

## CHAPTER SIX. – ALCOHOL BEVERAGE ORDINANCE

**It is hereby ordained by the governing authority of the City of Bremen that this Alcohol Beverage Ordinance is adopted and may be cited as the “Alcohol Beverage Ordinance for the City of Bremen, Georgia.**

Sec. 6-3-1. Purpose and Authority to regulate alcoholic beverages in the city of Bremen.

Sec. 6-3-2. Definitions.

Sec. 6-3-3 License—Required; classes; fees.

Sec. 6-3-4. Same—Application procedure.

Sec. 6-3-5. Same—When issuance prohibited.

Sec. 6-3-6. General regulations pertaining to all licenses.

Sec. 6-3-7. Regulations pertaining to certain classes of licenses only.

Sec. 6-3-8. Reserved.

Sec. 6-3-9. Employment Restrictions.

Sec. 6-3-10. Reserved.

Sec. 6-3-11. Dive defined; prohibited; penalty for violation.

Sec. 6-3-12. Alcohol promotions; Pricing of alcoholic beverages.

Sec. 6-3-13. Open containers.

Sec. 6-3-14. Reserved.

Sec. 6-3-15. Furnishing alcoholic beverages in violation of state law.

Sec. 6-3-16. Compliance; violations; penalties.

### **Sec. 6-3-1. Purpose and authority to regulate alcoholic beverages in city.**

(a) This chapter has been enacted in furtherance of the police powers of the City of Bremen and in accordance with a plan designed for the purposes, among others, of promoting the health and general welfare of the community by establishing reasonable standards for the regulation and control of the licensing and sales of alcoholic beverages. It is intended to protect and preserve schools and places of worship; to give effect to existing land use and to preserve residential areas, with reasonable considerations, among others, to the character of the areas and their peculiar suitability for particular uses; to minimize congestion in the roads and streets; to promote economic and development activity within those areas of the city of Bremen that have the existing road structure and sewerage capacity to handle additional and larger concentrations of lodging and dining facilities; and with a general view of promoting desirable living conditions and sustaining stability of neighborhood and property values, it is intended to protect against the evils of concentration of ownership or control of the retail outlets for alcoholic beverages and to prevent persons of ill repute from controlling the retail alcoholic beverage industry within the boundaries of the city of Bremen.

(b) The provisions of this chapter are ordained under and by virtue of the authority granted by the laws of the State of Georgia, O.C.G.A. Chapter 3; Regulation of Alcoholic Beverages Generally. To adopt all reasonable rules and regulations as may fall within the police powers of the municipality to regulate and impose taxes on any such business; O.C.G.A. section 3-3-1 authorizing cities to grant the privilege of license to businesses to sell, handle and otherwise deal in or possess alcoholic beverages; O.C.G.A. section 3-4-90, authorizing each municipality to issue licenses, through ordinance, to sell distilled spirits for beverage purposes by the drink, the sales to be for consumption only on the premises; O.C.G.A. section 3-4-110, granting each municipality the full power to adopt all reasonable rules and regulations governing the location and conduct of any such licensee including, but not limited to, the regulation of hours of business, types of employees, and other matters which may fall within the police powers of such municipality; O.C.G.A. section 3-5-40 and 3-5-42, authorizing municipal licenses for the business of manufacturing, distributing and selling malt beverages at wholesale and retail; and O.C.G.A. section 3-6-40, authorizing municipal licenses for the manufacturing, distributing and selling of wine at wholesale and retail; O.C.G.A. section 3-11-3 authorizing sales off premises for catered functions by licensed caterers; O.C.G.A. section 3-9-3, authorizing issuance of temporary permits for sale by nonprofit civic organizations of alcoholic beverages for consumption only on premises; O.C.G.A. section 3-9-10 and 3-9-11, authorizing licensing and regulation of in-room service of alcoholic beverages by licensed hotels and motels.

(c) The provisions of this chapter regulating the sale of alcoholic beverages and nudity on the premises are ordained by virtue of the authority granted by the constitution and laws of the United States and State of Georgia, for the predominate goal of combating pernicious secondary effects as most recently delineated by the Supreme Court of Georgia in its decisions of *Gravelly vs. Bacon*, and *S.J.T., Inc. vs. Richmond County*, and *Goldrush II, vs City of Marietta*, in order to avoid the effects of criminal interests and negative effects on the community by the decreased safety and welfare of the city's citizens, the hindering of commercial growth in the city, and the deterioration of the city's economic base.

#### **Sec. 6-3-2. - Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter:

*Alcohol:* Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

*Alcoholic beverage:* Includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.

*Alcoholic Treatment Center:* Any state owned or state operated hospital, community mental health center, or other facility utilized for the diagnosis, care, treatment, or hospitalization of persons who are alcoholics and any other hospital or facility within the State of Georgia approved for such purpose by the department.

*Brew pub:* Any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in section 3-5-36 of the Official Code of Georgia Annotated for retail consumption on the premises and solely in draft form. As used in this chapter, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least sixty (60%) percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

*Brewer:* A manufacturer of malt beverages.

*Broker:* Means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining stock of the alcoholic beverage.

*Brown bag establishment:* Any private club, restaurant, music hall, theater, bowling alley or any other establishment providing food or entertainment in the normal course of business in which the owners or their employees or agents knowingly allow patrons to bring in and consume on the premises the patrons' own alcoholic beverages.

*Brown bagging:* The act of a patron or patrons entering any private club, restaurant, music hall, theater, bowling alley, or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patrons' own alcoholic beverages. SEE, §6-3-6(o), brown bagging generally prohibited within the City of Bremen.

*Church:* A permanent building owned and operated exclusively by a religious organization and publicly designated a church where persons regularly assemble for religious worship. The minimum distance requirements from church buildings shall not apply to space in a shopping center or residences also used for religious purposes.

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

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

*Doorperson:* The employee of any Class C or Class D licensee who has the responsibility for and duty of checking the identification of patrons entering the licensed premises for on-premises consumption of alcohol.

*Election day:* That period of time beginning with the opening of the polls and ending with the closing of the polls.

*Financial interest:* Includes, but is not limited to, holding any indebtedness or security interest in a business.

*Hotel:* A building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which thirty (30) or more rooms are used for the sleeping accommodations of such guests, such sleeping accommodations being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels.

*Immediate family:* Means any person related to the holder of an alcoholic beverage license within the first degree of consanguinity or affinity as determined according to canon law, which shall include a person's spouse, parents, stepparents, parents-in-law, brothers and sisters, stepbrothers and stepsisters, brothers-in-law and sisters-in-law, children, stepchildren, and children-in-law.

*Importer:* Means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.

*In-room service:* Means:

- (a) The delivery of alcoholic beverages in unbroken packages by an employee of a hotel to a registered guest's room or to a registered guest at any location in the same building as the hotel when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; and

(b) The provision of a cabinet or other facility located in a hotel's guest room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by a lock and key only to the guest and for which the sale of the alcoholic beverages contained therein is deemed to be final at the time except for a credit which may be given to the guest for any unused portion.

*Legal resident:* A United States citizen or a legal alien. For the purposes of this Ordinance a *legal alien* is defined as a foreign national who possesses a valid United States government-issued I-551 card. An application for I-551 status does not meet the legal alien definition. Any other status which allows a person to enter the United States does not comply with this definition.

*Licensed alcoholic beverage caterer:* Any holder of a Class C or Class D alcoholic beverage license issued under this chapter who derives at least sixty (60%) percent of its annual gross sales from the sale of meals or food prepared on the premises of the caterer by the caterer and who otherwise qualifies with the provisions set forth in O.C.G.A. Title 3, Chapter 11.

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

*Licensee:* The person to whom a license under this chapter is issued.

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

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

- (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; and
- (b) In the case of any malt beverages, any brewer; and
- (c) In the case of wine, any vintner.

*Manager:* A person who has responsibility for management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-time employee of the corporation, partnership, proprietor, or other ownership entity.

*Open container:* The term "open container", as used in this chapter, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term "open container" shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption.

*Semipublic parking facility:* The term "semipublic parking facility" shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, church, school, or multiple-family residential building.

*Package:* A bottle, can, keg, barrel, or other original consumer container.

*Person:* Any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other entity or group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

*Private club:* A corporation organized and existing under the laws of the State of Georgia, like fraternal or veterans' organizations, having bylaws and being a part of a state or national organization in existence for at least one year immediately prior to the application for any license hereunder, having at least 50 members, regularly paying monthly, quarterly or semiannual dues, organized and operated exclusively for fraternal brotherhood, pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any stockholder or member, and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining space and equipment, and maintaining and using a sufficient number of employees for cooking, preparing and serving meals for its members and guests; provided, that no member or officer, agent or employee of the club is paid, or directly or indirectly receive in the form of salary or other compensation, any profits from the sale of distilled spirits or any beverage licensed hereunder to the club or its members or guests beyond the amount of such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

*Public entertainment facility which permits the consumption of alcoholic beverages on its premises:* A business which is open to the public and provides entertainment, amusements or dancing, charges an admission fee, and permits alcoholic beverages to be consumed on the premises by the business invitee and which is not licensed under this chapter.

*Restaurant:* Any public place kept, used, maintained, and advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment, having employed a sufficient number of cooks and kinds of employees to prepare, cook, and serve suitable food at tables with seating, and holding a certificate of inspection and approval from the county health department. At least one meal per day shall be served at least three days a week, with the exception of holidays, vacations, and periods of remodeling, and the serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. A restaurant shall have sixty (60%) percent or more of its total annual gross sales of food and alcoholic beverages from the sale of prepared meals or food.

*Retail consumption dealer:* Any person who sells distilled spirits for consumption on the premises only to consumers and not for resale.

*Retailer or retail dealer:* Except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the terms mean any person who sells distilled spirits in unbroken packages at retail only to consumers in restaurants and not for resale.

*School building or educational building on a college campus:* Governmental or church school buildings and such buildings at such other schools as teach the subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools as defined in subsection (b) of the official Code of Georgia annotated Section 20-2-690. Schools shall also be defined to include pre-schools and kindergartens.

*Wholesale or wholesale dealer:* Any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

*Wine:* Any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

**Sec. 6-3-3. - License—Required; classes; fees.**

(a) *License required.* It shall be unlawful for any person to manufacture, sell, or offer for sale, at retail or wholesale, within the corporate limits of the city of Bremen any alcoholic beverage, including malt beverage or wine, without having a manufacturer's license or retail or wholesale alcoholic beverage dealer's license. It shall be unlawful for any person to manufacture, serve, furnish, sell, or offer for sale, at retail or wholesale, within the corporate limits of the city of Bremen any alcoholic beverage, including malt beverage or wine, in violation of the terms of such license or this chapter.

(b) *Classes of Licenses and Applicable Fees.* The licenses shall be divided into the following classes:

- **Class A:** A *Class A Retail Package* license shall permit only the sale of malt beverages and/or wine in packages at retail, and not for consumption on the premises. The fee for such license shall be five hundred dollars (\$500.00) per annum.
- *Class B, RESERVED;*
- **Class C, Distilled Spirits, Pouring:** A *Class C, Distilled Spirits, Pouring License* shall permit only the sale of distilled spirits by the drink for consumption on the premises of a duly qualified restaurant. The fee for such license shall be one thousand dollars (\$1,000.00) per annum and shall be paid prior to the issuance of such license. The fee shall accompany the application and shall be either in cash or check. For restaurants applying to obtain both a *Class C* and a *Class D* license, the annual fee for both licenses will be reduced to twelve hundred and fifty (\$1250) dollars per annum, so long as the completion of the application and payment of the fee is made at the same time.
- **Class D, Pouring license:** A *Class D Pouring* license shall permit the sale of wine and/or malt beverages, both by the drink for consumption on the premises of a pouring outlet. The fee for such licenses shall be five hundred dollars (\$500.00) per annum. For restaurants applying to obtain both a *Class C* and a *Class D* license, the annual fee for both licenses will be reduced to twelve hundred and fifty (\$1250) dollars per annum, so long as the completion of the application and payment of the fee is made at the same time.
- *Class E: RESERVED;*
- **Class F, wholesale beer/malt beverage:** A *Class F, wholesale beer/malt beverage license* shall permit only the sale of beer/malt beverages at wholesale. The fee for such license shall be \$100.00 per annum.
- **Class F, wholesale wine:** A *Class F, wholesale wine license* shall permit only the sale of wine at wholesale. The fee for such licenses shall be \$100.00 per annum.
- **Class H, Licensed Alcoholic Beverage Caterer:** A *Class H, Licensed Alcoholic Beverage Caterer* shall permit an individual licensed as an alcoholic beverage caterer per Section 6-3-7(d) to serve and pour beer and/or wine at catered events. The fee for such license shall be \$300.00 per annum.

- **Class I, Brewer, Manufacturer of Malt Beverages for Sale:** A *Class I, Brewer, Manufacturer of Malt Beverages For Sale License* shall permit the licensed individual to brew and manufacture malt beverages within the city of Bremen. The fee for such a license shall be \$300.00 per annum.
- **Class J, Brew Pub Operator:** A *Class J, Brew Pub Operator License* shall permit a licensee to run and operate a Brew Pub, provided said pub, qualifies as a restaurant under the definitions of restaurant set out above. The fee for such a license shall be \$300.00 per annum. In the event, the brew pub operator brews and manufactures its own malt beverages on the premises, the Class I and Class J license may be combined with an annual fee of \$500.00.
- **Class K, Manufacturer and/or Bottler of Wine Only:** A *Class K, Manufacturer and/or Bottler of Wine Only License* shall permit the license holder to accept wines manufactured and produced, either on-site, or off-site, for the aging, development and bottling of wines for the purpose of resale by the bottle or package at wholesale or retail. The fee for such a license shall be \$500 per annum.
- **Class L, Tasting Room for Farm Winery:** A *Class L, Tasting Room for Farm Winery License* shall permit a business qualified as a “farm winery” under the provisions of O.C.G.A. §3-6-21.1 to operate an outlet for the promotion of its wines and to make retail sales of its wine and the wine of any other Georgia farm winery in tasting rooms operated within the City of Bremen for consumption on the premises and in closed packages for consumption off the premises. The fee for this license shall be \$100.00 per annum.
- **Class M, Broker:** A *Class M, Broker License* shall permit a duly licensed business or individual within the City of Bremen to act as a middleman/broker/distributor for the wholesale sales by the package of malt beverages/beer, wine or distilled spirits. The fee for this license shall be \$200 per annum.
- **Class N, Importer:** A *Class N, Importer License* shall permit a state licensed importer/exporter of alcoholic beverages to operate business within the City of Bremen for wholesale purchase and distribution of malt beverages, wine or distilled spirits. The fee for this license shall be \$500 per annum.

(c) *Change of business.* A new owner or new location shall pay the base fee for his initial license.

(d) *Payment Annually; No Refund.* The fees referred to in this section shall be payable annually on a calendar-year basis except for the initial year when they will be prorated for the number of quarters remaining in the calendar year at the time the license was purchased. If the license is purchased and is not used for the full calendar year or if the license is revoked or suspended following issuance thereof, there shall be no refunds for any portion of the fees. All new licenses must be paid and received by the business not later than 30 days from notification of approval. If not received, the license granted shall be considered void and treated as if denied. Payment shall be made by means of a cashier's check or money order.

(e) *Veterans Organization Fees.* Notwithstanding the provisions of this Section, there shall be granted an exemption for Veterans Organizations such that, whether licensed as a restaurant or a private club, the annual license fee for any non-profit organization organized and existing principally for the purpose of supporting, serving, and representing veterans of the United States Armed Forces (e.g., the Veterans of Foreign Wars of the United States; the American Legions, etc) shall be \$100 per year.

f) *Fees for Alcoholic Beverage Sales in Addition to Business License:* The fees set forth above for the handling, distribution, manufacture, sale and pouring of alcoholic beverages are in addition to, not in supplement of, the regular business license fee required of all businesses to operate within the City of Bremen.

**Sec. 6-3-4. - Same—Application procedure.**

(a) *Generally.* The applicant for a license under this chapter shall make a written application under oath on the form as provided by the Director of Codes Enforcement or his designated representative. Except as otherwise provided by law, such application shall be a public record and open to public inspection by any citizen of Bremen at a reasonable time and place.

(b) *Application fee.* The applicant, upon turning in his complete application to the Director of Codes Enforcement, or his designated representative, at the same time shall provide a certified check, credit card payment or money order for \$200.00 made payable to the city of Bremen for the application fee, plus any additional related fees required by any other governmental agencies or departments. A \$100.00 investigative fee must be paid for each additional investigation done during the year due to ownership or manager change.

Additionally, each applicant for a new license shall submit to the Finance Department such information as may be required by the Georgia Crime Information Center and by the Federal Bureau of Investigation, including classifiable sets of fingerprints, and such fees as may be set by the Georgia Crime Information Center and by the Federal Bureau of Investigation for a records check comparison by the Georgia Crime Information Center and by the Federal Bureau of Investigation. Application for a license under this chapter shall constitute consent for performance of a records check comparison.

(c) *Entities—Ownership.* All applicants other than individual persons shall list the names and addresses of all individual persons who have an ownership interest in such entity and the percentage ownership of each person, unless the corporate stock or other ownership interest is listed on the stock exchange or available for over the counter sales and subject to regulation by federal and state securities laws. If a named interest owner therein is another corporation or other entity, the same information shall be given for such corporation or entity. If during the life of the license, the identity of the interest owners or their percentage of ownership should change, that information shall be sent to the Director of Codes Enforcement or his designated representative for processing. A change in ownership shall require a new application. Corporations or limited liability companies must file a compliance copy from the office of the Secretary of State showing active status as an incorporated business.

(d) *Same—Additional data.*

(1) *Corporate, partnership, sole proprietors, and limited liability company applications.* All corporate applicants shall list the names and addresses of the officers of the corporation. All sole proprietors shall apply in the name of the sole proprietor. All limited liability applicants shall provide the names and addresses of all members and managers of the limited liability company. In addition thereto, all applicants, including sole proprietors, partnerships and limited liability companies if the sole proprietor or at least one partner or member is not working full-time in a managerial capacity on the premises, shall name a manager, whose name shall appear as such on the license issued to the corporation. The corporation, partnership, sole proprietor, or limited liability company shall provide the name and address of said manager, who shall be an employee of the corporation, partnership, sole proprietorship, or limited liability company and who shall be the individual who does in fact have regular, managerial and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the licensed entity in addition to other methods allowed for serving an entity by the laws of Georgia. Any person who has been a manager of a corporation, partnership, sole proprietorship, or limited liability company whose license has been revoked is ineligible to act as manager for any licensee thereafter. A change in ownership shall require a new application.

(2) Intention to provide adult entertainment. Every application shall state plainly if the applicant intends to provide live nude performances on the licensed premises or other forms of adult entertainment as regulated by the ordinances of the Code of the city of Bremen. It is mandatory for this question to be answered by the applicant.

(3) *Individual's requirements applicable to clubs.* In the case of a private club, fraternal or veterans order, its chief officer and general manager shall meet the same requirements that any individual applicant must meet and maintain.

(e) *Investigation.* The Director of Codes Enforcement or his designated representative shall submit the application after filing to the police department. Each applicant authorizes the city of Bremen and its agents to secure from any court, law enforcement agency, or other public agency his criminal history and the criminal history of all individuals required to be listed on the application, including but not limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and authorizes the city of Bremen to use such information in determining whether the license applied for shall be issued. Each applicant waives any right that he would otherwise have to preclude the city of Bremen or its agents from obtaining and using such information and each applicant further waives any liability of the city of Bremen or its agents for obtaining and using such information, and agrees to indemnify and hold the city of Bremen harmless against the claims of any person listed by the applicant on the application and by doing so has authorized the city of Bremen to investigate. The police department shall make an arrest and conviction investigation concerning any applicants hereunder and all individuals required to be listed on the application, including but not limited to sole proprietor, partners, LLC members, corporate officers, corporate stockholders, and managers. The police department shall submit the results of the investigation to the Director of Codes Enforcement or his designated representative within 30 days of submission.

(f) *Offenses.* Any person making a false statement in any application for a license or false statement in connection with renewal thereof, shall be guilty of an offense and punished as provided by state law relating to false swearing, and further, a license, if previously granted or renewed, may be revoked for the violation. It shall be an offense for any person to give other than the true and correct legal name of the intended licensee, and a conviction for a violation thereof shall be punished as a misdemeanor as provided by the Bremen Code of Ordinances, and in his discretion, the judge of the municipal court may revoke, suspend or probate any license for such violation and the city manager may revoke, suspend, or probate any license for such violation.

(g) *Duration; renewal.* All licenses are issued only on a calendar-year basis and shall be eligible for renewal each year following issuance. Each licensee shall make a written application for renewal on or before the first day of November of each calendar year which shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts which are different from the prior year's application. The form shall be approved by the Director of Codes Enforcement or his designated representative. All fees shall be tendered with the application in the form of a cashier's check, money order, or credit card.

(h) *Penalty for filing renewal application and license fee payment after November first.* There shall be a penalty fee charged for filing alcoholic beverage renewal application and license fee payment after November first as follows:

November 1—November 30	\$100.00
December 1--- December 30	\$200.00
After January 1	10% of annual license fee but not less than \$250.00, whichever is greater.

If an alcoholic beverage license renewal application and license fee have not been filed with the Bremen finance office by the last business day in January of each year, the license shall be declared to be abandoned and any relicensing shall require a new application.

(i) *Taxes and Fees.* All taxes and fees due to the city of Bremen, including without limitation all ad valorem taxes due to the city of Bremen, must be paid prior to license issuance.

(j) *State license; forfeiture failure to comply; revocation of state license.* When required by state law, a state alcoholic beverage license must be obtained by the applicant in order for the license issued by the city of Bremen to be valid. Failure of the licensee to obtain a state license before beginning operation of the premises shall be an automatic forfeiture and cancellation of the license issued by Bremen, and no refund of license fees shall be made to the licensee. If a state alcoholic beverage license is revoked by the state, then the license issued by the city of Bremen shall automatically be revoked and deemed void effective as of the date of such revocation. The license issued by the city of Bremen shall not be renewed or reinstated and no new application for the location shall be accepted by the city until written proof that a valid and enforceable state alcoholic beverage license is held by the proposed licensee.

(k) *Licenses or permits constitute grant or privilege.* All alcoholic beverage licenses or permits issued hereunder constitute a mere grant or privilege to carry out such business during the term of the license subject to all terms and conditions imposed by this chapter and related laws and other ordinances of the city of Bremen relating to such business, as amended from time to time by the Mayor and City Council.

(l) **Reserved**

(m) *Application for Distance Waiver Permit for Restaurant.* The Council, following application for a distance waiver permit for a restaurant, notice and hearing as described herein, may in its discretion grant a distance waiver permit for restaurant authorizing the issuance of a Class C or Class D license to a licensee of a restaurant notwithstanding the distance requirements in Section 6-3-6 from school buildings, educational buildings on college campus, churches and/or property lines of a private dwelling located in single-family residential zoning district for locations that sell alcohol for consumption on the premises only.

(1) An application for a distance waiver permit for restaurant shall be on a form prescribed by the Director of Codes Enforcement and submitted simultaneously to the Office of Codes Enforcement with an application for an alcoholic beverage license. The applicant shall describe the proposed business in detail, including whether or not the business will have outdoor seating or amplified outdoor music, and shall be permitted to submit documentation supporting its application. A permit application fee of \$300.00 shall be submitted with the application. The Office of Codes Enforcement shall give the applicant written notice of the date that such distance permit application will be heard by the Mayor and City Council, which date shall be no more than six months from the date of the application. The hearing required by this paragraph shall not be set until the Director of Codes Enforcement determines that excluding the distance requirements under application for waiver, all other requirements of this Chapter for the type of alcoholic beverage license under consideration have been met. If all other requirements have been met, the Director of Codes Enforcement will notify the applicant of the date set for the hearing in time for the applicant to meet the notice requirements below.

The applicant shall cause notice of such application containing the same information as required below for the sign to be advertised in the county legal organ for three consecutive weeks within the 30 days preceding the hearing date. The applicant shall cause the property designated for the operation of the business to be posted for 30 days preceding the date of the hearing with a sign reading as follows:

NOTICE OF APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE DISTANCE WAIVER PERMIT FOR RESTAURANT

This establishment has applied to the Mayor and City Council of Bremen for an alcoholic beverage license authorizing it to sell \_\_\_\_\_ (state the appropriate types of alcoholic beverages) for on-premises consumption at this location and for an associated distance waiver permit for a restaurant, which will waive distance requirements otherwise provided for in the Code of Bremen for distances from school buildings, educational buildings on college campus, churches and/or property lines of a private dwelling located in single-family residential zoning district.

The Mayor and City Council of Bremen will consider the applicant's request for a distance waiver permit for a restaurant located at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ .m. at \_\_\_\_\_.

A qualified interpreter for the hearing impaired is available upon request at least ten days in advance of this meeting. Please call \_\_\_\_\_ to request an interpreter or for more information.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Legal Name of applicant and d/b/a if applicable

Address of applicant

The size of the sign to be posted on the property shall be no smaller than 18 inches by 24 inches. The size of the copy on the sign shall be large enough to be visible to pedestrians and motorists. The sign is to be conspicuously displayed on that portion of the property most visible to the public and shall not be removed prior to the conclusion of the public hearing. At the hearing the applicant shall provide proof to the Mayor and City Council that the notice has been published as required herein and that the sign has been posted as required herein.

In determining whether or not any distance waiver permit for restaurant applied for hereunder shall be granted or renewed, the following factors shall be considered by the Mayor and City Council at the hearing in the public interest and welfare:

- a. *Character of the location.* The location for which the license is sought, as to traffic congestion, noise, general character of neighborhood, and the effect such an establishment would have on the use and property values of the adjacent and surrounding property.
- b. *Number of licenses in trading area.* The number of licenses already granted for similar business in the trading area of the place for which the license is sought.
- c. *Congregation of minors.* Any circumstances which may cause minors to congregate in the vicinity of the proposed location.
- d. *Prior incidents.* Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the 12 months immediately preceding the date of application.

e. *Manner of conducting prior alcoholic beverage business.* If the applicant is a previous holder of an alcoholic beverage license, the manner in which the applicant conducted the prior business, especially as to the necessity of unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business.

f. *Failure to satisfy notice requirements.* The applicant has failed to satisfy the notice provisions required hereinabove. The Mayor and City Council shall deny the distance waiver permit.

(2) Hearings on the application for a distance waiver permit for restaurants shall be conducted informally, but in such a manner as to preserve decorum at all times. The Bremen Attorney may administer oaths and compel the attendance of witnesses by subpoena. The City Clerk shall keep minutes of the hearing showing the vote of each member of the Council upon each application, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, which shall be of public record. The minutes of the City Clerk shall be the written record of the hearing. The record shall be an account of the proceedings, including a listing of all documents considered, a summary of testimony presented, and any rulings upon motions or objections raised. The applicant or any other party to the proceeding may have a verbatim transcript prepared by an official court reporter, certified in the State of Georgia, at his or her own expense; provided, however, a copy of the transcript shall be filed with the City Clerk and copies made available to other parties at actual cost. The hearing on the application for a distance waiver permit for restaurant shall follow rules of procedure adopted by the Mayor and City Council that provide at a minimum that at the hearing the applicant may be represented by counsel, may offer testimony by witnesses or any other evidence and may cross-examine any opposing witnesses. The Director of Codes Enforcement, the Chief of Police, and the City Manager shall provide to the Mayor and City Council a staff report regarding the application for a distance waiver permit and make a recommendation to approve, approve with conditions, or to deny based on the factors listed above.

The applicant shall have the right to appear before the Mayor and City Council and present evidence in accordance with such rules of procedure. Following the hearing, the Council may:

- a. approve the application,
- b. approve the application with conditions, or
- c. deny the application.

In considering a distance waiver permit for restaurant, the Council may impose conditions, to the extent necessary, to minimize any adverse effects the proposed restaurant may have on the adjoining properties if after considering all of the factors required, the Council decides conditions can reduce such adverse impacts upon adjoining properties to an acceptable and reasonable level. If the application is denied, the Council shall cause a written report to be prepared and signed by the Mayor showing the reason or reasons for the denial. The Council shall return the application showing its denial, together with the written report, to the Director of Codes Enforcement who shall notify the applicant of the denial within five days of the denial. The decision of the Mayor and City Council shall be the final decision of the city with respect to the application.

(3) Each distance waiver permit for restaurant is issued for a specific location and the specific restaurant use only and may not be transferred to another location or another type of use at the same location. A new application is required for each licensed premise.

(4) No distance waiver permit for restaurant shall be transferred from one person to another during the year in which the license was obtained, except in the case of the death of a person holding the permit, in which event his personal representative may continue to operate under the license for six months from the date of his qualification.

(5) Once granted, the distance waiver permit shall continue from year to year, so long as: a) the ownership of the restaurant remains the same; b) the restaurant maintains its status as a bona fide restaurant per the provisions of this ordinance; and c) so long as an application for reconsideration of the grant of permit is not filed by two or more property owners located within the area of the permit waiver. In the event, an application for reconsideration and denial of the distance waiver permit is filed by two or more property owners within the area of the distance waiver (the Applicants), the City Council shall hold a hearing to consider the continuation of the distance waiver permit. At this hearing the burden of proof shall be upon the Applicants seeking the discontinuance of the distance waiver to show a significant impact to the peace, safety or general welfare of the Applicants which is a direct result of the distance waiver permit resulting from the original grant of the waiver and that said impact to the Applicants is not the result of one or more of the Applicants moving into the distance waiver area since the date of the original grant of waiver. An application fee of \$50.00 shall be submitted with the application for reconsideration of the grant of distance waiver. Hearing on the Application for reconsideration and denial of the distance waiver shall proceed in the same manner as outlined in subsection 6-3-4 (m)(2) above.

**Sec. 6-3-5. - Same—When issuance prohibited.**

Issuance of licenses required under section 6-3-4 is limited as set forth below.

(a) *Restrictions.* No license defined herein shall be issued to a person:

- (1) who is not a legal resident of the United States;
- (2) who is not at least 21 years of age prior to the date of application;
- (3) who owes any debt or obligation to the city of Bremen, including but not limited to excise taxes, occupational taxes, property taxes, or utility fees; or
- (4) who indicates on the license application an intention to provide live nude performances on the premises or any other form of adult entertainment on the premises that requires an adult entertainment license pursuant to the Code of Ordinances of the city.

(b) *Convictions; Pending violations.* No license for the sale of alcoholic beverages shall be issued to any person:

- (1) who has been convicted within fifteen years immediately prior to the filing of the alcoholic beverage application with the Director of Codes Enforcement of any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;
- (2) who has been convicted within five years immediately prior to the filing of the alcoholic beverage application with the Director of Codes Enforcement of the violation (i) of any state, federal or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof; (ii) of a crime involving moral turpitude; or (iii) of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-6-390 et seq., but excluding any first or second conviction for driving under the influence of alcohol or drugs, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses

and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;

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

(c) For six (6) consecutive months immediately following the date of the revocation, no person whose license was revoked shall be eligible for renewal of or issuance of a license at the same location for which the previously revoked license was issued. Furthermore, during said six (6) month period, the person whose license was revoked shall not be eligible to apply for any additional licenses above the number of licenses held immediately prior to said revocation. In determining the number of licenses that may be renewed or issued to said person after revocation, the Director of Codes Enforcement shall not include the revoked license.

(d) Except as provided in paragraph (e) below, for twelve (12) consecutive months immediately following the date of a citation for any violation for selling alcohol to underage persons within a licensed premise, no application for change in ownership of the license at the same location where the violation occurred shall be allowed unless there is a one hundred (100%) percent change in ownership and control between the old licensee and the new applicant. For purposes of this subparagraph, one hundred (100%) percent change in ownership and control shall mean a one hundred (100%) percent change in all individuals, partners, officers, directors, shareholders, members, managers and/or all persons having any whole, partial, beneficial or other interest in the business where the alcoholic beverage license is located. One hundred (100%) percent change in ownership and control shall not include a transfer in ownership and control to any person in the immediate family of any individuals, partners, officers, directors, shareholders, members, managers and/or any persons having any interest in the business where the alcoholic beverage license is located. The application for the alcoholic beverage license must be applied for and approved prior to the sale of the business. An alcoholic beverage license may not be issued until the new owner has established that the sale of the business is bona fide. The applicant for the new license must provide documentation concerning the sale, including but not limited to documentation concerning ownership of and all business interests in the old license in addition to documentation concerning the ownership of and all business interests in the new license, as requested by the Director of Codes Enforcement.

(e) For twelve (12) consecutive months immediately following the date of a citation for any violation for selling alcohol to underage persons within a licensed premise, an application for less than one hundred (100%) percent change in ownership and control between the old licensee and the new application shall be allowed only if the following requirements are met:

(1) The applicant for less than one hundred (100%) percent change in ownership of the license at the same location where the violation occurred must agree as part of the application that any past violations for selling alcohol to underage persons within the licensed premise shall become part of the record of violations for the new business as if the new owners had been cited and found in violation. Such record of violations shall be taken into consideration in any future hearings against the new licensee.

(2) Such applications for less than one hundred (100%) percent change in ownership shall be made prior to the sale of the business but after any pending citations for violations for selling alcohol to underage persons within the licensed premise are adjudicated.

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

**Sec. 6-3-6. - General regulations pertaining to all licenses.**

(a) *License not transferable to another location.* Each license is issued for a specific location only and may not be transferred to another location. A new application is required for each licensed premise. No license, except for a manufacturer license, may be issued to different licensees for the same location.

(b) *Transfer of license to another person.* No alcoholic beverage license shall be transferred from one person to another during the year in which the license was obtained, except in the case of the death of a person holding a license, in which event his personal representative may continue to operate under the license for six months from the date of his qualification.

(c) *Location.* None of the above licenses shall be issued except in the following zones as defined in Title 99 (Zoning) of the Code of the city of Bremen:

- (1) C-1                    **Central Business District;**
- (2) C-2                    **Neighborhood and Highway Service Business District**
- (3) O-I                    **Office-Institutional District**
- (4) M-1                    **Light Industry District;**
- (5) M-2                    **Heavy Industry District;**
- (6) PUD                    **Planned Unit Development;**
- (7) LCR                    **Limited Commercial – Residential, with special use approval for restaurants for Class C or Class D licenses for restaurants only.**

A *Class A* license shall not be issued for a location in which the nearest wall of the building proposed as the licensed premises is closer than 100 feet, straight line measurement, to the property line of a private dwelling located within a single-family residentially zoned district or within 100 yards of any church building (wherein religious services are held) or within 100 yards of any school building or educational building on a college campus. The requirements for minimum distances from private dwellings and church buildings provided for in this section shall not apply to licenses for package sales of malt beverages and wine in food stores if the establishment for which the license is applied is located within a shopping center, as defined in the local zoning ordinances, except that for the purposes of this section such shopping center must have at least 10,000 square feet of gross floor area of commercial space on any one floor, measured upon the basis of the entire area covered by the same roof or sharing common walls. For purposes of this section the phrase "church building" shall mean a church building owned and operated exclusively by a church for purposes of religious services. The minimum distance requirements from church buildings shall not apply to space in a shopping center used for church purposes. Excluded hereunder is a private dwelling that has been unoccupied for at least 12 months immediately prior to the application being filed.

**Class C and Class D** alcoholic beverage licenses shall not be issued for a location in which the nearest wall of the building proposed as the licensed premises is closer than 100 yards in a straight line measurement to the nearest wall of a school building or educational building on a college campus or church or 100 feet of the property line of a private dwelling located within a single-family residentially zoned district which is in existence at the time of the issuance of the original license. Such distance requirements for Class C and Class D licenses shall be in effect for all districts in which such licenses are authorized with the exception of any restaurant as defined in this Chapter that is granted a distance waiver permit for restaurant by the Mayor and City Council pursuant to section 6-3-4(m).

At the time of application, a plat from a registered surveyor shall be attached to the application which shall certify that all state and local distance requirements for the proposed location have been met. A current certified plat from a registered surveyor is required showing actual addresses measured in a straight line measurement to the nearest wall of a school building, church, alcoholic treatment center, or private dwelling located within a single-family residentially zoned district.

All licenses which are in existence and valid as of the date of passage of this chapter may continue to be renewed hereunder even though they may be in violation of this subsection; furthermore, that location may continue to be licensed hereunder so long as the premises are continuously used for the sale of alcoholic beverages hereunder, even though not under the same owner. At such time as the license for this premises is revoked, not renewed or is allowed to lapse, or a new license is not applied for and granted for the location within 60 days of the expiration or termination of the previous license, this subsection and the prohibitions herein shall apply to any new application for that location.

After issuance of a license, no change in the location of the building or walls can be made that affects distance requirements so that the distance requirement would not be satisfied as a result of the change. Unless a distance waiver variance has been granted for a restaurant, the distance requirements must be met at all times during the term of the license.

(d) *Interests of public employees; prohibited.* No license shall be granted to any city of Bremen, state or federal employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.

(e) *Inspection of books and accounts.* Upon demand by the Director of Codes Enforcement, or his designated representative, any person holding a license from the city of Bremen, Georgia, shall open to the Director of Codes Enforcement, or his designated representative, his place or places of business for the purpose of enabling the director or his representative to ascertain and gain such information as may be necessary for determination of the proper classification of such license holder for license fee purposes and determination of the correct amount of license fee to which such person is subject. Upon demand by the Director of Codes Enforcement, or his designated representative, any person holding a license from the city of Bremen shall furnish the director or his representative, during normal business hours at such person's place of business, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sale receipts, inventory and other information, ascertained and from which the correct amount of the fee to which he is subject may be determined, including exhibition of bank deposit books, bank statements, and copies of sales tax reports, and any other such documents as the city of Bremen may deem necessary. Any person holding a license from the city of Bremen shall secure, preserve, maintain and keep for a period of three years the records and documents enumerated and referred to in this section.

(f) *Failure to open.* All holders of licenses issued hereunder must within sixty (60) days after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

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

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

(i) *Hours of operation.* The following hours of operation shall apply to the sale of alcoholic beverages licensed hereunder:

(1) Class A and Class B, retail package beer and/or wine—7:00 a.m. to 11:30 p.m., Monday through Saturday; Sunday beginning at 12:30 p.m. until 11:30 p.m.. Seasonal time changes shall be 2:00 a.m. current time;

(2) Class C, retail liquor by the drink—Monday through Friday beginning at 7:00 a.m. until 1:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday mornings; Sunday beginning at 12:30 p.m. until 1 a.m. on Monday. Seasonal time changes shall be 2:00 a.m. current time;

(3) Class D, retail beer and/or wine by the drink- Monday through Friday, beginning at 7 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday mornings; Sunday beginning at 12:30 p.m. until 1 a.m. on Monday. Seasonal time changes shall be 2:00 a.m. current time;

(4) Class C and Class D licenses for alcoholic beverages which also have a valid license by the drink permit when New Year's Eve is on Saturday shall be authorized to sell, offer for sale, serve and/or permit the consumption of alcoholic beverages upon the licensed premises between the hours of 12:00 a.m. (midnight) and 2:30 a.m. on New Year's Day;

(5) Public entertainment facilities - Hours of operation. It shall be unlawful to keep any public entertainment facility which permits the consumption of alcoholic beverages on its premises open for business or to permit the same to be used or patronized at any time except during the hours provided in subsections (i) (2)(3) and (4) above;

(j) *Time limit for clearing patrons from premises:*

(1) All licensed premises for the sale of retail beer and/or wine by the drink (Class D) or retail liquor by the drink (Class C), excluding bona fide full-service restaurants as defined below which have obtained an after-hours service permit from the Director of Codes Enforcement, shall be closed to the public, and the premises shall be cleared of all persons except employees of the licensed premises engaged in their employment duties within 45 minutes after the time set by subsection (i) of this section for discontinuance of the sale of alcoholic beverages on the premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be furnished to, consumed by, or possessed by any person within the premises; and the premises shall remain closed for business until the beginning hours of operation (7:00 a.m.) provided in subsection (i) of this section. It shall be unlawful for any person to violate any provision of this paragraph.

(2) For the purposes of this subsection (j), "bona fide full service restaurant" means an established place of business:

a. Which is licensed to sell alcoholic beverages, distilled spirits, malt beverages, or wines for consumption on the premises;

- b. Where meals with substantial entrees selected by the patron from a full menu are served;
- c. Which has adequate facilities and sufficient employees for cooking or preparing and serving such meals for consumption at tables in dining rooms on the premises;
- d. Which derives at least sixty (60%) percent of its gross income from the sale of such meals prepared, served and consumed on the premises and has derived at least sixty (60%) percent of its gross income from the sale of such meals prepared, served and consumed on the premises for at least twelve months prior to application for permit (the calculation of gross income from food sales shall not include any sums paid by patrons for admission to the facility);
- e. All of the above-listed requirements for a bona fide full-service restaurant must be sworn to by affidavit executed by the owner, operating partner, if a partnership, or president of the corporation, if a corporation. The application for an after-hours service permit must be accompanied by said affidavit.

(3) *After-hours Service Permit required.* Any establishment that qualifies as a bona fide full service restaurant and intends to operate after the hours for clearing patrons from the premises set forth above must obtain an after-hours service permit from the Director of Codes Enforcement.

- a. The applicant for a permit under this subsection shall be the alcoholic beverage licensee and shall make a written application under oath on the form as provided by the Director of Codes Enforcement or his designated representative.
- b. Upon application for a permit, the applicant shall pay an investigation fee of \$50.00.
- c. In addition, upon application, the applicant shall provide a copy of a current state food service establishment permit issued pursuant to the requirements of O.C.G.A. section 26-2-371. No permit shall issue unless the applicant has a current, valid food service permit.
- d. All permits shall be issued on a calendar basis and shall come up for renewal each year after issuance. Each applicant shall make a written application for renewal following issuance on a form approved by the Director of Codes Enforcement. The \$50.00 fee shall be tendered with the application for renewal. If a permit renewal application is not filed by December 31, the permit shall be declared abandoned, and any permit thereafter shall require a new application.
- e. Any person making a false statement in any application for a permit or a renewal shall be guilty of an offense and punished as provided by state law relating to false swearing, and further a permit previously granted or renewed may be revoked for the violation.

(4) It shall be unlawful for any licensee to operate after the hours for clearing patrons set forth above without a valid after-hours permit. A conviction for a violation thereof shall be punished as provided by the Code of Bremen, and the judge of the municipal court may revoke, suspend, or probate any permit for such violation. This section does not apply to any restaurant that does not offer beer, wine, or distilled spirits for sale by the drink on the premises. Such restaurants do not have to apply for or obtain an After-hours Service Permit.

(k) *Sales prohibited, limited on certain days.* The sale of alcoholic beverages on any election day shall be permitted in accordance with O.C.G.A. § 3-3-20.

(l) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to any persons under the age permitted by O.C.G.A. § 3-3-23.

(m) *Display of license.* Every licensee, its agents or employees, shall post the most current alcoholic beverage license issued for the licensed premises in public view at eye level (an approximate height of five feet from the floor) within 15 feet of the entrance to the licensed premises.

(n) *Bringing beverages purchased elsewhere onto premises.* No licensee for the sale of malt beverages, wine or distilled spirits shall authorize or permit any patron or customer to bring onto the premises malt beverages, wine or distilled spirits purchased elsewhere. Further, no licensee for the sale of malt beverages, wine or distilled spirits shall bring onto the premises any malt beverages, wine or distilled spirits purchased from a retailer for the purpose of resale.

(o) *Brown bagging, brown bag establishments prohibited.* Except as specifically provided for herein at bona fide brown bag restaurants, brown bagging and brown bag establishments as defined in this chapter are prohibited within the city of Bremen.

For the purposes of this paragraph, a "bona fide brown bag restaurant" means an established place of business:

- (1) Which is not licensed to sell or serve alcoholic beverages on the premises but allows patrons to bring in and consume on the premises the patrons' own alcoholic beverages;
- (2) Where meals with substantial entrees selected by the patron from a full menu are served;
- (3) Which has adequate facilities and sufficient employees for cooking or preparing and serving such meals for consumption at tables in dining rooms on the premises;
- (4) Which is prepared to and offers to serve meals every hour the establishment is open;
- (5) Which does not charge patrons for admission to the establishment; and
- (6) Which is in a zoning district that allows a restaurant as a legal use.

(p) *On-premises entertainment.*

- (1) Reserved.
- (2) It shall be unlawful to permit on the premises so licensed any contest or form of entertainment which consists of the wetting or soaking of the upper torso of a female or the pelvic areas of a male or female.
- (3) Reserved.
- (4) Upon the violation hereof by any such licensee, its license may, after a hearing before the judge of municipal court, be revoked, suspended or put on probation under conditions.

(q) *Sales areas, activities.* It shall be unlawful for any licensee to make delivery of any alcoholic beverages licensed to be sold except within the premises or area licensed for sale thereof. No Class A or B package store licensee shall permit the consumption of alcohol sold by him by the package on the lot or premises where the licensed establishment is located, nor shall any individual consume the contents of such packages on the lots or premises where the licensed establishment is holding a Class A, or B license. Provided, however, that such licensee may sell package malt beverages or wines by means of a drive-in window, provided any such drive-in window shall be well lighted and clearly visible from the street or sidewalk and shall not be located at the rear of any licensed premises.

(r) *Possession of unlicensed beverages.* All licensees hereunder are forbidden to possess, keep, maintain or otherwise store or keep any alcoholic beverages for which the licensee does not hold a license on the premises so licensed.

(s) *Employee consumption during work hours.* It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employee's working hours.

(t) *Employees prohibited from mingling with customers.*

(1) It shall be unlawful for any employee of a licensee under this chapter to dance or sit with customers in the premises or for any customer to be permitted to purchase food or drink for such employees during such employees' working hours.

(2) Alcoholic beverages shall only be served by the licensee or the licensee's employees or agents.

(u) *Suspension of sales during civil emergency.* The Bremen City Manager may, upon determining that there is an immediate danger of civil disorder or natural disaster or any other immediate threat to the public peace and order, by executive order, suspend the sales of all beverages licensed under this chapter until such danger or threat has passed and for a reasonable period of time thereafter.

**Sec. 6-3-7. - Regulations pertaining to certain classes of licenses only.**

(a) *Retail Sales of Beer and/or wine by the package.*

(1) Retail beer and wine by the package (Class A and B) shall be permitted in food stores, grocery stores, supermarkets, convenience food stores and discount/general merchandise stores as an item incidental to the sale of food stuffs and groceries.

(2) Except as specifically provided for in paragraph (c) below concerning wine tastings, the original retail containers of any alcoholic beverage sold by a package store retail licensee hereunder shall not be opened on the lot or premises of the location licensed for the sale thereof.

(3) *Visibility of premises from public street.* No licensee for the sale of alcoholic beverages by the package shall operate under the license, unless the front entrance to the licensed premises is clearly visible from the public street; provided, however, that this restriction shall not apply where the licensee is a private club or is located in shopping center or multiple-story business building.

(4) *Visibility into interior, lighting of retail package store.* No screens, blinds, curtains, partitions, articles or things which shall prevent a clear view into the interior shall be permitted in the window or from the doors of any retail store for the sale of alcoholic beverages by the package; and no booth, screen, partition or other obstruction shall be permitted within the interior of any such store. Each store shall be so lighted that the interior of the store is visible day and night.

(b) *By the drink sales for consumption on the premises.*

(1) *Extensions of sales areas; curb sales.* Any licensee for the sale of malt beverages and/or wine for the consumption on the premises or distilled spirits by the drink shall be authorized to extend the area utilized by such licensee to an adjoining building, addition, patio or deck area, or expansion on the same piece of property, so long as the business operation is under the same business management and licensed area under the same ownership; provided, however, the sale of alcoholic beverages shall be prohibited in parking lots, drive-throughs, or "at curb."

(2) *Temporary license for bona-fide non-profit, tax-exempt civic organization.* Upon the filing of an application as required by the City Manager and payment of a fee of \$50.00 by a bona-fide non-profit, tax-exempt civic organization, the Codes Enforcement Department may issue a permit authorizing the organization to conduct a wine tasting event pursuant to Paragraph (c) below or to sell alcoholic beverages for consumption only on the premises for a period not to exceed one day, subject to provisions of this chapter regulating the time for selling such beverages.

a. No more than four permits may be issued to an organization in any one calendar year pursuant to this paragraph.

b. Permits issued pursuant to this paragraph shall be valid only for the place specified in the permit. No permit may be issued unless the sale of distilled spirits, wine, or malt beverages is lawful in the place for which the permit is issued. The zoning restrictions and distance restrictions contained in Section 6-3-6(c) shall apply.

c. Proof of such non-profit, tax-exempt status, such as a determination from the Internal Revenue Service that the organization is exempt under Section 501-C of the Internal Revenue Code must be provided.

(c) *Wine tastings.* Wine tastings are permitted as long as they comply with the following rules and regulations:

(1) The applicant for a wine tasting must hold a valid current wine license in the state.

(2) Wine tastings may only be conducted in connection with an instructional or educational promotion (not applicable for tasting room of a farm winery).

(3) All wines used for tasting purposes must have been purchased from a licensed state wine wholesaler (not applicable to tasting room of a farm winery).

(4) Wine tastings must comply with all laws and regulations otherwise pertaining to the sale and distribution of alcoholic beverages in the state.

(5) All applicants and permit holders must comply with all state statutes and sections of this Code and other Bremen ordinances concerning alcoholic beverages, including but not limited to those dealing with hours of operation, zoning, and distance requirements.

(6) Wine-tasting permits. All licensees who engage in wine-tastings as permitted under this section shall also be required to have a separate wine-tasting permit.

(d) *Requirements for caterers.*

(1) It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off-premises and in connection with a catered event or function or to any location not licensed hereunder without first having obtained a caterer's license as provided herein.

(2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage which is authorized by his/her alcoholic beverage license.

(e) *Rental of licensed premises for private functions.* Class C and Class D licensees are permitted to rent the licensed premises for private functions which have been scheduled in advance; provided that the licensee, its agents, managers, and employees, shall retain complete control over the licensed premises and over selling, serving, or furnishing alcoholic beverages during the private function to the same extent required as if the function were open to the public. Nothing in this paragraph shall be deemed to waive any provisions of this chapter or state law governing the sale of alcoholic beverages on the licensed premises. The licensed premises shall remain open to all agents of the state and the city of Bremen for law enforcement and inspection purposes during such private functions. No doors to the licensed premises shall be locked preventing egress or ingress during such functions. Nothing in this paragraph shall be deemed to waive the prohibition governing selling, furnishing, or delivering alcoholic beverages to underage persons by any other person within the licensed premises.

**Sec. 6-3-8. - Reserved.**

**Sec. 6-3-9. - Employment Restrictions.**

*Employment Restrictions.* No licensee shall allow any employee, agent, or subcontractor who within the previous five years has two or more convictions of violations of Section 6-3-6(1), concerning providing alcohol to underage persons, to dispense, sell, serve, take orders for, or handle alcoholic beverages. No licensee shall allow any employee, agent, or subcontractor who within the previous two years has one or more convictions of violations of section 6-3-6(1) to serve as doorpersons. The prohibitions of this paragraph shall apply only to those convictions that have occurred after the date of June 1, 2014. The term "conviction" as used in this paragraph shall include a finding or verdict of guilty, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon. The records of such convictions will be made available for employers by the city of Bremen. The effective date of this paragraph shall be the effective date of adoption of this Ordinance.

**Sec. 6-3-10. - Reserved.**

**Sec. 6-3-11. - Dive defined; prohibited; penalty for violation.**

(a) *Term "dive" defined.* As used in this section, the term "dive" shall mean any place or establishment where illegal drugs are found, possessed, kept or sold; or where any person possesses or consumes any illegal or unlicensed alcoholic beverage or possesses or uses any illegal drug; or where any person commits any illegal sexual act; or where any person engages in illegal gambling activities.

(b) *Prohibition.* It shall be unlawful for any person or organization or group of persons to have, operate or maintain any place or establishment defined as a *dive*.

(c) *Penalty for violation.* There shall be a fine of not less than \$500.00 for the violation of any of the provisions of this section.

**Sec. 6-3-12. - Alcohol promotions; pricing of alcoholic beverages.**

(a) This section shall be construed to cover, include and apply to every type of alcoholic beverage licensed to be sold in the city of Bremen, including beer, wine, malt beverages and spirituous liquors.

(b) Except at private functions not open to the public that meet the requirements of section 6-3-7(e), it shall be unlawful for any Class C or D licensee or employee or agent of such licensee to engage in or allow any of the following practices in connection with the sale or other disposition of alcoholic beverages:

- (1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to wine tastings conducted in accordance with Section 6-3-7(c) where wine is offered in a quantity only to taste the product or to a licensed tasting room for a farm winery.
- (2) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than \$1.00.
- (3) Sell, offer to sell, or deliver to any person or group of persons two or more alcoholic beverages during any set period of time at a fixed price.
- (4) Sell, offer to sell, or deliver alcoholic beverages after 11:00 p.m. to any person or group of persons at reduced prices less than the normal retail price of the establishment for that alcoholic beverage charged the general public on that day.
- (5) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage.
- (6) Sell two or more alcoholic beverages for a price substantially the same as is charged for one such alcoholic beverage.
- (7) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased.

(c) There shall be no advertisement or promotion in any way, whether within or without the licensed premises, of any of the practices prohibited under this section.

(d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time; provided all patrons or customers are allowed equal access to such free food or entertainment, or to prohibit licensees from including an alcoholic beverage as a part of a meal package, or to prohibit the sale or delivery of wine by bottle or carafe when sold with meals or to more than one person, or to prohibit any hotel or motel from offering room services to registered guests.

**Sec. 6-3-13. - Open containers.**

(a) *Possession of open container prohibited.* It shall be unlawful for any person to have in his or her possession any alcoholic beverages in any open container while on the public streets, sidewalks, alleyways or rights-of-way, in any public or semipublic parking facility including areas of ingress and egress, or on any outdoor public patio within Bremen, Georgia, except as may be applicable in subsection 6-3-13(d).

(b) *Application to special events.* This prohibition shall not apply to any exceptions or exemptions as may be provided for in chapter 5 of title 6 regulating special events within the city of Bremen.

(c) *Application to property owned by Board of Regents.* This prohibition shall not apply to any property owned by the Board of Regents of the State of Georgia.

(d) *Application to sidewalk cafes.* The prohibition in subsection (a) above shall not apply to patrons of a sidewalk cafe as defined in the sidewalk cafe ordinance, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in the city of Bremen.

(e) *Exemption not applicable to persons in automobiles.* The exemption contained in subsection (b) above shall not apply to persons in automobiles.

(f) *Possession in automobiles prohibited.* It shall be unlawful for any person to have in his or her possession any alcoholic beverages in any open container while an occupant of any motor vehicle, whether such vehicle is underway or not, while such vehicle is on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within the city of Bremen. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger or is not located in a locked glove compartment, locked trunk or other locked nonpassenger area of the vehicle.

(g) *Application of subsection (f) to passengers of limousines; buses and campers.* Subsection (h) shall not apply to:

(1) A passenger of a limousine or other similar vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for hire and such driver holds a valid commercial driver's license pursuant to Georgia law or any other state;

(2) A passenger of a bus in which the driver holds a valid commercial driver's license pursuant to Georgia law or any other state;

(3) Or to the occupants in the living quarters of a camper or motor home.

(h) *Posting of notice by establishments.* All licensed alcohol establishments are hereby required to post in a conspicuous location inside the establishment a notice informing patrons that open containers are prohibited on the public streets, sidewalks or right-of-ways, or in any public or semipublic parking facility within the city of Bremen.

**Sec. 6-3-14. – Reserved.**

**Sec. 6-3-15. - Furnishing alcoholic beverages in violation of state law.**

It shall be unlawful for any person knowingly, by himself or through another, to furnish or cause to be furnished, or permit any other person in his employ to furnish, distilled spirits, wines, malt beverages, or any other alcoholic beverages to any person under any circumstances that constitute a violation of state law.

**Sec. 6-3-16. - Compliance; violations; penalties.**

(a) *Violations; penalties.* It shall be unlawful for any person to violate the provisions of this Chapter. Upon conviction for the violation thereof each person shall be subject to the punishment allowed under section 6-3-16 (b) after hearing before the judge of municipal court. In addition, upon conviction for the violation thereof by a licensee, his agents or employees, any license may be revoked, suspended or put on probation under conditions.

(b) *Civil fines; probation, suspension, revocation of license.*

(1) It shall be a violation of this chapter for any licensee to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal or state law or of any local ordinance of the city of Bremen, which is related to building codes, fire codes, smoking, excise tax, property tax, health, solid waste disposal, illegal gambling, alcohol, or other controlled substances.

(2) Any person holding any license issued pursuant to this chapter or any employee or agent of such person who violates any provision of this chapter, or directs, consents to, permits, or acquiesces in such violation either directly or indirectly shall, by such conduct, subject the license to suspension, revocation or probation upon conditions. In addition, a maximum civil fine of \$1,000.00 may be imposed on the licensee for each violation. In considering the amount of the civil fine, if any, the administrative hearing officer shall consider the following factors:

- a. The gravity of the violation;
- b. Any previous violations within a two year period;
- c. The costs to the city of Bremen related to compliance or enforcement efforts undertaken by the city of Bremen in pursuing the case;
- d. Actions of the licensee, its employees, subcontractors or agents in connection with the violation.

The imposition of a civil fine under the provisions of this section shall not prevent the suspension, revocation, or non-renewal of the license or the taking of punitive or remedial action for any other violation of the ordinances of the city of Bremen or for subsequent violations of this section. No license shall be renewed if any civil fines imposed pursuant to this section have not been paid by the licensee prior to renewal.

For purposes of administering and enforcing this chapter, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.

Adopted this, 16<sup>th</sup> day of JUNE, 2014, to be effective as of July 1, 2014.

BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF BREMEN, GEORGIA .

MEMBERS OF THE COUNCIL:

W.O. Parrish  
W. O. PARRISH

Kyle Sheppard  
KYLE SHEPPARD

Attested: Amy Ridley  
AMY RIDLEY, City Clerk

Sharon Sewell  
SHARON SEWELL, Mayor

Jane Wilson  
JANE WILSON

Terry Crawford  
TERRY CRAWFORD

Approved as to form: Sam D. Price  
SAM D. PRICE, City Attorney

**State Law reference**— Alcoholic beverages, O.C.G.A. Title 3; local regulation of distilled spirits, O.C.G.A. § 3-4-40 et seq.; local regulation of malt beverages, O.C.G.A. § 3-5-40 et seq.; local regulation of wine, O.C.G.A. § 3-6-40; public drunkenness, O.C.G.A. § 16-11-41; ordinances on drinking or drunkenness, O.C.G.A. §§ 37-8-11, 37-8-53.