with the Glynn County Finance Director on a form prescribed by the Glynn County Finance Director, which form shall set forth the total quantity of distilled spirits sold during such month and shall have attached to it legible copies of all invoices covering said sales. Such monthly report shall be filed not later than the fifteenth (15th) day of the next month following the month of sale. The report shall be accompanied by a local check or cashier's check in the full amount of the tax due.

- (c) There is hereby imposed a penalty equal to ten (10%) percent of the taxes due upon each licensed wholesaler who fails to file a timely report and pay the tax due. If the County Finance Director with the concurrence of the County Attorney, determines that the tax deficiency or any part thereof is due to fraud with intent to evade the tax, the Commission may assess a penalty equal to fifty (50%) percent of the tax assessed. The failure to pay the tax provided for in this section shall constitute sufficient cause for the revocation of any license issued under this Ordinance.

## **2-3-31**

### **Excise Tax on Distilled Spirits by the Drink.**

- (a) Glynn County pursuant to O.C.G.A. 3-4-131 does hereby levy an excise tax on the sale of alcoholic beverages by the drink at a rate equal to three percent (3%) of charge made by the licensed dealer to the public for the beverage sold. The tax levied by this Section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.
- (b) The excise tax provided for in this Section shall be imposed upon and paid by the licensed retail dealer of distilled spirits by the drink. The tax shall be paid on or before the twentieth (20th) day of the month following the calendar month in which the beverages are sold or disposed of. Each licensee responsible for the payment of the excise tax shall file a report with the Glynn County Finance Department containing such information as may be required by the Glynn County Finance Department in order to calculate the tax due.
- (c) The failure to file the report or pay the tax shall subject Licensed Consumption Dealer to a penalty comparable to that set out in Section 2-3-30(c).

## **2-3-32**

### **Excise Tax on Malt Beverages.**

- (a) Glynn County pursuant to O.C.G.A. § 3-5-80(1) does hereby levy an excise tax on the sale of malt beverages, commonly known as tap or draft beer, which is sold in or from a barrel or bulk container, at a rate equal to \$6.00 on each container sold containing not more than 15 1/2 gallons and a proportionate tax at the same rate of all fractional parts of 15 1/2 gallons.
- (b) Glynn County pursuant to O.C.G.A. § 3-5-80(2) does hereby levy an excise tax on the sale of malt beverages, sold in bottles, cans and other containers, except barrel or bulk containers, at a rate equal to five (5) cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (c) The excise tax provided in this Section shall be imposed upon and shall be paid by the licensed wholesale dealer in malt beverages,

except that such taxes shall be imposed upon and shall be paid by the licensed brewer and/or brewpub for malt beverages served or sold by the brewer and/or brewpub directly to the public. The taxes shall be paid on or before the tenth day (10<sup>th</sup>) of the month following the calendar month in which the beverages are sold or disposed of within the unincorporated area of Glynn County. Each licensee responsible for the payment of the excise tax shall file a report with the Glynn County Finance Department itemizing for the preceding calendar month, the exact quantities of malt beverage, by size and type of containers, sold during the month within the unincorporated area of Glynn County.

**2-3-33 Per Liter Excise Tax on Wine.**

Pursuant to O.C.G.A. § 3-6-60, there is hereby levied and imposed on the first sale or use of wine by the package an excise tax in the amount of 22 cents (22¢) per liter or a proportionate tax at like rates on all fractional parts of a liter. The manner of imposition, payment and collection of this tax shall be the same as set out in Section 2-3-30 dealing with distilled spirits and alcoholic beverages.

**2-3-34 License Application; Use of Licensed Vehicle for Delivery, etc.**

Any person, firm or corporation located in Glynn County, Georgia, desiring to sell at wholesale any alcoholic beverages, malt beverages or wine, in the unincorporated area of Glynn County shall make application to the Board of Commissioners for a license to do so, which application shall be in writing the forms authorized and prescribed by the Board. No alcoholic beverages, malt beverages, or wine shall be delivered to any retail sales outlet in the unincorporated area of Glynn County except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

**2-3-35 Rules and Regulations.**

- (a) It shall be a violation of this Ordinance for any licensee to fail in a timely manner to file any report required pursuant to this Ordinance or to fail to timely and properly remit all taxes due with any such report. Such licensee may be required to appear before the Board of Commissioners to show cause why such licensee's license should not be revoked or suspended.
- (b) Any licensee who fails in a timely manner to file any report required pursuant to this Ordinance shall be assessed a penalty and interest in the amount hereinafter provided:
  - (i) When any person required to file a report as provided by this Ordinance fails to file the report within the time prescribed he shall be assessed a penalty of \$100.00 or ten

(10%) percent of the tax due, whichever is greater, for each failure to file.

(ii) In the event the Finance Director determines, upon inspection of the invoices, books, and records of a licensed dealer or from any other information obtained by him or his authorized agents, that the licensed dealer has not paid the proper tax or the proper amount of taxes, the dealer shall be assessed for the taxes due. After assessment, the person assessed shall be provided with notice and an opportunity for a hearing as provided for in Section 2-3-23 of this Ordinance.

(iii) When any person willfully fails to pay any tax due as provided by this Ordinance, the person shall be assessed a penalty the same as that provided for in O.C.G.A. § 48-2-44.

(iv) When any person willfully fails to file a return, files a false or fraudulent return, or when a tax deficiency or any part of a tax deficiency is due to a fraudulent intent to evade any tax imposed or authorized by this Ordinance, the person shall be assessed a specific penalty of fifty (50%) percent of the tax due.

(v) When any person fails to pay the tax or any part of the tax due as provided by this Ordinance, the person shall pay interest on the unpaid tax at the rate of one (1%) percent per month from the time the tax became due until paid or at the rate specified in O.C.G.A. § 48-2-40, whichever is greater. Interest shall be computed on a monthly basis for any portion of a month during which payment is delinquent.

(vi) All penalties and interest imposed by this Ordinance shall be payable to and collected by the Finance Director in the same manner as if they were a part of the tax imposed by this Ordinance.

**2-3-36 Outdoor Advertising.**

No outdoor advertising with respect to the promotion of the sale of alcoholic beverages, malt beverages or wine shall be permitted on the exterior of any wholesale or retail outlet or elsewhere in the unincorporated area of Glynn County, Georgia, except as may be authorized by the laws of the State of Georgia and regulations implemented by an agency having jurisdiction thereof.

**2-3-37 Severability Should Any Portion of Ordinance Be Held Invalid.**

The terms and provisions of this Ordinance are severable. Should any



section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this Ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the Ordinance may reasonably be given effect without the invalid or void portion.

**2-3-38 Airport Property.**

The issuance of a license by Glynn County for the sale of alcoholic beverages for a business located at the Airport or upon Airport Property shall be permitted when the applicant and business where the alcoholic beverages are to be sold meets the requirements of this Ordinance for such a license. Any such license applied for and/or issued shall be subject to the provisions of the Liquor, Malt Beverage and Wine Ordinance of Glynn County. Any person selling or desiring to sell alcoholic beverages at the Airport or upon Airport Property must also hold a valid license issued by the State of Georgia permitting such sales. (#O-2015-08)

**2-3-39 Brewpubs.** (#O-2018-03; 05/03/18)

No person, firm, or corporation shall operate a brewpub without first obtaining and maintaining at all times both a valid brewpub license and a retail consumption dealer's license issued by Glynn County for the same premises. Upon issuance of both licenses, and upon payment of the applicable license fee(s) under Section 2-3-14, a duly licensed brewpub shall be authorized to sell malt beverages manufactured on the premises in the manner set forth in this Ordinance, and shall also be authorized to sell at retail for consumption on the premises alcoholic beverages which are produced by other manufacturers and authorized by the retail consumption dealer's license, provided that same are purchased from a licensed wholesaler. Brewpubs shall be subject to and must also comply with all applicable state and federal laws, including any licensing and regulatory requirements.