

1 STATE OF GEORGIA )  
2 COUNTY OF CHATHAM )

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

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

8 I.

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

11 Chapter 6 - ALCOHOLIC BEVERAGES

12 **Footnotes:**

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

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

15 ARTICLE I. - IN GENERAL

16 This chapter shall not apply to private residences.

17 Sec. 6-1. - Definitions.

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

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

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

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

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

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

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

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

35 *Brewer* means a manufacturer of malt beverages.

36 *Brewpub* means any eating establishment in which malt beverages are manufactured, subject to the barrel  
37 production limitation prescribed in O.C.G.A. § 3-5-36. As used in this paragraph, the term "eating establishment"  
38 means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least  
39 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided,  
40 however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to  
41 licensed wholesale dealers, as authorized pursuant to subparagraph (D) of paragraph (2) of O.C.G.A. § 3-5-36, or to  
42 the public for consumption off the premises, as authorized pursuant to subparagraph (D) of paragraph (2) and  
43 paragraph (4) of O.C.G.A. § 3-5-36, shall not be used.

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

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

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

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

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

59 *Distiller* means a manufacturer of distilled spirits.

60 *Eating establishment* means an establishment:

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

65 An eating establishment shall have its primary floor area specifically designed, set aside, set up and operating  
66 to serve meals and food on the premises and shall have a fully equipped commercial kitchen to include an  
67 appropriate stove, refrigerator, food preparation area, sink and other items required by the county health department  
68 and city inspections department for the preparation of food. An eating establishment shall have a printed or posted  
69 menu from which selections of prepared meals can be made.

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

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

73 *Grocery store* means a retail establishment which has at least 85 percent of its total retail floor space reserved  
74 for the sale of food and other nonalcoholic items and conducts all its sales inside the building containing its retail floor  
75 space which is at least 10,000 ft. Also includes *market* and *membership-only warehouse clubs*.

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

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

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

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

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

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

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

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

97 *Licensed premises* includes all the space or area owned, leased and/or controlled by the licensee and used for  
98 the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are  
99 sold, furnished, served, or consumed, except when such a room is located in a hotel, motel, or similar facility or in a  
100 shopping center in which case only such room and any adjoining storage, office, toilet, and other similar rooms shall  
101 constitute the licensed premises. For Class C, D, or D2 licenses, such premises include adjoining patios, decks,  
102 porches, sidewalk cafes, or places generally considered to be a part of the establishment. A floor plan for each  
103 licensed premise as defined herein must be submitted with each application for a license under this chapter.

104 *Licensee* means the individual to whom an alcoholic beverage license is issued or, in the case of partnership or  
105 corporation, all partners, officers, and directors for the partnership or corporation.

106 *Liquor*, see Distilled Spirits.

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

110 *Malt beverage*, see *Beer*.

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

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

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

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

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

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

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

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

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

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

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

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

130 *Premises* means the building and real property described in the application as approved by the City Council  
131 where the licensed operations are to be conducted and shall include all parts of the address at which the license is  
132 located according to the application as approved by the Council, including all floors of any building or structure unless  
133 the approved application reflects otherwise. This meaning shall apply even though some parts of the licensed  
134 premises may not be used for customer service.

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

147 *Restaurant* means an eating establishment, serving prepared food which is offered to the general public, and  
148 which derives at least 50 percent of its total annual gross sales from the sale of prepared foods. Restaurant does not  
149 include bars which may be licensed for food service, but which do not meet the above requirements.

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

152 *Retail package dealer* means a holder of a license to sell alcoholic beverages in their original package at retail  
153 for off-premises consumption only. Sometimes referred to loosely as a "package store." License may include sale of  
154 malt beverages, wine or distilled spirits, or some combination of same.

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

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

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

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

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

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

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

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

184 (1) Class A1, retail package: liquor, beer, and wine.

185 (2) Class A2, retail package: beer and wine.

186 (3) Class A3, retail package: beer only.

187 (4) Class B1, consumption on-premises: liquor, beer, and wine.

188 (5) Class B2, consumption on-premises: beer and wine.

189 (6) Class B3, consumption on-premises, beer only.

190 (7) Class C, wholesale liquor, beer, and wine.

191 (8) Class D, wholesale beer and wine.

192 (9) Class E, brewer, manufacturer of malt beverages, not including Brewpubs or Homebrewers.

193 (10) Class F1, hotel. Includes: in-room delivery and consumption on-premises for liquor, beer, and wine,  
194 excluding attached restaurant.

195 (11) Class F2, special event venue.

- 196 (12) Class G, manufacturer of wine.
- 197 (13) Class H, distiller, manufacturer of distilled spirits.
- 198 (14) Class I, temporary/private event, not including home-brew events, but including events that are off-  
199 premises consumption for an already licensed Class B(1-3) establishment.
- 200 (15) Class J, Home-brew special event permit, limited to 6 per annum.
- 201 (16) Class K, complementary beer & wine. Separate from Add-on D, Tasting Event.
- 202 (17) Class L, consumption off-premises caterer, liquor, beer, and wine.
- 203 (18) Add-on A, add-on permit for Class B1 – B3 licensees who operate a Brewpub.
- 204 (19) Add-on B, Home delivery, add-on permit for Class A1 – B3 licensees who wish to provide home delivery of  
205 alcohol pursuant to O.C.G.A. § 3-3-10(b) & O.C.G.A. § 3-3-10(d.1). Only Class A1 licenses may deliver  
206 liquor. Classes A2, A3, & B(1-3) may only deliver beer & wine.
- 207 (20) Add-on C1, Sunday sales, add-on permit for Class A1 – A3 licensees who wish to engage in Sunday sales  
208 as permitted herein under section 6-13.
- 209 (21) Add-on C2, Sunday Sales 11am, add-on permit for Class B1 – B3 licensees who wish to engage in Sunday  
210 Sales starting at 11am.
- 211 (22) Add-on D, Tasting Event. Add-on permit pursuant to O.C.G.A. § 3-3-26
- 212

213 Table 1.1 – Licenses valid with Add-on License

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

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

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

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- 217 (c) *Expiration date.* With the exception of Class I, J and Add-on D, all alcoholic beverage license classes shall  
 218 expire at the end of each calendar year and may be renewed only in the manner and form as provided in this  
 219 chapter for the original granting of such licenses. Class I, J and Add-on D shall expire 30-days from issuance.
- 220 (d) *Fees.* Not being covered by the provisions of O.C.G.A. §§ 48-13-5—48-13-26, license fees for the following  
 221 alcoholic beverage license categories are as set forth in the schedule of fees and charges.
- 222 (1) *New application fee.* Any applicant for a new license shall pay a non-refundable application fee of:
- 223 (i) Class A1 – H, & L - \$290.00
- 224 (ii) Class I, J, & K - \$20.
- 225 The fee shall cover administrative costs and enforcement. Add-on licenses, except for Add-on D, shall have  
 226 no application fee if applied for concurrently with any accompanying base license, otherwise shall have a  
 227 \$50 fee. Add-on D has no application fee.
- 228 (2) *Applicational renewal fee.* Any applicant seeking a renewal of their license shall pay a non-refundable  
 229 renewal fee of \$50.00 plus the license fee listed below.
- 230 (3) *License types and fee schedule.* Before a new license shall be granted, the applicant therefore shall comply  
 231 with all rules and regulations adopted by the mayor and City Council regulating the sale of alcoholic beverages  
 232 and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the mayor  
 233 and City Council set forth below and kept on file with the code enforcement officer. Alcoholic beverage license  
 234 fees are fixed and assessed on an annual basis or on a prorated basis as set forth in subsection (d) of this  
 235 section. License fees shall be paid annually to the city finance department.
- 236 The basic fees for each type of license listed in paragraph (b) hereinabove shall be as follows:
- 237 (i) Class A1, retail package: liquor, beer, and wine, \$1,850.00.
- 238 (ii) Class A2, retail package: beer and wine, \$800.00.
- 239 (iii) Class A3, retail package: beer only, \$600.00.
- 240 (iv) Class B1, consumption on-premises: liquor, beer, and wine, \$2,150.00.
- 241 (v) Class B2, consumption on-premises: beer and wine, \$1,000.00.
- 242 (vi) Class B3, consumption on-premises: beer only, \$750.00.
- 243 (vii) Class C, wholesale liquor, \$3,200.00.
- 244 (viii) Class D, wholesale beer and wine, \$1,900.00.
- 245 (ix) Class E, brewer, manufacturer of malt beverages, \$1,075.00.
- 246 (x) Class F1, hotel, \$2,500.00.
- 247 (xi) Class F2, special event venue, \$2,000.00
- 248 (xi) Class G, manufacturer of wine, \$2,250.00.
- 249 (xii) Class H, distiller, manufacturer of distilled spirits, \$2,250.00.
- 250 (xiii) Class I, temporary/private event (not including home-brew events), \$100 per day, max 2-days
- 251 (xiv) Class J, Home-brew special event permit, \$100 per day, max 2-days and 6-days per annum.  
 252 Except for Caterers licensed in another Georgia municipality or jurisdiction, in which case the fee  
 253 is \$50 per event and a 3 percent excise tax per out-of-city alcoholic beverage to be declared at  
 254 the time of application.
- 255 (xv) Class K, complementary beer & wine, \$250.
- 256 (xvi) Class L, consumption off-premises caterer, \$1,500.00
- 257 (xvii) Add-on A, add-on permit brewpub operator. Requires qualifying Class license (see Table 1.1),  
 258 \$850.00.
- 259 (xviii) Add-on B, Home delivery, add-on permit for licensees who wish to provide home delivery of  
 260 alcohol pursuant to O.C.G.A. § 3-3-10(b) & O.C.G.A. § 3-3-10(d.1). Requires qualifying Class  
 261 license (see Table 1.1), \$1,000.00.

- 262 (xix) Add-on C1, Sunday sales, add-on permit for licensees who wish to engage in Sunday sales as  
263 permitted herein under section 6-13. Requires qualifying Class license (see Table 1.1), \$750.00.
- 264 (xx) Add-on C2, Sunday Sales 11am, add-on permit for licensees who wish to engage in Sunday Sales  
265 starting at 11am, \$1,000.00. (Add-on C1 is not required with Add-on C2)
- 266 (xxi) Add-on D, Tasting Event, no fee, but notification (Sec 6-22) must be made 5 business days prior  
267 to event. Limited to 52 events per annum.
- 268 (4) *Proration of fees.* The fee for a new Class A1 – B3 licenses for a portion of the year may be prorated after  
269 July 1 by 50% for the remainder of the year.
- 270 (f) *Granting of license.* The Council of the City Pooler may grant an alcoholic beverage license when it is found to  
271 be in the public interest and general welfare. In determining whether any license or permit applied for under this  
272 chapter may be granted, may consider the following:
- 273 (1) The applicant's reputation, character, and mental and physical capacity to conduct a business engaged in  
274 the sale of wine, beer and/or alcoholic beverages.
- 275 (2) The location for which the license is sought as to traffic congestion, general character of the neighborhood  
276 and the effect such an establishment would have on the adjacent and surrounding property values.
- 277 (3) The number of licenses previously granted for similar businesses in the trading area of the place for which  
278 the license is sought.
- 279 (4) The proximity of the location of such establishment to schools, churches, libraries, and other public  
280 buildings in the surrounding area as provided for in section 6-9(g).
- 281 (5) Whether the applicant is a previous holder of a license to sell or manufacture wine, beer and/or alcoholic  
282 beverages, and whether the applicant has violated any law, regulation or ordinance relating to such  
283 business.
- 284 (6) If the applicant is a previous holder of a license to sell or manufacture wine, beer and/or alcoholic  
285 beverages, whether unusual police observation and inspection were required, including the number and  
286 frequency of complaints filed by citizens objecting to the manner in which the business was conducted in  
287 such location.
- 288 (7) Other factors that may affect the general public health and welfare, including, without limitation, the  
289 number of existing active alcohol licenses in the area, the type of license applied for, the effect the license  
290 would have on schools, churches and public facilities in the area, the effect the license would have on  
291 existing land uses in the area, the character of the area and its suitability for the particular use sought, and  
292 the congestion of roads and streets;<sup>1</sup>
- 293 (f) The City Council may consider the history of operations of bars and other establishments at the site  
294 specifically applying for a license among other factors the Council deems fit in its discretion to determine  
295 whether a license should be granted;
- 296 (g) The City Council may require as a condition of issuance of a liquor license or a renewal of a particular  
297 license, or as a condition of probation that security guards be present on the premises in non-restaurant  
298 bars. If the City Council requires the use of security guards, terms of use shall be set by the City Council  
299 (regarding, e.g., hours of security presence, location, level of training, and other terms as the City Council  
300 deems appropriate). Such officer could be retired or off-duty from the Pooler Police Department, the  
301 Chatham County Police Department, or any other Georgia or federal law enforcement department.
- 302 (g) *Eligible business types.* This is intended to provide guidance to the City Council and to inform those seeking a  
303 license. It is not an exhaustive or all-inclusive list of eligible businesses. City Council may choose to issue a  
304 license Class as it deems appropriate.
- 305 (1) *Class A1, retail package: liquor, beer, and wine.* Package stores & convenience stores (including gas  
306 stations).
- 307 (2) *Class A2, retail package: beer and wine.* Package stores, convenience stores (including gas stations),  
308 grocery stores, and markets.

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<sup>1</sup> Centers for Disease Control and Prevention. *Guide for Measuring Alcohol Outlet Density.* Atlanta, GA: Centers for Disease Control and Prevention, US Dept of Health and Human Services; 2017

- 309 (3) *Class A3, retail package: beer only.* Package stores, convenience stores (including gas stations), grocery  
310 stores, and markets.
- 311 (4) *Class B1, consumption on-premises: liquor, beer, and wine.* Restaurants (except fast food), bars, clubs,  
312 and hotel bars without in-room delivery.
- 313 (5) *Class B2, consumption on-premises: beer and wine.* Restaurants (except fast food), bars, clubs, and hotel  
314 bars without in-room delivery.
- 315 (6) *Class B3, consumption on-premises: beer only.* Restaurants (except fast food), bars, clubs, and hotel bars  
316 without in-room delivery.
- 317 (7) *Class C, wholesale liquor, beer, and wine.* Wholesale package stores.
- 318 (8) *Class D, wholesale beer and wine.* Wholesale package stores.
- 319 (9) *Class E, brewer, manufacturer of malt beverages, not including Brewpubs or Homebrewers.* Breweries  
320 with a tap or tasting room, no full-food service.
- 321 (10) *Class F1, hotel.* Hotels with an in-lobby bar offering in-room delivery and consumption on-premises for  
322 liquor, beer, and wine. If the bar is a part of a separate restaurant that is attached to the hotel, the hotel  
323 license shall not include the restaurant.
- 324 (11) *Class F2, special event venue.* Special event venues offering consumption on-premises only during events  
325 and to event guests.
- 326 (11) *Class G, manufacturer of wine.* Small or farm winery, where wine is bottled, shipped, and/or otherwise  
327 produced, including a tasting room.
- 328 (12) *Class H, distiller, manufacturer of distilled spirits.* Distillery with a tasting or sample room, no full-food  
329 service.
- 330 (13) *Class I, temporary/private event, not including home-brew events.* Individuals, companies, or organizations  
331 hosting an event that will serve alcohol at an establishment, business, or location that does not currently  
332 hold a valid Class B (1-3) or F (1-2) license.
- 333 (14) *Class J, Home-brew special event permit,* limited to 6 per annum.
- 334 (15) *Class K, complementary beer & wine.* Non-food service business, must be located in a C-2 Zone.
- 335 (16) *Class L, consumption off-premises caterer.* Food and/or beverage caterers who provides food and/or  
336 beverages to private or public events at a location that is not the place of business or location where  
337 food/beverage preparation is performed.
- 338 Sec. 6-3. Tax on wholesalers.
- 339 Each wholesaler shall pay, in addition to the regular license fees provided by this chapter, a tax on beverages  
340 sold to retailers located within the corporate limits of the city in accordance with the following:
- 341 (a) *Malt beverages.*
- 342 (1) Where malt beverages are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold  
343 containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of  
344 15½ gallons.
- 345 (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax  
346 of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- 347 (b) *Distilled spirits.* For distilled spirits sold to retailers located within the city for sale either by the package or by the  
348 drink, an excise tax shall be paid at the rate of \$0.22 per liter or \$0.83 per gallon. The tax on distilled spirits sold  
349 in other size containers shall be computed at proportionate rates.
- 350 (c) *Wine.* For wine sold to retailers located within the city, an excise tax shall be paid at the rate of \$0.22 per liter or  
351 \$0.83 per gallon. The tax on wine sold in other size containers shall be computed at proportionate rates.
- 352 Sec. 6-4. - Returns to finance department; right to inspect.
- 353 (a) Each wholesale dealer receiving, selling, shipping, or delivering malt beverages, distilled spirits or wine to  
354 wholesalers or retailers in the corporate limits of the city shall make a return to the city clerk by the tenth of the  
355 month following the month for which the tax is due, and shall pay the taxes imposed by this chapter. The dealer

356 shall also file with their monthly return a certified copy of their report of monthly sales to retailers made to the  
357 state department of revenue.

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

361 Sec. 6-5. - Sale if taxes are not paid.

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

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

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

368 It shall be unlawful for any retail dealer to have in their possession any alcoholic beverages unless the tax  
369 required by the county has been paid to the wholesaler, distributor or other source delivering or causing the  
370 beverages to be delivered to the retail dealer. Whenever any alcoholic beverages are found in the possession of a  
371 retail dealer and the records of the payment of the taxes do not appear upon the records of the wholesaler, it will be  
372 presumed that the tax has not been paid and the burden shall be upon the retailer or seller to prove such fact. All  
373 alcoholic beverages found in the possession of any retail dealer on which the tax has not been paid shall be subject  
374 to confiscation by the county authorities and shall be sold by the county authorities and the receipts thereof paid into  
375 the county treasury.

376 Sec. 6-6. - Application.

377 (a) Application for a license to manufacture or sell alcoholic beverages or renewal of such a license shall be made  
378 on a form to be furnished by the city and shall be made under oath. The complete address of each applicant  
379 and applicant's Social Security number shall be furnished together with such further information as the city may  
380 require on the form. Any knowingly untrue, misleading, or omitted statement or information shall be cause for  
381 denial or non-renewal and, if a license has been granted, shall be cause for revocation. Each application shall  
382 be filed together with a certified or cashier's check in payment of the application, renewal and/or license fee  
383 required by subsection 6-2.

384 (b) An application shall be made in the name of all the owners of the business, if the owners are natural persons,  
385 and in the name of all managerial employees. If the owner is a corporation, application shall be made in the  
386 name of all corporate officers who will be directly concerned in the operation of the business and in the name of  
387 all managerial employees. All such persons must meet the requirements of this chapter.

388 (c) The license application shall require the disclosure of any conviction of each applicant for any violation of  
389 federal, state, or local law involving alcoholic beverages, gambling, taxes, or moral turpitude.

390 (d) The City of Pooler shall investigate each applicant to determine whether said applicant is eligible to receive a  
391 license under this code section. Each applicant authorizes the City of Pooler and its agents to secure from any  
392 court, law enforcement agency, or other public agency the applicant's criminal history and the criminal history of  
393 all individuals required to be listed on the application, including but not limited to sole proprietor, partners,  
394 members, corporate officers, stockholders, and managers, and authorizes the City of Pooler to use such  
395 information in determining whether the license applied for shall be issued. Each applicant waives any right that  
396 he would otherwise have to preclude the City of Pooler or its agents from obtaining and using such information  
397 and each applicant further waives any liability of the City of Pooler or its agents for obtaining and using such  
398 information and agrees to indemnify and hold the City of Pooler harmless against the claims of any person listed  
399 by the applicant on the application and by doing so has authorized the City of Pooler to investigate. The police  
400 department shall make an arrest and conviction investigation concerning any applicants hereunder and all  
401 individuals required to be listed on the application, including but not limited to sole proprietor, partners, LLC  
402 members, corporate officers, corporate stockholders, and managers.

403 (e) An application shall include a survey be prepared by the applicant showing the location of the proposed  
404 licensed business is not in violation of the distance requirements set forth in section 6-9(g). Said survey shall  
405 illustrate the application of minimum distances in accordance with the manner of measurement provided for by  
406 state law. Upon receipt of the survey, the city code enforcement department may conduct measurements of the  
407 distances identified in the survey to confirm the applicant is in compliance with distance requirements discussed  
408 herein. If the city code enforcement determines the survey is inaccurate causing the proposed location to be in

- 409 violation of section 6-9(g), they shall immediately notify the applicant in writing and provide the findings of their  
410 measurements.
- 411 (f) The license application shall contain a statement as to whether an applicant holds any other license for the sale  
412 of alcoholic beverages and the location thereof.
- 413 (g) If the proposed licensed premises require construction or substantial renovation, the applicant shall submit a  
414 detailed set of plans and specifications showing the exact location of the proposed licensed premises, the  
415 construction proposed to be carried out by the applicant and the anticipated time for completion of construction.
- 416 (h) As a prerequisite to the issuance of any license, each applicant shall furnish a complete set of fingerprints;  
417 provided.
- 418 (i) The City Council may require such additional information as it may deem necessary.
- 419 (j) Any applicant for a new or renewal license, who desires to engage in Sunday sales, pursuant to subsection 6-  
420 14 of this Chapter, shall complete a separate application form to be furnished, along with the basic application  
421 form, by the city, such Sunday sales application form to include the following statement made by the applicant  
422 under oath: "By applying for a license to sell alcoholic beverages at retail for consumption on-premises on  
423 Sundays, I am representing to the City Council of Pooler that the licensed premises is either (1) a restaurant  
424 which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of  
425 the combined retail outlets of the individual establishment where food is served; (2) an establishment which  
426 derives at least 50 percent of its annual gross income from the rental of rooms for overnight lodging; or (3) is  
427 otherwise allowed by state law to serve alcohol for consumption on-premises on Sundays. (If applicant seeks  
428 Sunday sales licensure for a new establishment, I represent that the anticipated annual revenue will be as  
429 required above.) I further certify that, if a restaurant, the licensed premises will not be used for Sunday sales  
430 unless there is a currently valid permit for restaurant operation issued by the county health department. I further  
431 certify that I will furnish my bookkeeping/financial records for inspection within seven days of my receipt of a  
432 written request for production of same from the chief of the city police department or the city manager so that  
433 eligibility of the licensed establishment may be monitored."
- 434 (k) Any applicant seeking a new license, or the renewal of a license, shall submit an affirmation demonstrating its  
435 understanding and acceptance of the provisions set forth in this chapter of the City of Pooler Code of  
436 Ordinances. Such affirmation shall be made in writing and executed in the presence of a notary public.
- 437 (l) Any applicant seeking a new license shall appear before City Council or send a qualified representative  
438 (manager, co-owner, attorney, or business partner) when their application is on the published agenda for  
439 approval. Failure to appear may result in the application being rejected and no refund on fees collected issued.
- 440 Sec. 6-7. - When issuance of license is prohibited.
- 441 Issuance of licenses required under section 6-2 is limited as set forth below.
- 442 (a) Alcoholic beverage licenses shall not be issued to the following:
- 443 (1) Any person who has been convicted of driving under the influence of intoxicants or drugs or who has  
444 pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding two  
445 years; or criminal charges exist charging such individual with any of such offenses and for which no final  
446 disposition has occurred. If at the time of application, the applicant is charged with any of the offenses  
447 prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or  
448 verdict or dismissal; or
- 449 (2) Any person who has been convicted within 15 years immediately prior to the filing of the alcoholic  
450 beverage application with the city of any felony or for whom outstanding indictments, accusations or  
451 criminal charges exist charging such individual with any of such offenses and for which no final disposition  
452 has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in  
453 this subsection, consideration of the application shall be suspended until entry of a plea or verdict or  
454 dismissal; Any person who has been convicted of a violation of law pertaining to the sale of alcoholic  
455 beverages or the sale or possession of a controlled substance or who has pleaded nolo contendere or  
456 forfeited bond in connection with any such charge within the preceding five years; or
- 457 (3) Any person who has been convicted of three violations of the ordinances of the City of Pooler alcoholic  
458 beverages licensed hereunder within the last five years immediately prior to the filing of the licensee's  
459 application with the city, except as specifically provided in paragraph (c) below, concerning revocation of  
460 alcohol license, or paragraph (d) below, concerning selling alcohol to underage persons. If at the time of  
461 application, the applicant is charged with any of the offenses prescribed in this subsection, consideration  
462 of the application shall be suspended until entry of a plea or verdict or dismissal; or

- 463 (4) Any partnership, unless all partners qualify; or  
 464 (5) Any corporation, unless all officers qualify who will be directly concerned in the management of the  
 465 business; or  
 466 (6) Any person whose business will be managed or operated by a person who could not acquire a license  
 467 under the terms of this chapter, except as to the citizenship requirement provided in this article; or  
 468 (7) Any person whose license to manufacture or sell alcoholic beverages has been revoked by any licensing  
 469 authority during the preceding five years; or  
 470 (8) Any person who owes any debt or obligation to the City of Pooler or Chatham County, including but not  
 471 limited to excise taxes, occupational taxes, property taxes, or utility fees; or  
 472 (9) For purposes of this section, the period of time relating to a prior conviction, plea of nolo contendere, or  
 473 forfeited bond shall be calculated from the date the offense occurred, not from the date of disposition.
- 474 (b) For 12 consecutive months immediately following the date of the revocation, no person whose license was  
 475 revoked shall be eligible for renewal of or issuance of a license at the same location for which the previously  
 476 revoked license was issued. Furthermore, during said 12-month period, the person whose license was revoked  
 477 shall not be eligible to apply for any additional licenses above the number of licenses held immediately prior to  
 478 said revocation. In determining the number of licenses that may be renewed or issued to said person after  
 479 revocation, the finance director shall not include the revoked license.
- 480 (c) No person shall hold a license in any retail category hereunder and a license under any wholesale category at  
 481 the same time.

482 Sec. 6-8. - Processing application.

- 483 (a) After investigation by the police department of the fitness of the applicant and the proposed location, all  
 484 alcoholic beverage license applications shall be approved or disapproved by the City Council at a public  
 485 meeting. In cases where applications are disapproved, the finance department shall return the amount of the  
 486 license fee submitted with the application, excluding the amount of the processing fee provided for in section 6-  
 487 2(d), which shall be retained. In cases where such applications are approved by the City Council, the Council  
 488 shall issue a proper license to the applicant authorizing the applicant to engage in the business and at the  
 489 location applied for.
- 490 (b) No application shall be processed unless the non-refundable application fees set forth in section 6-2(d) are paid  
 491 in full. Said fee(s) shall cover the city's investigative and administrative costs to process the application. The  
 492 fee(s) shall be established by the City Council by resolution and may be adjusted from time to time by the same.
- 493 (c) The City Council shall have full power to determine whether the applicant for a license is a fit and proper person  
 494 to operate the type of business involved and whether the location of such business is proper and in the best  
 495 interest of the public, and the decision of the Council shall be final.
- 496 (d) All decisions approving, denying, suspending, or revoking such license shall be in writing, with the reasons  
 497 therefor stated, and shall be mailed or delivered to the applicant personally.
- 498 (e) Public notice of all proposed new alcoholic beverage licenses shall be given by publication, at least once during  
 499 each of the two seven-day periods immediately preceding the City Council meeting at which the application of a  
 500 new license is first to be considered, of a notice containing the name of the proposed business, the name of the  
 501 applicant, the location (address) of the proposed place of business and the nature of the alcoholic beverages  
 502 license sought.

503 Sec. 6-9. - General regulations pertaining to all licenses.

504 (a) *Location, transfers.*

- 505 (1) *License not transferable to another location.* Each license is issued for a specific location only and may not  
 506 be transferred to another location unless the licensee is permanently relocating their business. A new  
 507 application is required for each licensed premises. No license, except for a manufacturer license, may be  
 508 issued to different licensees for the same location. Should a licensee relocate, they shall update their  
 509 business address with the city staff for no additional fee.
- 510 (2) *Transfer of license to another person.* No alcoholic beverage license shall be transferred from one person  
 511 to another during the year in which the license was obtained. Except in the case of the death of a person  
 512 holding a license, in which event their personal representative may continue to operate under the license  
 513 for six months from the date of their qualification so as to furnish the personal representative adequate

- 514 time to apply for and obtain an appropriate alcohol license with the state and city. Filing is required within  
515 45 days of the death of the license holder.
- 516 (b) *Interests of public employees; prohibited.* No license shall be granted to any City of Pooler, state, or federal  
517 employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting  
518 activity.
- 519 (c) *Inspection of books and accounts.* Upon demand by the director of finance, or their designated representative,  
520 any person holding a license from the City of Pooler, Georgia, shall open to the director of finance, or their  
521 designated representative, their place or places of business for the purpose of enabling the director or their  
522 representative to ascertain and gain such information as may be necessary for determination of the proper  
523 classification of such license holder for license fee purposes and determination of the correct amount of license  
524 fee to which such person is subject. Upon demand by the director of finance, or their designated representative,  
525 any person holding a license from the City of Pooler shall furnish the director or their representative, during  
526 normal business hours at such person's place of business, all books of account, invoices, papers, reports and  
527 memoranda containing entries showing amount of purchases, sale receipts, inventory and other information,  
528 ascertained and from which the correct amount of the fee to which he is subject may be determined, including  
529 exhibition of bank deposit books, bank statements, and copies of sales tax reports, and any other such  
530 documents as the City of Pooler may deem necessary. Any person holding a license from the City of Pooler  
531 shall secure, preserve, maintain, and keep for a period of three years the records and documents enumerated  
532 and referred to in this section.
- 533 (d) *Failure to open.* Failure to open a licensed establishment shall serve as a forfeiture and cancellation of the  
534 unused license and no refund of the license fee shall be made to the license holder.
- 535 (e) *False representation of age.* It shall be unlawful for any person to falsely misrepresent their age in any manner  
536 whatsoever for the purposes of purchasing or otherwise acquiring any beverage licensed hereunder.
- 537 (f) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a licensee hereunder,  
538 their employees, subcontractors, or their agents, to add to the contents of a bottle or to refill an empty bottle or  
539 in any manner to misrepresent the quantity, quality or brand name of any beverage licensed hereunder.
- 540 (g) *Registered agent.* All licensed establishments must have and continuously maintain in the city a registered  
541 agent upon whom any process, notice or demand required or permitted by law or under this chapter to be  
542 served upon the licensee or owner may be served. This person must be a resident of the city or a licensed  
543 attorney practicing law that maintains an office in the city. The licensee shall file the name of such agent, along  
544 with the written consent of such agent, with the code enforcement officer and shall be in such form as he may  
545 prescribe.
- 546 (h) *Rules for conduct and operation.* Of every place of business selling wine, beer and/or alcoholic beverages, and  
547 of every person owning and operating such place of business:
- 548 (1) All establishments duly licensed under this chapter must fully comply with all sanitary requirements  
549 promulgated by the county health department.
- 550 (2) All musical units or amusement machines installed in any establishment licensed under this chapter must  
551 be properly registered with the city clerk.
- 552 (3) Illegal gambling conducted on the premises of any establishment licensed under this chapter shall be  
553 cause for revocation of such license.
- 554 (4) Disorderly conduct in any place of business or other place where wine, beer and/or alcoholic beverages  
555 are permitted to be sold is expressly forbidden by this chapter, and every person owning and/or operating  
556 a place of business for which a license under this chapter has been granted, and for which the license fee  
557 has been paid, may be subject to license revocation, in the manner provided for in section 6-15, for  
558 permitting any disorderly conduct in such place of business.
- 559 (5) All of the laws of the state pertaining to the sale of alcoholic beverages by retail dealers are incorporated  
560 in this chapter and are as fully applicable as though completely set forth in this chapter.
- 561 (6) Retail dealers shall keep their place of business sufficiently lighted to protect the health and safety of  
562 patrons and persons lawfully on the premises. All retail dealers and serving establishments shall keep their  
563 main entrance unlocked during normal scheduled business hours and allow entry for inspection.  
564 Exceptions may be granted for specially approved and permitted private events.
- 565 (7) The city reserves the right to promulgate additional regulations or ordinances pertaining to the conduct of  
566 the business of selling alcoholic beverages, and any person licensed under this chapter shall be subject to  
567 such additional regulations that may be promulgated from time to time by the City Council.

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

572 (9) Except as otherwise provided in this chapter, it shall be unlawful for any person holding a license for the  
573 selling or serving of alcoholic beverages to the public for consumption on the premises, or any of such  
574 person's clerks, servants, agents, or employees to permit any person under 21 years of age to enter such  
575 premises; and it shall be unlawful for any person under 21 years of age to enter such premises. The  
576 provisions of this subsection shall not apply to eating establishments as defined in section 6-10, or to  
577 events which are not open to the public. The provisions of this subsection shall not apply to persons under  
578 21 years of age who are working on the premises either as an employee or an independent contractor,  
579 which persons may enter and remain on such premises while they are working, and at no other time.

580 (10) Temporary/special event permits to dispense alcoholic beverages may be issued when the event is:

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

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

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

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

594 (i) An outdoor dining area may be located in front of an eating establishment or on the side, with no  
595 part located within a public right-of-way.

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

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

603 (i) *Maximums for certain License Classes and General Distance Requirements*

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

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

609 Licenses for Class A1, Class A2, and Class A3 are collectively referred to as "licensed retail stores" for the  
610 remainder of this section, unless otherwise specifically referenced as a Class

611 Current licensees may change their license class sub-type upon review of City Council without a full distance  
612 requirement review, as outlined below; however, Council may decide to deny the change to license class if  
613 Council determines there are other similarly classed retail stores in the near vicinity of the retail store requesting  
614 the license class change.

615 (1) *Maximum number of Class A1 licenses issued*

616 This Sec 6-9-1 shall only apply to Class A1 Licenses.

617 Class A1 licensed retail stores (or their equivalent) that have been in business before this chapter's date of  
618 enactment shall be exempt from these limitations for the consideration of license renewal and must  
619 continue to remain in good standing with the City of Pooler, including renewing in a timely manner. This

620 exemption may survive ownership and management changes so long as all other requirements are met. If  
621 business operations are suspended due force majeure circumstances that prevent regular operation, not to  
622 exceed 36 months, the exemption shall survive provided the license remain in good standing with the City  
623 of Pooler.

624 (i) Licensed retail stores shall be limited to 1 per 1,350 registered voters within city limits, rounded  
625 down to the nearest 1,000<sup>th</sup> place as maintained by the Chatham Board of Registrars or the body  
626 tasked with the management of voter registration.

627 (ii) The City of Pooler shall request, from the Chatham Board of Registrars or equivalent body, the  
628 count of registered voters within city limits as of the last election upon an application for a Class  
629 A1 retail package store license.

630 (2) *Maximums Variance Criteria*

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

632 (i) The new applicant's business is located no less than 5,000 feet from another licensed retail  
633 store and must also meet the distance requirements in Sec 6-9(i)(3).

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

636 (ii) That if granted, the variance will not cause substantial detriment to the public good.

637 (3) *Distance requirements.*

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

641 (i) The applicant(s) for Class A (1-3), B (1-3), C, D, E, F1, G, & H licenses shall list all churches,  
642 colleges, residences, schools, and alcoholic treatment centers within 750 feet of any portion of  
643 the proposed licensed premises and the distance between property lines of the proposed place  
644 of business and the property lines of schools, colleges, churches, alcoholic treatment centers  
645 and residences within 750 feet of the proposed place of business.

646 (ii) No Class A (1-3) license shall be issued for the retail sale of alcoholic beverages for off-  
647 premises consumption within 300 feet of any church building, educational building, school  
648 grounds, or college campus. Tutoring or learning centers, for purposes of this section, private or  
649 public, profit or non-profit shall not be considered in these distance requirements. Nothing in this  
650 subparagraph shall prohibit the issuance of a license to a grocery store for the retail sale of only  
651 wine and malt beverages for consumption off the premises within 300 feet of any school building,  
652 school grounds, or college campus.

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

656 (iv) No new Class A (1-3) license shall be issued for retail sale of alcoholic beverages for off-  
657 premises consumption without consideration by the City Council of the proximity of the location  
658 proposed for the establishment to any property zoned for or used for residential purposes, any  
659 property with a valid license for sale of alcoholic beverages for off-premises consumption, or  
660 which is owned by the city or other government agency and planned for residential use. Where  
661 the applicant's proposed place of business is located within 750 feet of any property zoned for or  
662 used for residential purposes, any property with a valid license for sale of alcoholic beverages for  
663 off-premises consumption, or which is owned by the city or other government agency and  
664 planned for residential use, then any motion to approve the location must be accompanied by a  
665 statement substantially to the effect that such proximity has been considered and it is the  
666 Council's finding that the proximity does not cause the establishment of the licensed premises as  
667 proposed to be harmful to the welfare of the community or otherwise unsuitable for the location.

668 (v) No new Class A (1-3) license shall be issued, or new location be approved, for retail sale of any  
669 alcoholic beverage for consumption on-premises without consideration by the City Council of the  
670 proximity of the location proposed for the establishment to any nearby school, college, church, or  
671 residence. If any school, college, church, or residence is located within 600 feet of the main  
672 entrance to the proposed licensed premises, then any motion to approve the location must be  
673 accompanied by a statement substantially to the effect that such proximity has been considered

674 and it is the Council's finding that the proximity does not cause the establishment of the licensed  
675 premises as proposed to be harmful to the welfare of the community or otherwise unsuitable for  
676 the location.

677 (vi) The distance requirements found herein may not apply to applications made on behalf of  
678 locations falling within the city's designated Overlay District(s) provided the District(s) provide  
679 different distance requirements. Otherwise, the distance requirements shall apply.

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

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

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

688 (1) Eating establishments, other than fast food restaurants, serving prepared food which is offered to the  
689 public. As used in this subsection, "fast food restaurant" means a restaurant that transacts more than 15  
690 percent of its sales through a carry out window.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

717 (2) Distilled spirits may be sold at locations licensed as distilleries in compliance with this chapter and in  
718 accordance with O.C.G.A. § 3-5-24.2, as amended from time to time.

719 Retail package license holders shall not permit the breaking of a package containing any alcoholic beverage or  
720 the drinking of any alcoholic beverage on the licensed premises.

721 (b) Caterers may only serve alcoholic beverages to eligible event guests at the authorized catered function.

722 (c) Caterers licensed for alcohol sales in other Georgia municipalities other than the City of Pooler, may apply for a  
723 special event permit for \$50.00 and an excise tax of three percent of the total value of all alcoholic beverages  
724 transported into the city. All alcohol transported to the event must be declared at the time of the application for  
725 the special event permit, pursuant to O.C.G.A. § 3-11-3.

726 (d) Transportation to and from the venue will require a copy of all issued licenses pursuant to O.C.G.A. § 3-11-3.  
727 Drivers must be 21 or older, alcoholic beverages must be in the rear of the vehicle and secured in a manner that  
728 would prevent easy access while the vehicle is in motion.

729 Sec. 6-12. - Retail package sale of malt beverages and wine for consumption off-premises.

730 (a) Malt beverages and wines shall not be sold at retail except in the following types of businesses:

731 (1) Package stores;

732 (2) Grocery stores;

733 (3) Breweries, as provided by O.C.G.A. § 3-5-24.1 as may be amended from time to time;

734 (4) Farm wineries, pursuant to the powers set forth in O.C.G.A. §§ 3-6-21.1, 3-6-21.2 and 3-6-21.3 as may be  
735 amended by the state from time to time;

736 (5) Brewpubs;

737 (6) Convenience stores, including those with or without fuel for sale.

738 (b) No malt beverages or wine shall be displayed for sale on the licensed premises except in the original package  
739 at room temperature or in an electric cooler or in a "growler" for premises licensed to provide "growler" services.

740 (c) *Keg sales.* Any retail package dealer selling beer by the keg shall require the purchaser to provide a drivers'  
741 license or other form of photo identification and shall record the identification or serial number of the keg along  
742 with the full name, address, date of birth, and Georgia Driver License or Identification Number of the purchaser.  
743 Such record shall be maintained for a period of no less than one year following the date of purchase. Such  
744 records shall be provided for inspection to any officer of the city police department upon oral or written request.

745 (d) *Sunday sales.* Refer to Sec. 6-14.

746 (e) *Brewpubs.* In addition to any authorizations provided by state law, brewpubs shall be authorized to sell growlers  
747 or other packages of wine and malt beverages for off-premises consumption.

748 (f) Caterers, see Sec. 6-11(b)-(c)

749 Sec. 6-13. - Retailer to purchase from licensed wholesaler only.

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

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

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

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

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

766 (c) Classes C, D, E, G, H – wholesale, brewery, winery & distillery licensees shall not sell distilled spirits, beer, and  
767 wine at any time on Sundays before 12:30 p.m. or after 11:30 p.m. or on any other day between the hours of  
768 11:45 p.m. and 7:00 a.m.

- 769 (d) Add-non C1 – Retailers packages of malt beverages, wine, and distilled spirits shall be permitted to sell malt  
770 beverages, wine, and distilled spirits by the package Sundays between the hours of 12:30 p.m. and 11:30 p.m.  
771 Retailers may sell only those alcoholic beverages that are authorized by the retailer's alcoholic beverage license  
772 and only in the manner authorized by such license.
- 773 (e) Add-on C2 – Alcoholic beverages may be sold for consumption on-premises on Sunday from 11:00 a.m. until  
774 11:30 p.m. in any restaurant licensed for Sunday sales, any licensed establishment which derives at least 50  
775 percent of its annual gross income from the rental of rooms for overnight lodging, and/or any licensed premises  
776 allowed otherwise allowed by state law to serve alcohol for consumption on-premises on Sundays.
- 777 (f) All classes – Alcoholic beverages may be sold on a primary or election day either by the package or for  
778 consumption on the premises; provided, however, that no sale shall take place within 250 feet of any polling  
779 place or of the outer edge of any building within which such polling place is established on primary or election  
780 days.
- 781 (h) Classes B1 – B3, & F – When New Year's Eve falls on Sunday, on-premises consumption businesses may  
782 remain open until 1:45 a.m. January 1. All customers shall be required to vacate the licensed premises by 2:00  
783 a.m., unless the customer is an overnight guest, if premises is a hotel or venue offering rooms to rent, and no  
784 drink order shall be placed or filled subsequent to 1:45 a.m.
- 785 (i) All Classes – Serving establishments shall be required to be vacant and have all patrons and non-employees  
786 exited from the premises within 15 minutes of the closing times provided by this section. Establishments will be  
787 prohibited from serving alcoholic beverages during non-regularly permitted hours unless approved and  
788 permitted for a private event. This section does not pertain to vendors or licensed contractors providing a  
789 service to establishments who serve alcoholic beverages.
- 790 (j) Classes A1 – A3, K, & Add-on B – Retail package retailers & complementary of malt beverages, wine, and  
791 distilled spirits shall be permitted to sell malt beverages, wine, and distilled spirits by the package on Christmas  
792 Day between the hours of 12:30 p.m. and 9:30 p.m.
- 793 (k) Classes B1 – B3 & F – On-premises consumption businesses, including hotels, may sell alcoholic beverages  
794 on Christmas Day, except if Christmas is on a Sunday, between the hours of 7:00am and 1:45am. If Christmas  
795 is on a Sunday, the operating hours will observe the Sunday limitations.
- 796 (l) Classes I, J, L – temporary, private and homebrew events, & caterers may not sell or serve malt beverages,  
797 wine, and distilled spirits between 1:45 a.m. and 7:00 a.m. Monday through Saturday. No events may serve  
798 malt beverages, wine, and distilled spirits on Sunday except between the hours of midnight through 1:45 a.m. if  
799 the event occurs on the Saturday prior.

800 Table 1.2 – Hours and days of sale

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

801 \*requires add-on C1

802 \*\*requires add-on C2

803

804 Sec. 6-15. - Reserved.

805 Reserved for future use.

806 Sec. 6-16. – Underage Persons.

807 No person who holds a license to sell alcoholic beverages by the drink shall allow any underage persons to be  
808 in, frequent or loiter about the licensed premises of the establishment unless such underage persons are  
809 accompanied by a parent, legal guardian, or custodian; provided, however, that such underage persons shall be  
810 permitted in restaurants, indoor commercial recreational establishments, or private clubs as defined in this chapter  
811 without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not  
812 apply to underage persons who are employees under this chapter. All personnel employed by licensee shall be  
813 advised by the licensee or the manager of the provisions of this subsection.

814 This section shall not prohibit such licensees from employing persons between the ages of 18 and 21 to work in  
815 the licensed establishment as servers, bartenders, or otherwise.

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

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

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

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

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

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

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

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

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

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

- 854 (b) In connection with an event sponsored or cosponsored by the city, an authority (such as a committee,  
855 commission, or board) established by the City Council, or an event obtaining the specific approval of the City  
856 Council, open containers of alcoholic beverages shall be permitted; the following regulations shall apply:
- 857 (1) Consumption of alcoholic beverages may be allowed in or on certain city-owned facilities and parks to  
858 include: Pooler Recreational Park (Rogers St), Pooler Recreation Complex, excluding the  
859 Stadium,(Preston Stokes Dr), and the Pooler Government Complex. Such beverages may be provided at  
860 no charge by the approved special event applicant to its guests, or they may be sold to such guests by an  
861 approved holder of a pouring license in good standing issued by the City of Pooler.
- 862 (2) Consumption of alcoholic beverages shall be limited to a designated area, such as a "beer garden" or  
863 similarly delineated area that is controlled and monitored by off-duty police personnel. Any establishment  
864 licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to  
865 dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or  
866 glass; provided, however, that no establishment shall dispense to any person more than one such  
867 alcoholic beverage at a time.
- 868 (3) No container in which an alcoholic beverage is dispensed shall exceed 16 fluid ounces in size. No person  
869 shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places  
870 within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- 871 (4) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or  
872 glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-  
873 of-way, and parking lots, whether public or private.
- 874 (c) It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle  
875 when the vehicle is parked on any city street, alley, way, or parking lot.
- 876 (d) It shall be unlawful for any person to possess an open container of an alcoholic beverage while operating a  
877 vehicle in the city or while a passenger in or on a vehicle being operated in the city.
- 878 (1) As used in this article, "open container" means any container which is immediately capable of being  
879 consumed from, or the seal of which has been broken.
- 880 (2) An open container shall be considered to be in the possession of the operator of a vehicle if the container  
881 is not in the possession of a passenger and is not located in a locked glove compartment, locked trunk, or  
882 other locked non-passenger area of the vehicle.
- 883 (3) An open container shall be considered to be in the possession of a passenger of a vehicle if the container  
884 is in the physical control of the passenger.
- 885 (4) Exceptions:
- 886 i. A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide  
887 transportation for passengers and such driver holds a valid chauffeur's license pursuant to Georgia  
888 law or any other state;
- 889 ii. A passenger of a bus in which the driver holds a valid chauffeur's license pursuant to Georgia law or  
890 any other state; or
- 891 iii. A passenger of a self-contained motor home which is more than 21 feet in length.
- 892 (e) It shall be unlawful for any person to consume any alcoholic beverages or controlled substances in any of the  
893 city or public parks, stadium, sports fields, grounds, public facilities or lands owned by the city, or areas  
894 appurtenant to any lands and facilities which are owned and/or operated under the jurisdiction of the city.  
895 Unless a properly permitted and licensed event is underway at the location.
- 896 (f) It shall be unlawful for any person to consume any alcoholic beverages or controlled substances in parking lots  
897 open to the public.

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

899 Sec. 6-20. - Outside delivery of drinks, curbside pickup, and home delivery.

900 For purposes of this section, the terms:

901 (a) 'Approved container' means a tamper evident container that:

- 902 (i) Does not contain openings or straw holes; and  
 903 (ii) Is sealed in a manner that is visibly apparent if the container has been subsequently opened or  
 904 tampered with; and  
 905 (iii) Has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.
- 906 (b) 'Curbside pick-up' means when a licensee furnishes purchased goods to a customer's vehicle within a clearly  
 907 designated pick-up area located within a paved parking area adjacent to the licensed premises.
- 908 In addition to any authorizations provided by state law, certain existing license holders can apply for a separate add-  
 909 on license for home delivery, per Sec 6-2(b) & Section 6-2 Table 1.1, to allow for the delivery of package beer and  
 910 wine under the provisions of O.C.G.A. § 3-3-10. No additional license is required for B1 licensees for curbside pick-  
 911 up.
- 912 (a) Unless so licensed, retail consumption dealers under this chapter shall not sell or permit the sale of alcoholic  
 913 beverages except within the physical confines of the licensed premises. The sale or delivery of alcoholic  
 914 beverages through any window, door, or other opening in the license premises to person outside the physical  
 915 confines of the structure or designating dining area, and any sale or delivery of beverage alcohol upon the  
 916 street, sidewalk, or grounds outside the license premises is prohibited. Except for as provided under Section 6-  
 917 20(h).
- 918 (b) Pursuant to O.C.G.A. § 3-3-10, home delivery may only occur between the hours the licensed establishment is  
 919 authorized to serve and/or sell alcoholic beverages and may only deliver on Sundays if that establishment also  
 920 has a Sunday Sales license.
- 921 (c) No packaged goods retailer with only a on-premises permit shall be permitted to engage in delivery operations  
 922 without first obtaining a proper alcohol license from the city pursuant to the same procedures as are set forth in  
 923 Section 6-2.
- 924 (d) In addition to any authorizations provided by state law, on-premises pour permit holders (Class B1-3) can apply  
 925 for a "home delivery license" to allow on-premises permit holders to deliver package beer and wine under the  
 926 provisions of O.C.G.A. § 3-3-10.
- 927 (e) Packaged goods retailers may apply for an "Add-on B home delivery license" any time from the city. License  
 928 fees will be pro-rated according to the schedule published in Section 6-2 (d)(4).
- 929 (f) Class A1 license holders may deliver liquor, beer, and wine. All other class holders eligible for the add-on  
 930 license may only deliver beer and/or wine as their permit allows, including grocery and convenience stores.
- 931 (g) All alcoholic beverages must be delivered in their original manufacture packaging. No open or "broken"  
 932 beverages may be sold. Only a Class A1 license holder may sell mixed drinks, provided they are in a  
 933 manufacturer sealed container.
- 934 (h) Mixed drinks for off-premises consumption.
- 935 (1) Any food service establishment which is licensed with a City of Pooler B1 on-premises consumption license  
 936 may sell mixed drinks for off-premises consumption in approved containers, provided that such mixed drinks  
 937 are:
- 938 (i) Sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entree  
 939 ordered; and  
 940 (ii) Accompanied by a food order and a sales receipt with a time stamp that indicates the date and time of  
 941 such purchases; and  
 942 (iii) Sold for personal use and not for resale and picked up in person by the same individual customer to  
 943 whom the mixed drinks and entrees were sold and from whom the food service establishment received  
 944 payment; provided, however, that such individual customer shall not include a delivery service or third-  
 945 party agent; and  
 946 (iv) Furnished with the accompanying food order to the customer on the premises or by way of curbside  
 947 pick-up; and  
 948 (v) Is prepared on the day of sale by an employee of the licensee; and  
 949 (vi) Contains no more than 3 ounces of distilled spirits; and  
 950 (vii) Is sealed in an approved container.
- 951 (2) If transported in a motor vehicle, the customer shall place the mixed drink in a locked glove compartment, a  
 952 locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

953 (3) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with O.C.G.A. Code §3-4-  
954 130 through 3-4-133.

955 (i) Delivery drivers must meet the eligibility requirements found in O.C.G.A. § 3-3-10 including the completion of a  
956 delivery training course approved by the Department of Revenue and pass an examination upon completion of  
957 the course. A copy of the results of the course and resultant certification must always remain within the vehicle.

958 (j) Licensees are ultimately responsible for the delivery of alcoholic products from their licensed premises, including  
959 deliveries by third party services, should a licensee so choose to use such a service, and employees of the  
960 retailer. Illegal alcohol deliveries committed by an employee or a third party are deemed to be an act taken by the  
961 retailer (see Sec. 6-28).

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

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

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

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

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

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

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

982 (1) The name of the producer; and

983 (2) The address of the residence at which it was produced; and

984 (3) The name and address of the home-brew special event to which it is being transported; and

985 (4) The permit number under which the home-brew special event is being held.

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

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

994 (1) The name of the producer; and

995 (2) The address of the residence at which it was produced.

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

998 Sec. 6-22. Tasting Events

999 (a) A retail package liquor store, or a retail dealer can conduct tastings of small samples of beers, wines, or  
1000 distilled spirits provided that the samples are of alcoholic products that are available for sale on the premises  
1001 and that the samples are consumed in the presence of a representative of the store.

- 1002 (b) The tasting event must not take place in the public area of the store but instead must be conducted in an office,  
1003 storage room, or other area of the licensed premises of the retail dealer that is closed to the public.
- 1004 (c) Permitted locations may conduct up to fifty-two (52) tasting events per calendar year. Tasting events may only  
1005 take place during the hours that the licensed premises may lawfully sell unbroken packages of alcohol. Such  
1006 tasting events must last no longer than four hours, with only one tasting event being held per day. Only one type  
1007 of alcoholic beverage may be served at a tasting event, either malt beverages, or wine, or distilled spirits.  
1008 However, more than one brand of each type of alcoholic beverage may be offered so long as not more than four  
1009 packages are open at any one time. Packages opened for the purposes of providing samples may not be sold,  
1010 but instead must be kept locked in a secure room or cabinet except when in use during a tasting event.
- 1011 (d) At least five (5) business days prior to holding a tasting event, the licensee must notify the City and the Chief of  
1012 Police in writing of the tasting event and receive an Add-on D, Tasting Event permit. No additional fee is  
1013 required, and administrative approval of the notification is permitted.
- 1014 (e) Proper notification shall include a form or a document that includes, but is not limited to, the following: name of  
1015 license holder, name and location of business, time and date of the Tasting Event, and the type of alcoholic  
1016 beverage to be served.
- 1017 Sec. 6-23. - Reserved for future use.
- 1018 Sec. 6-24. - Certificate of occupancy & state licenses.
- 1019 (a) No license shall be granted under this chapter until the business establishment referred to in the license  
1020 application has been granted a certificate of occupancy by the building inspector's office.
- 1021 (b) Until the state-wide alcohol licensing system is operational, licensees are required to provide a copy of the  
1022 state-issued license to the city. This sub-section shall not apply provided the state-wide system is functional and  
1023 in use.
- 1024 Sec. 6-25. – Expiration, renewals, late renewals, and transfers.
- 1025 (a) All licenses granted under this article shall expire at midnight on December 31 of each license year. A licensee  
1026 who desires to renew the license shall file application, together with the requisite fee, on the form provided for  
1027 renewal of the license for the ensuing year. Application for renewal shall be filed on or before November 1 of  
1028 each year.
- 1029 (b) Any license renewal application filed after December 13 of the license year shall be considered late and may be  
1030 subject to a late fee of 25% of the value of the fee.
- 1031 (c) Any license for which renewal application has not been filed by the close of business of City of Pooler offices on  
1032 the final business day of December will be deemed to have expired at midnight on December 31 and will be  
1033 treated as a new license application, subject to publication of notice of the application as for new applicants, and  
1034 a fee as for a new license with a work-up including background checks, location approval and all items and  
1035 regulations as prescribed in this chapter for new applicants. During this period, the applicant may not sell,  
1036 distribute, or offer alcoholic beverages for on or off-premises consumption.
- 1037 (d) The licensee's obligation to apply timely for renewal is not contingent upon any notice from the City of Pooler,  
1038 which shall not be required to send renewal notices to any licensee.
- 1039 (e) The City Finance Department may extend the deadlines in Sec. 6-25(a-d) as needed or necessary for the  
1040 operational effectiveness of the department, staff, or the business of the city.
- 1041 (e) Existing licensees may not transfer the license to any other person or entity without the prior application, new  
1042 license fee payment, and approval of the proposed new licensee by the City Council. This shall not be  
1043 considered a new license application and notice need not be published prior to approval.
- 1044 (f) Existing licensees may not change the location of the licensed premises without the prior application, transfer  
1045 fee payment, and approval of the proposed new location by the City Council. This shall not be considered a new  
1046 license application but notice of consideration of the new location shall be published by the city clerk in the  
1047 manner prescribed in this article.
- 1048 Sec. 6-26. - Display.
- 1049 The alcoholic beverage license shall always be displayed in prominent and plain view at the licensed premises.
- 1050 Sec. 6-27. - Supervision, revocation, non-renewal, or probation.

- 1051 (a) The City Council may suspend, revoke, refuse to renew, or impose conditions of probation upon any license  
1052 required under this chapter if:
- 1053 (1) The license application is not filed in good faith or is filed by some person as subterfuge for any other  
1054 person; or
- 1055 (2) Any applicant for a license or any licensee under this chapter willfully fails to comply with any provision of  
1056 this chapter or with rules and regulations adopted by the City Council, or the Georgia Alcoholic Beverage  
1057 Code; or
- 1058 (3) Any person to whom a license has been issued is no longer engaged in the sale of alcoholic beverages,  
1059 malt beverages or wine or no longer qualifies as a licensee under this chapter; or
- 1060 (4) A licensee permits the licensed premises to be operated in a disorderly manner so as to constitute a public  
1061 nuisance after:
- 1062 i. The licensee has been advised in writing by the chief of police of the unsatisfactory manner in which  
1063 business is being operated; and
- 1064 ii. The licensee has been given a reasonable opportunity to cure such deficiencies.
- 1065 (b) Conditions of probation may include such conditions of operation as the City Council determines to be in the  
1066 best interest of the public including, but not limited to, any of the following:
- 1067 (1) Limitation on days or hours of operation;
- 1068 (2) Limitation on number of persons allowed in licensed premises;
- 1069 (3) Limitation on manner of service, e.g., use of glass containers;
- 1070 (4) Requirements as to security personnel or other personnel;
- 1071 (5) Requirements as to lighting, parking, means of egress and similar matters;
- 1072 (6) Requirements for employee training in addition to the training set forth in section 6-30;
- 1073 (7) Requirements that the establishment obtain a scanner or other like technology used to scan and verify  
1074 acceptable forms of identification;
- 1075 (8) Requirements as to litter or trash pickup, reduction of noise levels and similar matters; or
- 1076 (9) In addition to the imposition of the requirements or limitation above, in the event a licensee, or their  
1077 agents, employees, or designees are found to be in violation of the sale of alcohol to a minor, the City  
1078 Council may impose the following fines on the licensee:
- 1079 i. For a first offense, the licensee shall be assessed a \$150.00 fine and receive a period of six months  
1080 on probation;
- 1081 ii. For a second offense, the licensee shall be assessed a \$300.00 fine and receive a period of six  
1082 months on probation;
- 1083 iii. For a third offense, the licensee shall be assessed a \$750.00 fine and receive a period of 12 months  
1084 on probation.
- 1085 (c) If a firearm is discharged, or any other weapon, such as, but not limited to, a knife, brass knuckles, a blade etc.,  
1086 are used around a bar, on its grounds or approaches, including parking areas, or by any customer or employee  
1087 upon leaving the bar while within 300 feet of the entrance to the bar. If the police chief, the city manager, or  
1088 their designee determines that there is a threat to public safety they may place on suspension the liquor license  
1089 of any establishment for a period not to exceed three days. Any such suspension of a liquor license for the  
1090 discharge of a firearm, or other use or attempted use of a weapon, shall be accomplished by written notice to  
1091 the licensee from the chief of police or their/her designee of such suspension and the length of such suspension  
1092 as well as notification as to when a public hearing shall be held. Furthermore, city council shall convene a  
1093 special meeting as soon as is allowed by state law to review the suspension. The licensee, their representative,  
1094 and/or legal counsel shall be allowed to attend, present evidence, and testify at the special meeting. Upon  
1095 probable cause of the belief of further risk to public safety, City Council may suspend the license for up-to 30-  
1096 days while conducting a more thorough review and investigation of the circumstances. A follow-up hearing,  
1097 pursuant to Sec. 6-28 – 6-29.2, may be held at a regularly scheduled or specially called Council meeting  
1098 provided that no greater than 30-days has elapsed from the initial suspension of the license to determine if the  
1099 license should be revoked.

1100 (d) If a citation is issued for the sale of alcohol to underage persons within a licensed premise, such license shall be  
1101 immediately placed on probation for a 12-month period beginning on the date of the issuance of the citation.  
1102 During the probationary period, the licensee shall be subject to random periodic testing for sales to underage  
1103 persons. The licensee shall be given notice of the commencement of the probationary period via certified mail or  
1104 personal service within 30 days of the issuance of the citation. If, during the probationary period, the licensee is  
1105 found to be in violation any state law or provision of this chapter related to the sale of alcohol, the City Council  
1106 may immediately revoke said license and provide notice in the same manner set forth in Section 6-28 – 6-29.2.

1107 Sec. 6-28. - Violation; penalty.

1108 Any person convicted of violating any of the provisions of this chapter may be punished as provided in section  
1109 1-12. Upon the conviction of any holder of any alcoholic beverage license of a violation of this chapter, the City  
1110 Council, in its discretion, shall be authorized to revoke the license of the violator.

1111 Sec. 6-28.1. - Notice and hearing.

1112 All decisions approving, denying, suspending, revoking, refusing renewal of, or imposing conditions of probation  
1113 upon alcoholic beverage licenses shall be in writing, with the reasons therefor stated, and mailed or delivered to the  
1114 applicant personally. Within 30 days of any such decision, any applicant or license holder aggrieved by the decision  
1115 of the City Council regarding a license shall be afforded a public hearing with an opportunity to present evidence and  
1116 cross examine opposing witnesses.

1117 Sec. 6-29. – Disciplinary Hearings.

1118 (a) Each license issued pursuant to this article is granted as a mere privilege and not a right. Upon violation of any  
1119 provision of this chapter or of any law or regulation of the state relating to alcoholic beverages, malt beverages  
1120 and wine, the Council, at a regular or special called meeting, after reasonable written notice of the pending  
1121 violations to the licensee and after the licensee has been afforded an opportunity to be heard as to the proposed  
1122 grounds for revocation, may revoke or suspend the license, or in lieu of revocation or suspension may impose  
1123 conditions or probation upon continued operations under the license. When a license is revoked or suspended,  
1124 no portion of the license fee shall be refundable.

1125 (b) Upon the recommendation of the chief of police, the City Council may temporarily suspend any license involving  
1126 the sale of alcoholic beverages, if the manner of operation poses a serious safety or health hazard, for a person  
1127 not to exceed 30 days pending a hearing and final action by the Council.

1128 Sec. 6-29.1. - Disciplinary action; reporting required.

1129 Within 45 days of any disciplinary action, as defined in O.C.G.A. § 3-3-2.1(a)(1), taken by the city against a  
1130 licensee, the City shall report such disciplinary action to the Georgia Department of Revenue "GDOR" in accordance  
1131 with the format, rules, and regulations promulgated by the GDOR.

1132 Sec. 6-29.2. - Revocation of license.

1133 (a) (1) In addition to any criminal penalty that may be imposed by section 6-28, the City Council shall have the  
1134 right to deny, suspend or cancel any license under this chapter if:

1135 a. The license application is not filed in good faith or is filed by some person as a subterfuge for any  
1136 other person.

1137 b. Any applicant for a license or any licensee under this chapter willfully fails to comply with any  
1138 provisions of this chapter.

1139 c. Any person to whom a license has been issued under this chapter is no longer engaged in the dealing  
1140 of alcoholic beverages or no longer qualifies as a licensee under this chapter.

1141 (2) Before any denial, suspension or cancellation of a license granted under this chapter, the applicant or  
1142 licensee shall be afforded notice and a hearing as follows:

1143 a. The notice shall be served personally or by certified mail, not less than 20 days before the hearing.  
1144 The notice shall include a:

1145 1. Statement of the time, place and nature of the hearing;

1146 2. Statement of the legal authority under which the hearing is to be held;

1147 3. Reference to the sections of ordinances and statutes involved;

1148 4. Short and plain statement of the matters asserted;

1149 5. Statement as to the right of any party to representation by legal counsel at the hearing; the right  
1150 of any party to present evidence on all issues; and the right of any party to subpoena witnesses  
1151 and documentary evidence.

1152 (b) At the hearing, all parties may be represented by legal counsel, and may respond to and present evidence on  
1153 all issues involved. The City Council, as the hearing agency, shall have the right to exercise the powers  
1154 provided in O.C.G.A. § 50-13-13, and to promulgate such other rules for the orderly disposition of the hearing as  
1155 it deems appropriate.

1156 Sec. 6-30. - Employee regulations.

1157 (a) Certain regulations shall apply to employees and/or potential employees of all establishments holding an  
1158 alcoholic beverage license for the retail sale of alcoholic beverages issued by the city.

1159 (b) All persons shall be employed to engage in the sale of alcoholic beverages by an establishment holding a  
1160 license under this chapter shall be provided such training by the licensee to ensure compliance with the  
1161 provisions set forth in this chapter. In no case shall a licensee allow any employee to engage in the sale of  
1162 alcoholic beverages when such employee has not received the training required by this subsection within four  
1163 days of the date of their original employment.

1164 (c) All employees who work for a business licensed to sell alcoholic beverages within the city who are engaged in  
1165 the sale of alcoholic beverages shall be trained to sell or serve alcohol in a manner which complies with the  
1166 laws of the State of Georgia and City of Pooler Code of Ordinances. Proof of such training shall be maintained  
1167 by the licensee and available for inspection by the City of Pooler code enforcement.

1168 (d) This section shall not be construed to include employees whose duties are limited solely to those of busboys,  
1169 cooks, dishwashers, or similar jobs that do not involve selling or serving or controlling the selling or serving of  
1170 alcoholic beverages.

1171 (e) Any employee engaged in selling or serving or controlling the selling or serving of alcoholic beverages shall be  
1172 18 years of age or older.

1173 ARTICLE II. - MIXED DRINK EXCISE TAX

1174 Sec. 6-31. - Definitions.

1175 For the purpose of this article, the following words and phrases shall have the meanings respectfully ascribed to  
1176 them below except where the context clearly indicates a different meaning:

1177 *Distilled spirits or liquor:* Any alcoholic beverage obtained by distillation or containing more than 21 percent  
1178 alcohol by volume, including but not limited to, all fortified wines.

1179 *Drink:* Any alcoholic beverage served for consumption on the premises which may or may not be diluted by any  
1180 other liquid.

1181 *Due date:* From the 20th day after the close of the monthly period for which tax is to be computed.

1182 *Licensee:* Any person who holds a license or permit from the City of Pooler to sell alcoholic beverages by the  
1183 drink.

1184 *Monthly period:* The calendar months of any year.

1185 *Person:* An individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock  
1186 company, corporation, nonprofit corporation or co-operative non-profit membership, estate, trust, business trust,  
1187 receiver, trustee, syndicate or any other group or combination acting as a unit, the plural as well as the singular  
1188 members, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof  
1189 upon which the city is without power to impose the tax provided herein.

1190 *Purchase price:* The consideration received for the sale of distilled spirits by the drink valued in money, whether  
1191 received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature and  
1192 also the amount for which credit is allowed by licensee to the purchaser, without any deduction therefrom  
1193 whatsoever.

1194 *Purchaser:* Any person who orders and gives present or future consideration for any distilled spirits by the drink.

1195 *Tax:* The tax imposed by this section.

1196 Sec. 6-32. - Administration generally.

- 1197 (a) The city manager or his authorized representative shall administer and enforce the provisions of this article for  
1198 the levy and collection of the tax imposed hereby.
- 1199 (b) The city manager shall have the authority to make and publish reasonable rules and regulations not inconsistent  
1200 with this article or other laws of the city and the State of Georgia, or the Constitution of this state or the United  
1201 States for administration and enforcement of the provisions of this article and the collection of taxes hereunder.
- 1202 (c) Every licensee for the sale of distilled spirits by the drink in the city shall keep such records, receipts, invoices  
1203 and other pertinent papers in such form as the city manager may require.
- 1204 (d) The city manager or designee may examine the books, papers, records, financial reports, equipment and other  
1205 facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is  
1206 made by the licensee, to ascertain and determine the amount required to be paid.
- 1207 (e) In administration of the provisions of this article, the city manager may require the filing of reports by any person  
1208 having in such person's possession or custody information relating to the sales of distilled spirits which are  
1209 subject to the tax. The reports shall be filed with the city manager's office when required and shall set forth the  
1210 price charged for each sale, the date of sale and such other information as the city manager may require.
- 1211 Sec. 6-33. - Imposed; rate.
- 1212 There is hereby imposed and levied upon every sale of distilled spirits purchased by the drink in the city a tax in  
1213 the amount of three percent of the purchase price of the drink.
- 1214 Sec. 6-34. - Collection due by licensee.
- 1215 Every licensee or his agent is hereby authorized and directed to collect the tax imposed by this article from the  
1216 purchasers of distilled spirits by the drink sold within his licensed premises.
- 1217 Sec. 6-35. - Payment; returns, collection fees; penalties and interest for late payments.
- 1218 (a) All amounts of such taxes shall be due and payable monthly to the city manager's office of the City of Pooler on  
1219 or before the 20th day of the next succeeding respective monthly period.
- 1220 (b) The remittance of the taxes collected should be on a return which shall include gross receipts from the sale of  
1221 distilled spirits by the drink, amount of tax collected or due for the related period, and such information as may  
1222 be required by the city manager.
- 1223 (c) Payments received after the 20th day of the month shall be assessed a penalty of ten percent of the amount  
1224 due but not less than \$100.00 and interest at a rate of one percent per month or any part thereof.
- 1225 (d) Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be  
1226 reimbursed in the form of a deduction in submitting, reporting and payment of the amount due, if the amount is  
1227 not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for  
1228 deductions from state and uses taxes under O.C.G.A. 48-8-50, the "Georgia Retailers' and Consumers' Sales  
1229 and Use Tax Act".
- 1230 Sec. 6-36. - Determination of deficiency amount.
- 1231 (a) If the city manager is not satisfied with the return or returns of the tax or the amount of tax required to be paid to  
1232 the City of Pooler by any licensee he may compute and determine the amount required to be paid upon the  
1233 basis of any information within his possession or that may come into his possession. One or more deficiency  
1234 determinations may be made of the amount due for one or more monthly periods.
- 1235 (b) The amount of the determination shall bear interest at the rate of one percent per month or fraction thereof from  
1236 the due date of the taxes.
- 1237 (c) In making a determination, the city manager(s) office may offset overpayment, for a period or periods, against  
1238 any underpayment, for another period or periods against penalties and against the interest on underpayment.  
1239 The interest on overpayment shall be computed in the same manner set forth in subsection (b) above.
- 1240 (d) If any part of the deficiency for which a deficiency determination has been made is due to negligence or  
1241 disregard of the rules and regulation, a penalty amount of ten percent shall be added to the deficiency amount.
- 1242 (e) If any part of the deficiency for which a deficiency determination has been made is due to fraud or an intent to  
1243 evade any provisions of this chapter or other authorized rules and regulations, a penalty of 25 percent of the  
1244 deficiency shall be added to the amount of the deficiency.

1245 (f) The city manager or authorized representative, shall give to the licensee written notice of his determination. The  
1246 notice may be served personally or by mail: if by mail, such service shall be addressed to the licensee at the  
1247 address as it appears in the records of the city manager. Service by mail is complete when delivered by certified  
1248 mail with a receipt signed by the addressee.

1249 (g) Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within  
1250 three years after the 20th day of the calendar month following the monthly period for which the amount is  
1251 proposed to be determined or within three years after the return is filed, whichever period should expire last.

1252 Sec. 6-37. - Determination upon failure to file return.

1253 (a) If any licensee fails to make a return, the city manager shall make an estimate of the amount of the gross  
1254 receipts of the licensee for the sale of distilled spirits by the drink at said licensee's pouring outlet. The estimate  
1255 shall be made for the period or periods in respect to which the licensee failed to make the return and shall be  
1256 based upon any information which is or may come into possession of the city manager's office. Upon the basis  
1257 of this estimate, the city manager shall compute and determine the amount required to be paid the City of  
1258 Pooler, adding to the sum thus determined a penalty equal to ten percent thereof. One or more determinations  
1259 may be made for one or for more than one period. Written notice shall be given in the manner prescribed in  
1260 subsection 6-21(f).

1261 (b) The amount of the determination shall bear interest at the rate of one percent per month or fraction thereof from  
1262 the 20th day of the month that any portion thereof should have been returned, until the date of payment. In  
1263 addition, a penalty of ten percent of the determination, but not less than \$100.00 shall be assessed for failure to  
1264 file a return.

1265 Sec. 6-39. - Overpayment.

1266 If the licensee or person determines that he has overpaid tax, penalty, or interest, or paid more than once, which  
1267 fact has been determined by the city manager, the licensee will have three years from the date of payment to file a  
1268 claim in writing stating the specific ground upon which the claim is founded. The claim shall be audited. If the claim is  
1269 approved by the city manager, the excess amount paid the City of Pooler may be credited on any amounts then due  
1270 and payable from the persons by whom it was paid or his administrators or executors.

1271 Sec. 6-39. - Purchasers or successors of business.

1272 (a) If any licensee or person liable for any amount under this article sells out his business or quits the business, his  
1273 successors or assigns shall withhold a sufficient amount of the purchase price to cover such amount until the  
1274 former owner produces a receipt from the city manager showing that the city has been paid or a certificate  
1275 stating that no amount is due.

1276 (b) If the purchaser of a business fails to withhold purchase price as required, he shall be personally liable for the  
1277 payment of the amount required to be withheld by him to the extent of the purchase price.

1278 Sec. 6-40. - Legal action to collect.

1279 At any time within three years after any tax or any amount of tax required to be collected becomes due and  
1280 payable and at any time within three years after the delinquency of any tax or any amount of tax required to be  
1281 collected, the city manager may bring an action in a court of competent jurisdiction in the name of the city to collect  
1282 the amount delinquent, together with interest, court fees, filing fees, attorney's fees and other legal fees incident  
1283 thereto.

1284 Sec. 6-41. - Revocation of license.

1285 The failure to pay the above prescribed tax shall render the licensee or person liable therefore subject to  
1286 revocation of their alcoholic beverage license in accordance with the procedures set forth in section 6-15.

1287 Sec. 6-42. - Penalty.

1288 (a) Any person violating any of the provisions of this article shall be deemed guilty of an offense and upon  
1289 conviction thereof shall be punished as provided in section 1-12. Any licensee or other person who fails to  
1290 furnish any return required to be made or who fails to furnish a supplemental return or other data required by the  
1291 city manager or who renders a false or fraudulent return shall be deemed guilty of an offense and upon  
1292 conviction shall be punished as aforesaid.

1293 (b) Any person who fails to pay any taxes due under this article shall not be permitted to renew his occupational tax  
1294 certificate or alcoholic beverage license until all said taxes have been paid in full.

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II.

Applicability to Current Licensees

The preceding chapter shall not apply to licensees that, as of passage of this ordinance, hold a valid Pooler alcohol license and are in good standing; rather, the pre-existing Chapter 6 shall be used for all administrative decisions as well as enforcement until December 31, 2021. After that time, all licensees shall be considered under the provisions of this revised chapter.

Licensees that have, as of passage of this ordinance, fees due to the City of Pooler, must apply for a new license as outlined in this revised Chapter.

Current licensees may request a license change for a one-time fee of \$25 and will become subject to the provisions this revised Chapter. Licensees may also apply for any desired add-on license(s) that are applicable to their new Class and pay the appropriate fee(s) at that same time. However, if a licensee already holds a Sunday Sales license, the applicable Sunday Sales license, Add-on C1 or C2, will be also issued at the time of conversion to the new license for no additional fee. All applicable renewal fees will still apply for license year 2022.

No add-on license for brewpubs, delivery, or tasting events will be issued to an existing licensee unless the license is first converted as outlined above.

City staff may, as they see necessary, refer license conversions to city council for further review.

III.

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

IV.

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

V.

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

SO ORDAINED, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Rebecca Benton, Mayor

1<sup>st</sup> Reading: \_\_\_\_\_

2<sup>nd</sup> Reading: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Kiley Fusco, City Clerk