



## Alcohol License Application Cover Letter

For businesses requiring an alcohol license, an occupational tax certificate application packet and an alcohol license application packet should be completed and returned to the City Clerk whose office is located at 480 West First Street, Blue Ridge, Ga. 30513. An appointment with the City Clerk should be scheduled prior to submitting the applications. Appointments may be made by calling the City Clerk Monday-Friday from 8:00am until 5:00pm at telephone number 706-632-2091 ext. 7.

The review process for occupational tax certificates takes approximately two (2) weeks and approximately four (4) weeks for an alcohol license (the Alcohol Ordinance allows for a 90 day review period). Although many circumstances can cause this period of review to be shorter or longer, please plan accordingly.

Occupational tax certificates and alcohol licenses are issued on a calendar year basis (January 1st through December 31st). The initial license fee will begin to be prorated after July 1st. However, the administrative fees and inspection fees will not be prorated. In accordance with Section 110.45-23 of the City of Blue Ridge Alcohol Ordinance, the fees due at the time of application will not be prorated if the application is submitted before July 1st.

Once the City has issued an alcohol license, it is required that an application be filed with the Georgia Department of Revenue, Alcohol Division PRIOR to buying inventory, selling or serving. Once the state alcohol license has been issued, the applicant will need to submit a copy to the City Clerk. Upon receipt of the state alcohol license, the City Clerk will release the occupational tax certificate.

Very best,

Kelsey Ledford  
City Clerk

### Included in the alcohol license application:

1. Checklist
2. Application (3 pages)\*\*
3. Residential Agent Consent Form\*\*
4. Affidavit of Citizenship\*\*
5. Alcohol Ordinance Acknowledgment
6. Background Screening Order Form\*
7. Fingerprint Card\*
8. Monthly Reports\*\*\*
9. Employee Pouring Permit Application\*\*\*
10. Alcohol Ordinance\*\*\*

### Included in the occupational tax certificate application:

1. Cover Letter
2. Application (2 pages)
3. SAVE Public Benefits Affidavit\*\*
4. E-Verify Affidavit (10+employees)\*\*
5. E-Verify Exemption Affidavit (9-employees)\*\*
6. Occupational Tax Certificate Ordinance Acknowledgment
7. Occupational Tax Certificate Ordinance\*\*\*

\*must be completed by all members holding beneficial interest in the establishment

\*\*must be notarized

\*\*\*provided only for your record

**INSPECTION CHECKLIST -**  
**BUSINESS LICENSE WITH ALCOHOL**

Business Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

- Alcohol Application Submitted
- Residential Agent Consent Form
- Copy of Residential Agent's Driver's License (Must be Fannin County Resident)
- Public Benefits Affidavit of Citizenship
- Acknowledgment of Receipt of Alcohol Ordinance Received
- Background Check Authorization Received from Each Owner  
\_\_\_\_\_ pass or fail
- Photo ID of Each Owner
- Fingerprinting Completed by Each Owner
- Grease Trap (Restaurants & Food Prep Facilities Only) \_\_\_\_\_  
\_\_\_\_\_
- Appropriately Zoned
- Drawing of Premises Received (Must show location with respect to all streets within 600 feet in every direction. Must also depict the distance from the premises (being the front door) to each premise (being the front door) of each church, school building, or other pertinent facility)
- Location Meets Distance Requirements Set Forth in Alcohol Ordinance (Appropriate distance away from schools grounds, churches, alcohol treatment facilities, etc. – Please see pages 14-16 of the City of Blue Ridge Alcohol Ordinance)
- Copy of Lease Received (If applicable)
- Copy of Proposed Menu Received
- Copy of Proposed Hours of Operation Received
- Health Department Approval Received
- Bathrooms up to Code \_\_\_\_\_
- Seating Requirements Met (If occupant load exceeds 100 or more, must have approval from State Fire Marshall): No. of Seats for customers: \_\_\_\_\_
- Patio in Accordance with the City of Blue Ridge Alcohol Ordinance and applicable safety codes – Please see pages 55-56 of Ordinance (If applicable) \_\_\_\_\_
- Business License Application Submitted
- Confirm Business is a Corporation Registered with the State of Georgia or that the owner is a Sole Proprietor
- Is the business DBA
- SAVE Affidavit Received

- E-Verity Affidavit Received
- Sales Tax Certificate for the State of Georgia
- Acknowledgment of Receipt of Business License Ordinance Received
- New Alcohol Application Fee Received (\$250.00)
- Occupational Tax Certificate Paid \_\_\_\_\_
- Full Payment Received \_\_\_\_\_
- Local Alcohol License Released
- State of Georgia Alcohol License Received
- Occupational Tax Certificate Released



**3. TYPE OF BUSINESS**

\_\_\_\_\_ Grocery Store    \_\_\_\_\_ Convenience Store    \_\_\_\_\_ Restaurant    \_\_\_\_\_ Brew Pub  
\_\_\_\_\_ Farm Winery/Tasting Room    \_\_\_\_\_ Brewery

**4. BUSINESS INFORMATION**

Name of Business \_\_\_\_\_

Business Location Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ email: \_\_\_\_\_

**5. APPLICANT**

Full Name: \_\_\_\_\_

Address of Residence: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

SSN# \_\_\_\_\_ DOB: \_\_\_\_\_

**6. PROPERTY (Owner of the property (land and building) where business is located)**

Property Owner's Name: \_\_\_\_\_

Property Owner's Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

If space is rented: (attach copy of lease)

Landlord's name: \_\_\_\_\_

Landlord's address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

**7. Residency/Age Requirement:**

Is the applicant and managing agent at least twenty-one (21) years of age or older? \_\_\_\_\_

Is the applicant:

- \_\_\_\_\_ A United States Citizen
- \_\_\_\_\_ A legal permanent resident
- \_\_\_\_\_ A qualified alien or non-immigrant under the Federal Immigration and Nationality Act and lawfully present in the United States

Is the managing agent:

- \_\_\_\_\_ A United States Citizen
- \_\_\_\_\_ A legal permanent resident
- \_\_\_\_\_ A qualified alien or non-immigrant under the Federal Immigration and Nationality Act and lawfully present in the United States

Sworn to and subscribed before me:

This \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Applicant Signature

Notary Public

\_\_\_\_\_  
Printed name of Applicant

\_\_\_\_\_  
My Commission Expires:

\_\_\_\_\_  
Title of Applicant

\_\_\_\_\_  
Date:

**FOR OFFICE USE ONLY:**

License fee Enclosed: \$ _____
Name of Business _____
State License # _____ Occupational Tax License #: _____
Date of Approval or Denial _____

*This is an Equal Opportunity Program. Discrimination is prohibited by Federal law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D. C.*





By signing below, I am acknowledging that I have received a copy of the City of Blue Ridge Alcohol Ordinance, and that said Ordinance has been reviewed with me by the City of Blue Ridge Licensing Department Official.

I also acknowledge that I have been informed of the City of Blue Ridge policy on initial licensing fee proration. I understand that any alcohol license application submitted prior to July 1<sup>st</sup> **will not** be prorated, and that the full license fee will be due.

Furthermore, I acknowledge that I have been informed that in order to be granted an alcohol license from the City of Blue Ridge for pouring on the premises (and to maintain said license), my establishment must meet the requirements of a restaurant that are set forth in the City Alcohol Ordinance. I understand that my establishment must derive at least 50% of the business volume from the sale of prepared meals or food (not including the sale of alcoholic beverages). I also understand that I will be required to submit a monthly report under oath by the **15<sup>th</sup> of each month** to the Blue Ridge Licensing Clerk demonstrating that the food sales requirements have been met.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Licensing Department Official

\_\_\_\_\_  
Date

**INVESTIGATION AUTHORIZATION (RELEASE) & BACKGROUND SCREENING ORDER FORM**

Under the applicable provisions of the federal Fair Credit Reporting Act (FCRA), notice is hereby given that a consumer report or investigative consumer report may be requested and completed, which may include information pertaining to your employment history, educational accomplishments, criminal record, driving record, credit history (only when permitted by law and where it is related to the duties and responsibilities of the position sought), character, general reputation, and personal characteristics. This report may also include information pertaining to a commercial driver's license and commercial driving work history which, under provisions of the United States Department of Transportation, can include inquiries into drug and alcohol testing and as referenced in FMCSRs Parts 382.413 and 391.23. An investigation into your workers' compensation and/or industrial accident background may also be conducted according to the provisions of the Americans with Disabilities Act (ADA) and other federal, state, and local laws, and can be requested only after a conditional job offer has been made. This entire report will be used for employment purposes only, and will be processed by LABORCHEX Companies, an employment background screening service, located at 2506 Lakeland Drive #200, Jackson, MS 39232, 800-880-0366 (www.laborchex.com). LABORCHEX conducts business according to all applicable federal and state laws. LABORCHEX agrees to use its best and most precise efforts to furnish its clients (a "client" is defined as a business, company, or organization which contracts with LABORCHEX to provide employment background screening services to them) with accurate, current, complete, and reliable information based on such information as it is reasonably available and obtained via applicable public records sources and/or information services utilized by LABORCHEX. Sources also include contact by phone, FAX, U.S. Mail, and electronic mail of an applicant's previous employers, education officials, and other individuals who can provide accurate verification and confirmation of the applicant's background. However, LABORCHEX cannot guarantee the accuracy of the information provided by these sources, which include courts, public record databases, commonly accepted information sources, and individuals, including previous employers.

PRIVACY NOTE: LABORCHEX does not distribute details of employment applications or results to anyone other than the client that requested the background investigation. Information provided by applicants is held by LABORCHEX in strict confidence according to all federal laws.

You are further advised that LABORCHEX does not counsel its clients regarding their hiring policies and procedures. LABORCHEX will not have any knowledge as to why you have been offered a position or the reasons why you were denied employment, and will not be responsible or liable for actions taken by its clients. Under the provisions of the FCRA, you have the right to dispute information provided in a report and, after providing proper identification, you can request a copy of such report(s) from LABORCHEX, including details about the sources of information. Such information will be provided to you at no cost. The company, business, or organization at which you applied for a job must also provide a copy of the report to you, if you request it from them.

I, the undersigned, have read and fully understand the above notice. I hereby authorize LABORCHEX to investigate my employment history, educational accomplishments, criminal record, driving record, credit history, character, general reputation, personal characteristics, and information pertaining to a commercial driver's license and commercial driving work history, including inquiries into drug and alcohol testing and use, as well as workers' compensation information (as according to federal guidelines stated above). I authorize LABORCHEX to verify the facts stated by me on the attached/forwarded application and/or resume. I agree not to hold LABORCHEX responsible in any manner for errors in information provided to LABORCHEX by any of the sources LABORCHEX uses to obtain such information about my employment history, educational accomplishments, criminal record, driving record, credit history, character, general reputation, personal characteristics, and other verified information. I also agree not to hold LABORCHEX responsible for reports deemed by me to be incorrect, when LABORCHEX has, in good faith and according to its established lawful practices, based its information on sources it normally utilizes, such as those listed above. This release will be valid for my entire period of employment.

**Note: I understand that if I am a resident of CA, MA, ME, MN, NJ, NY, OK, and WA I can obtain a copy of the completed consumer report from LABORCHEX by checking this box { }, which will also include a document called "A Summary of Your Rights Under the Fair Credit Reporting Act (FCRA)." Please be sure to provide your full mailing address below.**

Print Name: \_\_\_\_\_  
Last First Middle Initial Maiden Name

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security #: \_\_\_\_\_

(DOB and SSN used only for identification purposes to ensure accuracy of reports)

Driver's License Number #: \_\_\_\_\_ State: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**BELOW IS FOR COMPANY USE ONLY**

Company Name: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Soc. Sec. #: \_\_\_\_\_

**CHECK SCREENINGS REQUIRED FOR THIS APPLICANT**

- |  |   |
|--|---|
| <input type="checkbox"/> Previous Employment Verification*<br><input type="checkbox"/> D.O.T. (Special Screening for Commercial Drivers)*<br><input type="checkbox"/> Education Verification*<br><input type="checkbox"/> Professional/Personal References*<br><input type="checkbox"/> Professional License & Credential Check*<br><input type="checkbox"/> Official Education Transcripts<br><input type="checkbox"/> CRIMINAL RECORD CHECKS (list jurisdictions below)<br><input type="checkbox"/> CrimeChexPLUS Multi-State Criminal Index Check<br><input type="checkbox"/> <u>List Criminal Record Jurisdictions To Be Checked Here:</u><br><br><input type="checkbox"/> Nationwide Federal Violations Criminal Record Check | <input type="checkbox"/> Driving Record Check<br><input type="checkbox"/> Workers' Compensation<br><br><input type="checkbox"/> Employment Credit Report<br><br><input type="checkbox"/> National Address Search & Social Security # Validation |
|--|---|

**\*If you are not using the website to place orders for these levels of screening, please include the completed job application (along with a copy of the this signed release) in your FAX to LABORCHEX.**

Signature of Official Authorizing Investigation: \_\_\_\_\_

DATE: \_\_\_\_\_

**Liquor Pouring Tax  
Statement for Month of  
\_\_\_\_\_, 20\_\_\_\_**

**Taxes are due by the 15<sup>th</sup> of each month. A 25% penalty is due if not received by this date.**

Name of Business: \_\_\_\_\_

Business Address: \_\_\_\_\_

Total Sales of Liquor: \_\_\_\_\_

Multiply by 0.03 to get subtotal (Percentage of Excise Tax Due to City)

Subtotal: \_\_\_\_\_

**If not past due**, multiply subtotal by 0.03 to get amount due licensee (Percentage of Excise Tax Due to Licensee Pursuant to Section 35.02-2 (e)).

Total Amount Due Licensee: \_\_\_\_\_

**If paid after the 15<sup>th</sup>**, add a 25% Penalty to the above subtotal and **Do Not** multiply subtotal by 0.03 to calculate amount due licensee.

Total: \_\_\_\_\_

**If not past due**, to obtain the grand total due to the City, subtract from the subtotal the amount due to licensee from above.

Grand Total Due to City of Blue Ridge: \_\_\_\_\_

I, \_\_\_\_\_, do hereby certify that the above information is true and accurate.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Please return THIS original form with your payment to:  
City of Blue Ridge, 480 West First Street, Blue Ridge, GA 30513

**Example:**

Total Sales of Liquor: \$6,000.00

X 0.03 (Percentage of Excise Tax Due to City)

Subtotal: \$180.00

X 0.03 (Percentage of Excise Tax Due to Licensee Pursuant to Section 35.02-2 (e)(3), **if not past due**).

Total Amount Due to Licensee: \$5.40

**If paid after the 15<sup>th</sup>**, add a 25% penalty to above subtotal.

subtotal:  $\$180.00 \times .25 = \$45.00$

**If not past due**, subtract amount due to licensee from subtotal.

**Paid on or before the 15<sup>th</sup>:**

Grand Total Due to City of Blue Ridge:  $\$180.00 - \$5.40 = \underline{\$174.60}$

**Paid after the 15<sup>th</sup>:**

Grand Total Due to City of Blue Ridge:  $\$180.00 + \$45.00 = \underline{\$225.00}$

CITY OF BLUE RIDGE

MALT BEVERAGE, WINE, AND DISTILLED SPIRITS  
MONTHLY FOOD & BEVERAGE SALES REPORT

REPORT FOR THE MONTH OF \_\_\_\_\_, 20\_\_

Business Name

Address

Business Owner's Name

Business Manager's Name

1. Gross Monthly Sales.....\$\_\_\_\_\_

\*Only consumable sales should be included in the gross monthly sales. Ex. Retail should not be included.

a. Monthly Sales of Food.....\$\_\_\_\_\_

b. Monthly Sales of Wine.....\$\_\_\_\_\_

c. Monthly Sales of Malt Beverages.....\$\_\_\_\_\_

d. Monthly Sales of Distilled Spirits.....\$\_\_\_\_\_

2. Total Monthly Alcohol Sales.....\$\_\_\_\_\_

3. Percentage of Monthly Alcohol Sales.....\_\_\_\_\_

To get percentage of alcohol sales, divide total monthly alcohol sales by the gross monthly sales.

This report must be filed with the City of Blue Ridge licensing department by the **fifteenth (15<sup>th</sup>) day of each month** following the month for which you are reporting. (Example - Report for May will be due by June 15<sup>th</sup>)

**\*\*ATTACH A COPY OF YOUR STATE SALES TAX REPORT AND A COMPUTER GENERATED REPORT SHOWING THE SALES RECORDED ABOVE\*\***

I certify that this report and the preceding pages have been examined by me and is a true and complete return for the period stated.

Date

Business Owner's Signature

**CITY OF BLUE RIDGE**  
**LIST OF EMPLOYEES**  
**BUSINESSES WITH ALCOHOL POURING LICENSE**

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REPORT FOR THE MONTH OF \_\_\_\_\_, 20\_\_\_\_  
**(MUST BE SUBMITTED BY THE 15<sup>TH</sup> OF EACH MONTH)**

\_\_\_\_\_  
**Business Name**

\_\_\_\_\_  
**Street Address**

\_\_\_\_\_  
**Business Owner's Name**

\_\_\_\_\_  
**Business Manager's Name**

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**Employees employed in a capacity which would require an employee beverage pouring permit:**

	NAME	BIRTHDAY
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____

**Employees who have terminated employment during the period being reported:**

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

## **EMPLOYEE ALCOHOLIC BEVERAGE POURING PERMIT REQUIREMENTS**

- 1) No more than three (3) drinks should be served to a customer without ordering food.
- 2) If an establishment has a patio area, patrons must exit the patio through the main entrance of the establishment.
- 3) Employees who sell to underage customers (anyone under 21 years of age) will lose their employee pouring permit, which will prohibit that individual from being able to obtain restaurant jobs within the City of Blue Ridge that would require them to serve alcoholic beverages.
- 4) The consent for criminal history that is signed at time of application is valid for the duration of employment. Any drug and/or alcohol convictions or felony convictions will lead to revocations of the employee's alcohol pouring permit.
- 5) All licenses issued by the City of Blue Ridge, including employee pouring permits, shall constitute a grant of privilege, and will be suspended or revoked if ordinance violations occur.
- 6) Employees are prohibited from consuming alcoholic beverages during work hours.
- 7) In the event that an employee fails to verify proper identification (driver's license, military identification card, or passport) and furnishes alcoholic beverages to an underage customer, in addition to the City of Blue Ridge suspending or revoking their employee pouring permit, their employer can choose to require that employee to pay the civil fine that the City of Blue Ridge will impose on the establishment. This fine will be \$500.00 or \$1,000.00, depending on whether it is the first or second offense for the establishment.
- 8) No alcoholic beverages are to be furnished, sold, or offered for sale for consumption on Christmas Day. Additionally, no consumption on the premises, dealer of alcoholic beverages shall furnish, sell or offer for sale any alcoholic beverages prior to 9:00 a.m. or after 11:30 p.m., except on Labor Day, Memorial Day, July 4 and New Year's Eve, and sales shall be allowed until 11:59 p.m.
- 9) If a customer wants to leave the eating establishment with a partially consumed bottle of wine, the bottle must be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and the meal must be attached to the container. Please inform the customer that the sealed container should be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat if their vehicle is not equipped with a trunk.
- 10) No customer should bring/carry any alcoholic beverage into the restaurant with them. This is considered brown bagging, which is not allowed within the City of Blue Ridge. If

they wish to drink an alcoholic beverage with their meal, it must be purchased at the eating establishment they are patronizing.

- 11) No customer shall be allowed to leave an eating establishment with an alcoholic beverage to consume all or any part of the drink outside in the parking lot, or entrance areas, or outside of the premises of the licensed eating establishment, except in a previously approved patio/open area.
- 12) Employees should not knowingly sell alcoholic beverages to a person who is intoxicated. Failure to abide by this regulation will be a violation of the City of Blue Ridge Alcohol Ordinance, and shall be cause for revocation of the employee's alcoholic beverage pouring permit.
- 13) Only one alcoholic beverage at a time shall be delivered to any customer.
- 14) No employee, manager, or owner shall encourage or permit on the licensed premises any "drinking game."

I, \_\_\_\_\_, understand the above regulations and requirements, and acknowledge that they have been discussed with me by the Alcohol Licensing Clerk of the City of Blue Ridge. I further acknowledge that I understand that upon receiving an employee alcoholic beverage pouring permit for any restaurant within the City of Blue Ridge, I will be responsible for abiding by these regulations.

\_\_\_\_\_  
Signature of Alcohol Permit Holder

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Name of Restaurant

\_\_\_\_\_  
Signature of Alcohol Licensing Clerk

\_\_\_\_\_  
Date Signed

**EMPLOYEE ACKNOWLEDGEMENT**

By signing below, I acknowledge receipt of Section 110.45-34 of the Blue Ridge Alcohol Ordinance (Employees). I understand that my application will be denied if any of the following apply to me:

- I am under 18 years of age.
- I have been convicted of any drug or alcohol misdemeanor within the past two (2) years.
- I have been convicted, plead guilty or entered a plea of nolo contendere to a crime involving the sale or possession of alcoholic beverages within three (3) years of the date of application.
- I have been convicted of any felony within the past three (3) years.
- I am currently serving a probation or parole sentence.
- I have previously held an alcoholic beverage license or employee permit through the City of Blue Ridge which has been revoked within five (5) years of the date of current application.

I acknowledge that the \$30.00 application fee will not be refunded if my criminal history comes back showing such violations as stated above.

I further understand that, if approved, this permit will expire 1 year from the date of issuance, and must be renewed at that time. My employee permit may be suspended or revoked by the City of Blue Ridge Licensing Agent if it is determined that I have violated any provision of the Blue Ridge Alcohol Ordinance or committed any offense which would make me ineligible to hold such a permit.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**APPLICATION FOR EMPLOYEE PERMIT FOR ALCOHOLIC BEVERAGES**  
**--MUST BE 18 YEARS OF AGE OR OLDER TO APPLY--**  
**(Submit to the Chief of Police or His Designee, or Other Authorized City Agent)**

PLEASE PRINT OR TYPE

DATE: \_\_\_\_\_

Please state Employee's:

(1) NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_ HEIGHT \_\_\_\_\_

WEIGHT \_\_\_\_\_ RACE \_\_\_\_\_ SEX  Male  Female

SOCIAL SECURITY NUMBER \_\_\_\_\_

MAIDEN NAME (OR PREVIOUSLY USED NAME) \_\_\_\_\_

(2) Have you been convicted, plead guilty or entered a plea of nolo contendere to any crime involving the sale or possession of alcoholic beverages or any felony within 3 years of the date of this application?  Yes  No

(a) If so, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Have you been the holder of an alcoholic beverage license or employee permit which has been revoked within (5) years of the date of this application?  Yes  No

(4) Name of employer that sells alcoholic beverages \_\_\_\_\_.

(5) **Please furnish a valid Driver's License and one other current identification.** Valid, current identification includes but is not limited to any document issued by a governmental agency containing a physical description of the person, such person's photograph, and giving such person's date of birth, and includes, without being limited to, a passport, military identification card, or any identification card authorized by O.C.G.A. 40-5-100.

(6) Employee or employer must submit the requisite employee permit fee in the amount of \$30.00.

(7) I hereby authorize the City of Blue Ridge, Georgia and the Blue Ridge Police Department to obtain fingerprints from me, and conduct a criminal history check pertaining to me which may be in the files of any state or local criminal justice agency, including all those in Georgia. I also give consent to the City of Blue Ridge, Georgia and the Blue Ridge Police Department to perform periodic criminal history background checks of me for the duration of the validity of my employee permit that authorizes me to serve alcoholic beverages within the City of Blue Ridge, Georgia.

NOTE: Under the City of Blue Ridge ordinance and regulations, it is the mandatory duty of an employee who furnishes, sells, distributes, or serves alcoholic beverages to customers, to require the customers to produce proper identification that indicates the customers are age 21 or older prior to furnishing the alcoholic beverages to said customers.

NOTE: An employee who distributes, furnishes, sells, or serves alcoholic beverages to a customer under the age of 21 has committed a criminal violation under Georgia law, and may be criminally prosecuted for such sale or distribution.

Signature of Employee \_\_\_\_\_

Sworn to and subscribed  
before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Notary Public**  
My Commission Expires:

[Affix Notary Seal]

**FOR CHIEF OF POLICE,  
POLICE DEPARTMENT, OR  
OTHER DESIGNATED CITY AGENT  
USE ONLY:**

**Results of Criminal Background Check:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Disposition:** APPROVE [ ]  
REJECT [ ]

FIRST READING 3-25-11

ADVERTISED 3-25-11

PASSED 4-12-11

AN ORDINANCE NO. 4.12.11

AN ORDINANCE TO REGULATE THE SALE FOR CONSUMPTION ON THE PREMISES OF BEER, MALT BEVERAGES, WINE AND DISTILLED SPIRITS AND THE SALE BY THE PACKAGE OF BEER, MALT BEVERAGES, AND WINE WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PROHIBIT THE SALE BY THE PACKAGE OF DISTILLED SPIRITS AND FORTIFIED WINE WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE DEFINITIONS; TO PROVIDE THE PURPOSE OF THE ORDINANCE; TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE; TO REQUIRE LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES; TO PROVIDE REGULATORY FEES; TO ESTABLISH QUALIFICATIONS OF APPLICANTS FOR LICENSES; TO ESTABLISH CERTAIN DISTANCE PROHIBITIONS; TO PROVIDE FOR THE REVIEW OF APPLICATIONS; TO PROVIDE LIMITATIONS ON THE NUMBER OF LICENSES HELD; TO PROHIBIT CITY EMPLOYEES FROM HOLDING LICENSES; TO PROVIDE FOR LOCATIONS FOR BUSINESS PREMISES OF LICENSE HOLDERS; TO PROVIDE INVESTIGATION OF THE APPLICATION; TO PROVIDE GUIDELINES REGARDING THE LICENSES; TO PROVIDE FOR THE GRANT OR DENIAL OF LICENSES, AND THE APPEAL THEREFROM; TO PROVIDE FOR TRANSFERABILITY OF LICENSES; TO PROVIDE FOR SUSPENSION AND REVOCATION OF LICENSES UPON CERTAIN EVENTS; TO IMPOSE EXCISE TAXES UPON THE SALE OF ALCOHOLIC BEVERAGES; TO PROVIDE FOR THE DETERMINATION OF THE TAX AND THE PAYMENT OF THE TAX TO THE CITY; TO PROVIDE PENALTIES FOR NON-PAYMENT OF THE TAX; TO PROVIDE REGULATIONS REGARDING BUILDINGS OF APPLICANTS; TO REGULATE EMPLOYEES AND HOURS OF OPERATION OF THE BUSINESSES; TO PROHIBIT SALES TO PERSONS WHO ARE UNDER AGE; TO PROHIBIT OPEN CONTAINERS WITHIN THE CITY; TO PROHIBIT BROWNBAGGING; TO IMPOSE CERTAIN MERCHANDISE RESTRICTIONS; TO PROVIDE THAT BONA FIDE NON-PROFIT CIVIL ORGANIZATIONS MAY RECEIVE A SPECIAL USE TEMPORARY PERMIT AUTHORIZING THE ORGANIZATION TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, TO SELL WINE AT RETAIL FOR OFF-PREMISES

CONSUMPTION, OR TO AUCTION WINE IN SEALED CONTAINERS, OR ANY COMBINATION THEREOF; FOR A PERIOD NOT TO EXCEED THREE DAYS, AND SUBJECT TO THE REGULATIONS AND REQUIREMENTS OF THIS ORDINANCES; TO PROVIDE FOR THE SALE OF ALCOHOLIC BEVERAGES BY FARM WINERIES; TO PROVIDE FOR THE SALE OF WINE BY THE PACKAGE WITH ANCILLORY WINE TASTING; TO PROVIDE FOR SALE OFF PREMISES FOR CATERED FUNCTIONS; TO PROVIDE FOR FURTHER REGULATIONS REGARDING THE SALE OF ALCOHOLIC BEVERAGES; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia, on July 12, 2005, duly adopted an alcoholic beverage ordinance, that allowed the sales of malt beverages, beer and wine; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia, finds that it will be to the economic benefit of the City of Blue Ridge, Georgia, and its citizens, to allow the sale of alcoholic beverages by consumption on the premises, but with said sales limited by the regulations provided by this ordinance; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia, desires to promote and facilitate bona fide non-profit civil organizations by allowing said organizations to have fund raisers or other promotions whereby said organizations provide alcoholic beverages for consumption on the premises or otherwise; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia, desires to regulate the sale of alcoholic beverages as provided by the regulations contained within this ordinance;

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the authority of the City Charter and general law, as follows:

**SECTION 1.            AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE REGARDING THE SALE OF ALCOHOLIC BEVERAGES.**

The Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages, is hereby amended, by striking in their entirety, Section 110.45-1 through Section 110.45-52 and also Section 35.02-1 through Section 35.02-11 in their entirety, and adopting new provisions regulating the sale of alcoholic beverages within the City of Blue Ridge, Georgia, and which shall read as follows:

## ARTICLE 1. IN GENERAL

### SECTION 110.45-1. DEFINITIONS.

\*section amended see ordinances adopted 04/09/2013, 09/10/2013, 03/03/2014 and 08/11/2015

All definitions set forth in the Georgia Alcoholic Beverage Code (O. C. G. A. Title 3) and State regulations, as amended, are adopted by this ordinance. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning (and with the definitions of State statutes and regulations controlling in the event of a conflict):

*Adequate parking* means the parking spaces for each premises of each package store and each consumption on the premises location required under the zoning and developmental ordinances of Blue Ridge. Such off-street parking shall have vehicular access to streets and shall be constructed of all-weather surface.

*Adult entertainment establishments* means any of the following: adult bookstores, adult dancing establishments, adult mini-motion theaters, adult motion picture arcades, adult motion picture theaters, adult video stores, erotic dance establishments, escort bureaus: introduction services, lingerie modeling studios, or nudist or naturalist facilities, campgrounds, restaurants, parks or recreational areas. The following terms used in this chapter defining adult entertainment establishments shall have the meaning indicated below:

*Adult bookstore* means an establishment having a substantial or significant portion of its stock in trade, merchandise, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising ten (10) percent of its net sales consisting of printed material and/or merchandise which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

*Adult dancing establishment* means a business that features dancers displaying or exposing specified anatomical areas.

*Adult minimotion picture theater* means an enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

*Adult motion picture arcade* means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other impact producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

*Adult motion picture theater* means an enclosed building with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

*Adult video store* means an establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specified anatomical areas or an establishment with a segment or section, comprising of five (5) percent of its total floor space, devoted to the sale or display of such material or which derives more than five (5) percent of its net sales from videos which are characterized or distinguished or relating to specified sexual activities or specified anatomical areas.

*Erotic dance establishment* means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dances, go-go dancers, strippers or similar entertainers, which such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

*Escort bureau: introduction services* means any business, agency or person who, for a fee, commission, hire, reward or profit furnishes or offers to furnish names or persons, or who introduces, furnishes or arranges for person(s) who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with other about any place of public resort or within any private quarters

*Lingerie modeling studio* means any place or commercial establishment wherein the patron directly or indirectly is charged a fee or required to make a purchase in order to view entertainment or activity which consists of persons exhibiting or modeling swim suits, lingerie or similar undergarments.

*Nudist or Naturalist facilities, campgrounds, restaurants, parks or recreational areas* means any facility that has a formal or informal policy or allowing participants, guests, invitees, licensees or any natural person the option of or requiring said persons to not wear clothing which covers specific anatomical areas as defined herein.

*Specific anatomical areas* shall include any of the following:

- (a) Less than completely and opaquely covered human genitals or pubic region, buttock or female breast below a point immediately above the top of the areola; or
- (b) Human male genitalia area in a discernibly turgid state, even if completely and opaquely covered.

*Specified sexual activities* shall include any of the following:

- (a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relations, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- (b) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
- (c) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
- (d) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- (e) Masochism, erotic or sexually oriented torture, beating or the inflicting of pain; or
- (f) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
- (g) Human excretion, urination, menstruation, vaginal or anal irrigation.

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

*Alcoholic beverage* means any beverage containing alcohol and shall include but shall not be limited to all distilled spirits, alcohol, beer, malt beverages, wines, and fortified wines.

*Ancillary wine tasting* means samples of wine provided to customers of licensed wine-only package stores under the conditions set forth in Section 110.45-49 of this chapter.

*Authorized catered function* means an event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this chapter.

*Bed and breakfast* means any establishment where five or more rooms used for sleeping accommodations are offered for pay to guests, which regularly prepares and serves breakfast, where there exists one or more dining rooms serving prepared meals, whether public or for the use of guests, with a seating capacity of at least ten, with a kitchen that has been approved by the health and fire departments.

*Bona fide non-profit civic organization* means an entity which is exempt from federal income tax pursuant to the provisions of 26 U.S.C. §§ 501(c), 501(d), or 501(e).

*Business* means any person, corporation, partnership, limited liability company, or other legal entity which exerts substantial efforts within the City, engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

*Church* means a permanent freestanding building located in an area designated for such use by the zoning ordinances where persons regularly assemble for religious worship, which shall be publicly designated as a church, but does not include a residence or place of business also used for religious purposes, and also does not include an administrative building or office for a church or religious organization. The term "church" shall also not include store front sites within retail shopping centers that are also used as a place of regular assembly for religious worship.

*Convenience store* means a small store or shop that sells, but is not limited to, such items as candy, ice-cream, soft drinks, water, lottery tickets, tobacco produce, newspapers, magazines, a selection of processed foods, sandwiches, a few items of groceries, ATM and money order services, as well as fuel, motor oils, etc., such as are typical in the City of Blue Ridge.

*Distilled spirits* means any beverage containing alcohol obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines. Distilled spirits cannot be sold by the package within the City.

*Farm winery* means a domestic winery as defined and regulated by O. C. G. A. § 3-6-21.1, which is licensed as a farm winery by the State of Georgia.

*Farm winery tasting room* means an outlet for the promotion of a farm winery's wine by providing complementary samples of such wine to the public and for retail sale of such wine as provided and regulated by O. C. G. A. § 3-6-21.1.

*Fortified wine* means any alcoholic beverage containing 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, brandy.

*Fuel* means any petroleum product including but not limited to gasoline, diesel, kerosene, ethanol, and propane.

*Grocery store* means a store established primarily for the retailing of food. This term includes large grocery stores, such as supermarkets, that also stock products other than food, such as paper goods, cleaning supplies and household items in addition to food items. Grocery store shall also include those grocery stores operated as a part of a large retail commercial center such as those operated by Wal-Mart.

*Hotel, motel or resort* means every building or structure, or combination of buildings and structures, that is kept, used, maintained, advertised and held out to the public as a place where sleeping accommodations are offered for pay to travelers and guests, whether transient, permanent or residential, which contains ten or more rooms used for the sleeping accommodations of such guests, has one or more public dining rooms with kitchen and a seating capacity of at least 25, contains one or more conference/meeting/banquet rooms in either 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, motel or resort operations.

*Licensed Alcoholic Beverage Caterer* means any person licensed for the sale of alcoholic beverages by the state and who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off licensed premises and in connection with an authorized catered function.

*Lounge* means a separate room connected with, a part of or adjacent to a restaurant or eating establishment, as defined in this section, provided that the seating capacity of the lounge shall not exceed that of its connected restaurant or eating establishment.

*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 six 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* means any maker, producer, or bottler of an alcoholic beverage or distilled spirits. The term also means:

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

The manufacture of alcoholic beverages and distilled spirits is not allowed in the City, except for a brew pub which must meet the requirements of Section 110.45-51, or a farm winery which must meet the requirements of Section 110.45-53.

*On-premises consumption dealer* means any person who sells, at retail only to consumers and not for resale, distilled spirits, wine or malt beverages, or any combination thereof, for consumption on the premises. A bona fide non-profit organization may sell alcoholic beverages for consumption on the premises, or auction wine, pursuant to a special use temporary permit issued pursuant to this ordinance and conditioned upon compliance with the requirements of this ordinance.

*Package dealer* means any person engaged in selling, at retail only to consumers and not for resale, any wine or malt beverages in unbroken packages. The sale of distilled spirits by the package is not allowed in the City.

*Person* means any individual, limited liability company, any legal entity, firm, partnership, cooperative, non-profit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary or other group or combination acting as a unit, body politic, or political subdivision, whether public, private or quasi-public.

*Pour* and *Pouring* mean the sale of alcoholic beverages by the drink for consumption on the premises.

*Pouring outlet* means any place where alcoholic beverages are poured or proposed to be poured.

**Premises**, when used in conjunction with package sales, means the floor space on and from which the package sale of alcoholic beverages is conducted, and when used in conjunction with consumption on the premises sales, means the premises licensed for such sales. Premises also means the space or area owned, leased and/or controlled by the licensee and used by him for the purposes of operating under the license. Premises is further defined as one (1) physically identifiable place of business consisting of one (1) room, or two (2) or more contiguous rooms operating under the same trade names where alcoholic beverages are sold. Any premises outlets which cannot be determined as one (1) identifiable place of business shall require additional licenses regardless of such establishments having the same trade name, ownership, or management; provided nothing herein shall require additional licenses for service bars, or portable bars, or portable bars used exclusively for the purpose of preparing drinks when such bars are accessible only to employees of the licensed establishment and from which drinks are prepared to be served in the licensed premises. **As used within the context of the provisions of this chapter, premises can also mean the entire building and lot, including parking area.**

*Residence* means the act or fact of living or regularly staying at or in some place for the discharge of a duty or the enjoyment of a benefit or the place where one actually lives as distinguished from his domicile or place of temporary sojourn.

*Resident* means a person whose primary residence is within the territorial limits of Fannin county.

*Restaurant* means an eating establishment that is any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment, air conditioned, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests, and which derives at least 50% of its total annual gross food and beverage sale from the sale of prepared meals or food (not including the sale of alcoholic beverages). At least one (1) meal and food service for four (4) hours per day shall be served at least five (5) days a week during the months of April through October, and shall be served at least three (3) days a week during the months of November through March, except that restaurants that open for business more than five (5) days a week, shall be required to serve at least one (1) meal per day each day that the restaurant is open, with the exception of holidays, vacation and periods of redecoration, 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 provide at least twenty-five (25) seats for customers. All types of eating establishments, in order to sell alcoholic beverages for consumption on the premises, by whatever name, including but not limited to pubs, taverns, bakeries, or otherwise, must meet the requirements of a "restaurant" except as provided herein in order to receive an alcoholic beverage license for consumption on the premises.

*School* means an organized source of education or training as an institution for the teaching of children with the presence of full-time faculty and full-time curriculum in which the traditional subjects and learning processes associated with the grades of the common public schools are taught.

*Wholesaler* means any person who sells alcoholic beverages to other wholesale dealers, or to package dealers.

*Wine* means 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, combination 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.

#### **SECTION 110.45-2. PURPOSE OF ORDINANCE.**

This ordinance is enacted in furtherance of the police powers of the City to promote the health and general welfare of its citizens; to regulate and control the licensing and sale by consumption on the premises of alcoholic beverages and by the package of malt beverages and wine; to establish reasonable regulations and ascertainable standards for licensees which will ensure the public peace; to protect schools, churches, and residential areas from the negative secondary effects attributable to establishments that sell alcoholic beverages; and to ensure that only qualified persons obtain licenses for the sale or

distribution of alcoholic beverages; to provide that bona fide non-profit civic organizations may receive a special use temporary permit allowing the sale of alcoholic beverages for consumption on the premises or as otherwise provided by this chapter on a temporary basis and as a part of promotional events or fundraisers by said organizations.

**SECTION 110.45-3. COMPLIANCE WITH ORDINANCE.**

*\*section amended by ordinance dated 08/14/2018*

No person shall sell or offer for sale any alcoholic beverages at wholesale, or by the package, or for consumption on the premises, within the City without first having complied with the provisions of this ordinance. Bona fide non-profit civic organizations, as defined herein, shall not offer to sell alcoholic beverages for consumption on the premises or otherwise without first having complied with the provisions of this ordinance, and receiving a special use temporary permit from the City of Blue Ridge.

**SECTION 110.45-4. VIOLATIONS; PENALTY.**

Any person found guilty of or entering a plea of guilty or nolo contendere to the offense of failing to pay the tax due pursuant to this chapter, either in whole or in part, shall, upon conviction thereof, be punished up to the maximum penalties allowed by the City charter or under general law, and as assessed by a court of appropriate jurisdiction, including but not limited to the Municipal Court of the City of Blue Ridge. Violations of this ordinance by the license holder or by agents of the license holder, or both, shall also be grounds for suspension, revocation, or denial of renewal of the license of the license holder, as provided herein.

**SECTION 110.45-5. VIOLATIONS.**

Any person violating any of the provisions of this ordinance shall be punished up to the maximum penalties allowed by the City charter or under general law, and as assessed by a court of appropriate jurisdiction, including but not limited to the Municipal Court of the City of Blue Ridge. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by such person, and shall be punished accordingly. Violations of this ordinance by the license holder or by agents of the license holder, or both, shall also be grounds for suspension, revocation, or denial of renewal of the license of the license holder, as provided herein.

**ARTICLE II. LICENSES**

**SECTION 110.45-6. REQUIRED.**

(a) No person shall engage in the sale or distribution of alcoholic beverages in the City without first having obtained a license therefor, provided that wholesalers and distributors maintaining no fixed place of business, warehouse or other facility

in the City and possessing a valid state license may make sales and deliveries to licensed package dealers, licensed consumption on the premises dealers/licensees and to bona fide non-profit civic organizations holding a special use temporary permit pursuant to the requirements of this chapter.

(b) Except as specifically authorized in this ordinance, no person licensed for the sale of a particular class of alcoholic beverages may sell other classes of alcoholic beverages without obtaining the required license therefore.

(c) Bona fide non-profit civic organizations shall not be required to hold a license for the sale or distribution of alcoholic beverages, but must receive from the City of Blue Ridge, Georgia, a special use temporary permit issued pursuant to this ordinance and in compliance with the rules and regulations of the Georgia Department of Revenue. For the limited purposes as allowed by this ordinance, a special use temporary permit shall be deemed to be a valid license for the sale or distribution of alcoholic beverages by a bona fide non-profit civic organization.

**SECTION 110.45-7. TYPES OF LICENSES TO BE ISSUED.**

*\*Section amended see ordinances adopted 04/09/2013, 09/10/2013, 03/03/2014 and 08/11/2015*

(a) Only the following alcoholic beverage licenses shall be issued under this chapter:

- (1) Malt beverages for sale by the package;
- (2) Wine for sale by the package;
- (3) Malt beverages for consumption on the premises;
- (4) Wine for consumption on the premises;
- (5) Distilled spirits for consumption on the premises;
- (6) Combination licenses:
  - (a) Malt beverages and wine for sale by the package;
  - (b) Malt beverages and wine for consumption on the premises;
  - (c) Malt beverages and distilled spirits for consumption on the premises;
  - (d) Wine and distilled spirits for consumption on the premises;
  - (e) Malt beverages, wine and distilled spirits for consumption on the premises;
- (7) Farm winery licenses (which includes a tasting room of a farm winery);
- (8) Special use temporary permit issued only to bona fide non-profit civic organizations;
- (9) Wholesale dealer licenses; *Authorized Distiller License*
- (10) Authorized caterer license. *Growler*  
*Authorized brewer license and Authorized Event Center*

**SECTION 110.45-8. QUALIFICATIONS OF APPLICANTS.**

(a) No license shall be granted under this ordinance to any applicant who is not at least twenty-one (21) years of age and each applicant must be a citizen or resident

legal alien of the United States. The applicant must be a person of good moral character and a resident of the County of Fannin for one (1) year preceding the filing of the application (the residency requirement may be met by a managing agent for applicant). Honorably discharged members of the U.S. military services may have their service count for residency requirements, but must be a Fannin County resident at the time of application.

(b) Corporations or limited liability companies shall apply for a license in the name of the corporation or the limited liability company and a managing agent for the corporation or limited liability company, and the license shall be issued to the corporation or the limited liability company and the managing agent. Corporate or limited liability company applicants shall attach to the application a certificate showing compliance with the annual registration requirements from the secretary of state, corporate division, and showing the name and address of a registered agent for service within the state. Partnerships shall apply for a license in the name of one of the partners (and a managing agent for the partnership), and the license shall be issued in the name of the applicant. Where the applicant is a corporation or a limited liability company, an agent ("managing agent") involved in the active management of the business to be licensed, as designated by corporate or limited liability company resolution, shall meet the requirements of individual applicants under this subsection at the time application is made and at all times during which the license is in effect. If the applicant is a partner in a partnership, the requirements of this section shall apply to the managing agent for the partners at the time of application, and at all times during which the license is in effect. Owners, partners, members, and shareholders must meet all requirements under this ordinance to be issued a license, unless the entity has a managing agent who meets all requirements, and in which event, the residency requirement will not apply to owners, partners, members, and shareholders.

(c) In addition to meeting all qualifications for a license under state law, all applicants for licenses, whether original or renewal, must attach to their applications evidence of their good character. In addition to meeting state qualification standards, no license, whether original or renewal, shall be issued to any person, partnership, limited liability company or corporation organized for pecuniary gain if any individual having an interest either as owner, partner, member, or stockholder, directly or indirectly, beneficial or absolute, or such person's spouse shall have been convicted of or shall have taken a plea of guilty or nolo contendere to, once, within ten (10) years immediately prior to filing, any felony or any violation of any law or administrative regulation regulating the sale, manufacture or distribution of alcoholic beverages, sex offense or narcotics. No license, whether original or renewal, shall be issued to any person, partnership, limited liability company, or corporation where an individual having an interest as owner, partner, member, or stockholder, directly or indirectly, beneficial or absolute, shall have been convicted of or shall have taken a plea of guilty or nolo contendere to, once within ten (10) years immediately prior to the filing of the application, the offense of driving a motor vehicle under the influence of intoxicating liquor or drugs. The restrictions of this subsection as to

members or stockholders shall apply only to members or stockholders of privately owned limited liability companies or corporations and to stockholders of publicly owned corporations who hold in excess of ten percent of outstanding stock.

(d) Corporations, partnerships and other types of legal organizations shall have the license jointly issued in the entity's name and an individual who meets the requirements of Section 110.45-8(a) and who does in fact have managerial authority over the business conducted on the licensed premises, including the sale of alcoholic beverages, and who is employed full time by the entity. Said individual shall be known as the "managing agent."

(1) In the event the "managing agent" changes, the licensee shall notify the City Clerk within five (5) days of the change. A fee of one hundred dollars (\$100.00) will be charged for the processing of an application for the change of the "managing agent", and such applicant must be approved by the City Council or its designated agent.

(e) Applicants for renewal licenses must meet all qualifications of applicants for original licenses. Loss of qualifications during the term of a license shall be grounds for revocation or for denial of renewal.

#### **SECTION 110.45-9. APPLICATION SUBMISSION; BASIC INFORMATION.**

(a) Every applicant for a license under this ordinance shall make written application to the City Council or its designated agent or on forms furnished by the City Clerk. The applicant shall answer all questions on the application, under oath, and shall supply all information and furnish all certificates, affidavits, bonds and other supporting data or documents as required by this ordinance.

(b) Each application shall state the name and address of each applicant (including managing agent); the place where the proposed business is to be located; and the type license applied for, whether for distilled spirits, malt beverages or wine, or any combination thereof, and whether for wholesale, for consumption on the premises (pouring) or package sale or other license or permit allowed by this ordinance. The application shall also contain a beginning balance sheet showing the proposed original capitalization of the business and its source. If an applicant is a corporation, the application shall state the names of all officers and stockholders of the corporation and the percentage ownership of each. If the applicant is a partnership, the application shall state the names of all partners therein, whether general or limited. If the applicant is a limited liability company, the application shall state the names of all members therein. All applications shall include the names of all persons that have or will have a direct or indirect beneficial interest in the business for which the license is sought. Each application shall also contain such additional information as the Council or designated agent prescribes, shall be verified as true by the applicant before filing and shall be accompanied by a nonrefundable deposit of \$250.00 to cover the cost of investigating the applicant and processing the

application. The premises for the location of the license shall also be inspected by the agent for the City for building inspections and code compliance, and applicant will pay an additional inspection fee of \$35.00. Criminal background checks by fingerprinting shall also be performed of applicant and the managing agent with the fingerprinting included as a part of the application fee.

(c) Applications for a consumption on the premises (pouring) license shall only be made by eating establishments that meet the definition of a restaurant, as defined herein, except for special use temporary permits issued to bona fide non-profit civic organizations and except as to bed and breakfasts and hotels, motels or resorts as provided herein. Consumption on the premises licenses shall be required to maintain at least fifty (50%) percent of their business volume from the sale of food. Food sales shall include all consumable items sold on the premises except alcoholic beverages. Each application for a consumption on the premises (pouring) license shall demonstrate that the applicant at the requested premises has an adequate and sanitary kitchen and dining room, air conditioning, adequate space for the minimum number of seats for customers, and the anticipated days of the week that applicant shall be serving meals to the general public. The serving of meals to the general public shall be the principal business conducted by an applicant for a consumption on the premises (pouring) license, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. Eating establishments may operate a lounge upon the premises, so long as the eating establishments meet the food requirements under this ordinance, and the operation of the lounge is only incidental to the operation of the eating establishment. A licensed hotel or resort meeting the other requirements of this article may serve alcoholic beverages for consumption on the premises along with food in other locations on the hotel/resort premises without compliance with a required number of seats and percentage of food sales so long as there is also a full service eating establishment in the hotel/resort which shall meet all of the requirements of this article. This provision specifically does not allow a "stand alone bar," but rather allows a snack bar or smaller café on the premises with alcohol service together with food service. A bed and breakfast meeting the other requirements of this article except for the number of seats may serve alcoholic beverages for consumption on the premises along with food at a full service eating establishment located in the bed and breakfast. A bed and breakfast will be required to meet the 50 percent requirement for nonalcohol sales which may include revenue from the sale of rooms.

#### **SECTION 110.45-10.**

#### **DISTANCE PROHIBITIONS.**

(a) Package sales:

(1) No malt beverage or wine, or both shall be offered for sale, sold or dispensed by the package within three hundred (300) feet of the premises of any school building, college building, school grounds or college grounds, alcoholic treatment center, or housing authority property.

(2) No malt beverage or wine, or both shall be offered for sale, sold or dispensed by the package within three hundred (300) feet of any church.

(3) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by the package within three hundred (300) feet of any alcohol treatment center or housing authority property.

(b) Sales by consumption on the premises (pouring):

(1) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within two hundred fifty (250) feet of the premises of any school building, college building, school grounds or college grounds.

(2) No distilled spirits shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within two hundred fifty (250) feet of any school building, educational building, school grounds or college campus.

(3) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within two hundred fifty (250) feet of any church.

(4) No distilled spirits shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within two hundred fifty (250) feet of any church.

(5) No malt beverage or wine, or both, shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within three hundred (300) feet of any alcohol treatment center or housing authority property.

(6) No distilled spirits shall be offered for sale, sold or dispensed by consumption on the premises (pouring) within three hundred (300) feet of any alcoholic treatment center or housing authority property.

(c) In order to demonstrate the location meets all distance prohibitions imposed by ordinance, each application for a license to sell alcoholic beverages shall be accompanied by a **scale drawing** of the premises for the proposed business, showing its location with respect to all streets within 600 feet in every direction. Such drawing shall also depict the distance from the premises (being the front door) to each premise (being the front door) of each church, school building, or other pertinent facility. All such distances shall be measured by the most direct route of travel on the ground.

scaled drawing stamped  
by surveyor or engineer

- (d) The distances provided for herein shall not apply:
- (1) To any premises or location where an alcoholic beverage license was issued or approved prior to July 1, 2005, so long as alcoholic beverages were being sold or dispensed in compliance with the other provisions of this ordinance.
  - (2) To any premises or location where alcoholic beverages are being sold or dispensed in compliance with the other provisions of this ordinance and a school, church or other pertinent facility is built or erected within the minimum distances provided for in this section.

**SECTION 110.45-11. REVIEW OF APPLICATION.**

In reviewing an application under this ordinance, the City Council or its designated agent of the City of Blue Ridge may utilize the chief of police and other City officials with respect to matters within their areas of expertise. All applicants shall furnish such additional data, information and records as may be requested of them by the City Clerk, chief of police or other City officer such as would be useful in determining whether to approve or reject such application. Copies of all form ATT-17, Personnel Statements, filed with the state shall be submitted with the application. By filing an application, the applicant agrees to produce for oral interrogation any person who is to have a beneficial interest in the business for which the license is sought or who is to be employed by such business. The failure to provide requested data, information and records or to make those persons specified available for interrogation within a reasonable time shall be grounds for denial of an application.

**SECTION 110.45-12. OWNERSHIP OF PREMISES.**

Unless the applicant under this ordinance will own the premises from which the business will be conducted, the application shall also disclose the name of every person owning a beneficial interest in the premises and shall state the manner in which the rental is to be determined, and to whom and at what intervals the rent is to be paid. The applicant shall also attach a copy of the proposed lease with the verified statement of the applicant that such lease contains the entire agreement between the parties. No license shall be issued to an applicant who leases premises under a variable rent system whereby the landlord shares in the profits from the business.

**SECTION 110.45-13. LIMITATIONS REGARDING LICENSES HELD.**

- (a) No person shall have an interest in more than five alcoholic beverage licenses, regardless of the degree of such interest. A combination license from the City, allowing the sale of more than one type of alcoholic beverage shall be considered as one alcoholic beverage license.

(b) (1) For the purpose of this section, a person shall be deemed to have a beneficial interest in a license when he:

- a. Holds a license to sell by the package.
- b. Has any ownership interest, whether legal, equitable or other, in or control over a package license.
- c. Holds a license to sell by consumption on the premises (pouring).
- d. Has any ownership interest, whether legal, equitable or other, in or control over a consumption on the premises (pouring) license.

(2) Under the de minimis concept, a person who owns less than five percent of the shares of a corporation which has more than 35 shareholders or whose stock is publicly traded shall not, on the fact of stock ownership alone, be deemed to have a beneficial interest in a license held by a corporation. Likewise a five percent interest in a limited liability company shall not be deemed to be a beneficial interest in a licensee held by the limited liability company.

(3) With regard to this section, a person will not be deemed to have an interest in more than one alcoholic beverage business when separate malt beverage and wine licenses are held by the same licensee at the same business premises conducted as a single operation.

(c) Nothing contained in this section is intended to prohibit the child of the holder of an alcoholic beverage license from also owning such a license if such child is emancipated and holds no business or financial interest or vested interest in the parent's operation.

(d) No person shall have, own or enjoy any ownership interest in, share in the profits from, or otherwise participate in the business of any alcoholic beverage license unless a full description of such interest shall have been furnished to the City at the time of making application for the license. It shall be the continuing duty of an alcoholic beverage licensee to report to the City Clerk, in writing, within ten days, any change in any interest in such licensee's business. Failure to report to such change in interest shall be grounds for suspension or revocation of the license.

(e) No alcoholic beverage license shall be issued by the City under this ordinance to any person holding a City taxicab license or taxi driver's permit.

(f) No alcoholic beverage license shall be issued at a premises where an adult entertainment establishment is operating, or is to be operated.

(g) The sale of distilled spirits by the package is not allowed within the City of Blue Ridge, Georgia.

**SECTION 110.45-14. SALE, DISTRIBUTION AND OTHER DEALING IN ALCOHOLIC BEVERAGES WITHIN THE CITY BY OFFICIALS AND EMPLOYEES; EXEMPTIONS.**

\*Section amended by ordinance dated 08/14/2018- struck in its entirety and replaced with a new section

(a) No member of the City Council shall have any interest, directly or indirectly, in any establishment licensed by the City to sell, distribute, or otherwise deal in alcoholic beverages. Any member holding or having a beneficial interest in any alcohol license issued by the City at the time of that person's election or appointment to office shall divest himself thereof within 60 days. For purposes of this section, a member shall be deemed to have or hold a beneficial interest if the license is issued in the name of the person, spouse, child, parent or sibling, or in a partnership or corporation, limited liability company in which such person owns more than ten percent controlling interest.

(b) No officer or employee of the City, whose official duties involve issuance and regulation of alcoholic beverage licenses or the enforcement of alcoholic beverage laws; shall hold any interest, direct or indirect, in any alcoholic beverage license issued by the City or in any establishment licensed by the City to engage in the sale or distribution of alcoholic beverages. The Mayor, upon advice and consent of the City Council; may exempt officers and employees of the City from the provisions of this section, upon written finding that such officer or employee's involvement, direct or beneficial, in any business licensed by the City to engage in the sale or distribution of alcoholic beverages would pose no conflict of interest or interference with the performance by the officer or employee of his official duties for the City.

(c) No officer or employee of the City shall be permitted to engage in employment with any person, firm or corporation licensed by the City to sell or distribute alcoholic beverages. The City Council may, in writing, exempt those officers or employees from the prohibition of this section, upon finding that such employment would pose no conflict of interest or interference with the performance by the officer or employee of his official duties for the City; provided, however, no certified police officer shall be permitted employment by any establishment that deals in alcoholic beverages without first obtaining the written consent of the chief of police.

**SECTION 110.45-15. STANDARD FOR NEW LICENSE AT EXISTING LOCATION.**

An application for a new alcoholic beverage license for an existing licensed location shall be subject to all the requirements for the granting of an original application for a new license.

**SECTION 110.45-16. SPECIAL PROVISIONS FOR WHOLESALERS.**

(a) No person or entity shall sell any alcoholic beverage at wholesale unless the person or entity holds a valid and current wholesale license from the State of Georgia and from the city or county where the principle place of business of the wholesaler is located.

(b) A person or entity desiring to engage in the wholesale sale of alcoholic beverages in this City shall obtain a license in accordance with the provisions of this chapter and pay the license fees as set by this chapter.

(c) No person or entity that has any financial interest, either direct or indirect, in any license for the retail sale of any alcoholic beverages in Fannin County or in the City shall be allowed to have any interest or ownership in any wholesale alcoholic beverage license issued by the State of Georgia.

(d) Farm wineries acting as wholesalers under the provisions of O. C. G. A. § 3-6-21.1 are exempt from this provision and may, upon proper application, approval, and permitting, hold licenses as on premises, bulk, or package sales and wholesale operations at a single location.

(e) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this chapter; provided however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

(f) No alcoholic beverage shall be delivered to any retail sales outlet in the City except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

(g) Every retailer shall maintain sufficient audit records to attribute all alcoholic beverage items for sale to a purchase from a licensed wholesaler.

(h) Licensed wholesalers shall only engage in the sale of alcoholic beverages during regular business hours of the retailer, Monday through Saturday, excluding Christmas Day.

(i) All provisions of this article including those regarding licenses, qualifications, audits, records, and penalties, shall also apply to wholesalers.

(j) No wholesaler's license under this ordinance shall be issued except for premises located within an industrial zoning classification and meeting all requirements of the City zoning and developmental ordinances.

**SECTION 110.45-17. LOCATION RESTRICTIONS.**

(a) Package sales:

(1) Package sales of malt beverages and/or wine may be conducted only in conjunction with package stores or the business operation of a supermarket, convenience store, or drugstore meeting the requirements of this section. For the purpose of this subpart, "supermarket" shall mean a grocery retailer carrying a full selection of food and grocery items, including fresh produce and meats. A "convenience store" shall mean a retail store carrying a limited selection of canned, packaged or prepared food and grocery items and at which fuel may be regularly available for sale, provided that no service or mechanical work is performed on motor vehicles. General merchandise department stores with floor space open to the public in excess of 25,000 square feet having the inventory of a supermarket may be licensed as a supermarket. For the purpose of this section a "drugstore" shall mean a retail store at which prescription drugs and medications are dispensed under the control of a licensed pharmacist, and which sells at retail various personal health-related items for which prescriptions are not required.

(2) Licenses for the package sale of malt beverages and/or wine will be issued only for premises located within a commercial zoning classification under the City zoning ordinance.

(3) All premises at which the package sale of malt beverages and/or wine is authorized shall meet all requirements of the city's zoning and developmental ordinances, as well as minimum building, fire and life safety codes.

(4) Premises licensed on July 1, 2005 for the package sale of malt beverages and/or wine and lying outside the locations authorized for package sales in subsection

(a)(2) may continue such operation, provided they are in compliance with all other provisions of this ordinance. Cessation of any such business for 90 days creates a rebuttable presumption of abandonment and may result in loss of grandfather status and serve as grounds for revoking any current license. Except as provided herein, no new licenses shall be issued for a location not meeting the location requirements of subsection (a)(2).

(b) Consumption on the premises (pouring):

(1) Except as provided otherwise herein this chapter, consumption on the premises (pouring) sales of distilled spirits, malt beverage and/or wine may be conducted only in conjunction with an eating establishment which has as its principal business conducted being the serving of meals, and with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. The eating establishment, by whatever name called, must meet the definition of a "restaurant" as defined herein. Consumption on the premises licensees shall maintain at least

fifty (50%) percent of their business volume from the sale of food, which shall not include the sale of alcoholic beverages. Food sales shall include all consumable items sold on the premises except alcoholic beverages. The fifty (50%) percent ratio shall be determined on a calendar quarter basis pursuant to monthly reports that will be submitted under oath (and subject to all penalties for false swearing) by each licensee to the administrative office of the City. In the event food sales fall below fifty (50%) percent of the business volume of the license holder in any quarter, then the license holder shall be placed on probation for the next succeeding quarter. The City Clerk or other designated agent of the City shall notify the license holder in writing of the probation. At the end of the next succeeding quarter, if food sales have not attained fifty (50%) percent of business volume, then the City Council, Mayor, City Manager, or other designated agent of the City, shall suspend such license for a period of six (6) months in accordance with Section 110.45-27. After the period of suspension, should the license holder fail to meet the fifty (50%) percent food sales ratio for any quarter during the year following suspension, then the pouring license shall be revoked following the procedures of Section 110.45-27. Nothing herein provided shall prevent the City Council or other duly designated agent of the City from suspending or revoking such licenses for any other violations of this ordinance. Authorized agents of the City may examine the records of businesses licensed hereunder at any reasonable time to ascertain that the requirements of this and other provisions of this ordinance are met. Licensees for consumption on the premises (pouring) licenses shall provide a monthly report, under oath (and subject to all penalties for false swearing) by the 15<sup>th</sup> day of the following month, to the administrative office for the City of Blue Ridge, Georgia, that demonstrates that the food sale requirements of this ordinance have been met. Such licensees, upon request by the City of Blue Ridge or its designated agent, shall provide to the administrative office of the City, any and all backup documentation to demonstrate that the food sale requirements of this ordinance have been met. Failure to provide any of the reports or documentation required under this ordinance by the licensee to the City may result in the City Council or other designated agent of the City suspending the pouring license until the reporting requirements are met, and may result in revocation of the pouring license by following the revocation procedures provided within this ordinance.

(2) Licenses for consumption on the premises sale of alcoholic beverages will be issued only for premises located within a commercial zoning classification under the City zoning ordinance.

(3) All premises at which the consumption on the premises sale of alcoholic beverages is authorized shall meet all requirements of the city's zoning and developmental ordinances, as well as minimum building, fire and life safety codes.

(4) Notwithstanding the provisions of Section 110.45-17(b)(1), the following provisions shall apply to hotel, motels or reports and to bed and breakfasts, and said businesses shall be governed as follows for pouring licenses:

(a) A licensed hotel or resort meeting the other requirements of this article may serve alcoholic beverages for consumption on the premises along with food in other locations on the hotel/resort premises without compliance with a required number of seats and percentage of food sales so long as there is also a full service eating establishment in the hotel/resort which shall meet all of the requirements of this article. This provision specifically does not allow a “stand along bar,” but rather allows a snack bar or smaller café on the premises with alcohol service together with food service.

(b) A bed and breakfast meeting the other requirements of this article except for the number of seats may serve alcoholic beverages for consumption on the premises along with food at a full service eating establishment located in the bed and breakfast. A bed and breakfast will be required to meet the 50 percent requirement for nonalcoholic sales which may include revenue from the sale of rooms.

**SECTION 110.45-18. COMPLIANCE WITH CITY ORDINANCES AND REGULATIONS.**

No license under this ordinance shall be issued to any applicant if any person holding a beneficial interest in the business to be licensed owes any delinquent taxes, assessments, fees, water charges, sewer charges, or other fees to the City. No license under this ordinance shall be issued to any applicant if any person holding a beneficial interest in the business is currently in violation of any ordinance or regulation of the City, and the applicant has not cured the violation and come into compliance with the ordinances and regulations of the City. No license under this ordinance shall be issued as to any premises where an adult entertainment establishment operates or is to be operated.

**SECTION 110.45-19. INVESTIGATION OF APPLICATION; ISSUANCE.**

Every application filed pursuant to this ordinance shall be thoroughly investigated by the chief of police, who shall make a formal written report and recommendation to the City Council or its designated agent of the City. The City Council or its designated agent of the City shall review the chief’s report and make such further investigation as it or he deems appropriate. All applications shall be investigated and acted upon within 90 days of the date of submission of a completed application, unless consent of the applicant to extend the investigative period has been obtained in writing. Inability of the City Council or its designated agent of the City to obtain the good faith cooperation of the applicant in the investigation process, within the time period specified, shall constitute grounds for denial of the license.

**SECTION 110.45-20. CONSIDERATIONS FOR GRANTING OF LICENSES.**

(a) It shall be the duty of the City Council or its designated agent of the City to issue or refuse to issue a license under this ordinance to any applicant. In determining whether or not any application shall be granted and a license issued, the

City Council or its designated agent of the City shall consider all mandated standards of this ordinance and the following information in the public interest and welfare:

- (1) If the applicant and/or any holder of an interest in the license has ever violated any federal, state, county or municipal law, ordinance or administrative regulation regarding alcoholic beverages, their possession, sale, manufacture, distribution, handling, or dealing therein;
- (2) The manner in which the applicant and/or any holder of an interest in the license has conducted any business within the City as to the necessity for excessive police intervention;
- (3) The reasonably anticipated effect on the immediately surrounding neighborhood for which the license is sought as to traffic congestion, noise and/or light pollution;
- (4) Whether the applicant and/or any holder of an interest in the license has ever had any alcoholic beverage or business license suspended or revoked by any state or any political subdivision thereof, or whether any alcoholic beverage business with which the applicant and/or any holder of an interest in the license has been associated has been cited for a violation of the laws or regulations of any state or any local ordinance pertaining to alcoholic beverages, and the outcome of such proceedings.
- (5) A person as determined by the Agent (or the City Council, as applicable) by reason of such person's business experience, financial standing, trade associations, personal associations, record of arrest, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.
- (6) A person who has been convicted under any federal, state or local law of any felony involving moral turpitude.
- (7) A person who has been convicted under any federal, state or local law of any felony not involving moral turpitude within ten (10) years immediately preceding the filing of application for such license.
- (8) A person convicted under any federal, state or local law of a misdemeanor, particularly, but not limited to, those involving alcoholic beverages, gambling or tax law violations, if such conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with federal, state or local laws, rules and regulations.

(9) A location within an area where, in the judgment of the Agent (or City Council, as applicable) the number of alcoholic beverage licenses already granted makes it contrary to the public interest or welfare.

(10) A location at which a previous alcoholic beverage license has been revoked or suspended, and where, in the judgment of the Agent (or City Council, as applicable) the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.

(11) Which the granting of such license would constitute a violation of state law or regulations.

(12) Applicant is not in compliance with, or cannot comply with any of the terms of this ordinance.

(b) If, upon investigation of an application for renewal of an existing license, the City Council or its designated agent of the City determines the applicant or any of its employees have been convicted, or entered a plea of guilty or nolo contendere, to any felony, any law, regulation or ordinance involving alcoholic beverages, gambling, narcotics, or tax laws, sufficient to warrant denial, the City Council or its designated agent of the City shall have the option of issuing a probationary license conditioned upon levy and payment of a probation fee of \$5,000.00.

#### **SECTION 110.45-21. GRANT OF APPLICATION; NOTICE OF DENIAL.**

(a) All applications for alcoholic beverage licenses meeting this ordinance shall be granted by the City Council or its designated agent of the City for a period of up to one year, expiring on the last day of December in each year, unless some specific cause regarding location, traffic or environmental conditions or the specific causes set out in section 110.45-20 justifies a refusal. In the event of denial for location, traffic or environmental conditions, the applicant shall be entitled to file a new application of like kind for a different location without the loss of any part of the application fee. In the event the City requests additional documents during the application review, the 90-day review period shall be stayed until production of the additional documents is completed.

(b) If the Mayor or other designated agent of the City Council denies an application for a license, the applicant shall be provided notice in writing of the denial, and a listing of the reasons therefore. The applicant shall have the right to appeal to the City Council (including the Mayor) by filing a request for hearing with the City Clerk no more than ten days following receipt of the denial notice. A hearing shall be held not more than 30 days from the date the City Clerk receives the written notice of appeal. Within ten days from the date of conclusion of the

hearing, the City Council (including the Mayor) shall notify the applicant and the City Clerk, in writing of their decision.

**SECTION 110.45-22. FALSE INFORMATION IN APPLICATION.**

Any material omission from, or untrue or misleading information in, an original, renewal or transfer application for a license under this ordinance shall be cause for the denial or refusal of a license, or for the revocation of a license previously granted. Any failure to notify the City Clerk of the change in any relationship as specified in section 110.45-13(d) within ten days after such change is made shall likewise constitute due cause for cancellation, revocation or suspension of a license.

**SECTION 110.45-23.**



**FEEES.**

*\*Section amended by ordinances adopted 04/09/2013 , 09/10/2013, 03/03/2014, 08/11/2015 and 08/14/2018*

(a) There is hereby imposed a license fee, payable at the time of issuance of the license under this chapter and each annual renewal license, except as provided herein, as follows:

PACKAGE LICENSES	ANNUAL FEE
Fee for the sale of malt beverages by the package in an establishment with 10,000 sq. ft. or less of total floor space for alcoholic beverages	\$ 800.00
Fee for the sale of malt beverages by the package in an establishment having between 10,001 and 20,000 sq. ft. of total floor space for alcoholic beverages	1600.00
Fee for the sale of malt beverages by the package in an establishment having 20,001 sq. ft. or more of total floor space for alcoholic beverages	3200.00
Fee for the sale of wine by the package in an establishment with 10,000 sq. ft. or less of total floor space for alcoholic beverages	800.00
Fee for the sale of wine by the package in an establishment having between 10,001 and 20,000 sq. ft. of total floor space for alcoholic beverages	1600.00
Fee for the sale of wine by the package in an establishment having 20,001 sq. ft. or more of total floor space for alcoholic beverages	3200.00

Fee for the sale of malt beverages and wine by the package in an establishment with 10,000 sq. ft. or less of total floor space for alcoholic beverages	1200.00
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Fee for the sale of malt beverages and wine by the package in an establishment having between 10,001 and 20,000 sq. ft. of total floor space for alcoholic beverages	2400.00
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Fee for the sale of malt beverages and wine by the package in an establishment having 20,001 sq. ft. or more of total floor space for alcoholic beverages	4800.00
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CONSUMPTION ON PREMISES LICENSES	ANNUAL FEE
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Fee for the sale of malt beverages for consumption on the premises	\$ 1000.00
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Fee for the sale of wine for consumption on the premises	1000.00
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Fee for the sale of distilled spirits for consumption on the premises	1000.00
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Fee for the sale of malt beverages and wine for consumption on the premises	2000.00
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Fee for the sale of malt beverages and distilled spirits for consumption on the premises	2000.00
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Fee for the sale of wine and distilled spirits for Consumption on the premises	2000.00
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Fee for the sale of malt beverages, wine and distilled spirits for consumption on the premises	3000.00
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OTHER LICENSES	ANNUAL FEE
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Fee for wine tasting permit by wine package store	\$25.00 per permit
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Farm winery license (and/or for tasting room)	2000.00
Authorized Brewer License	2000.00
Authorized Event Center	3000.00

<b>Authorized Distiller License</b>	<b>2000.00</b>		
Fee for wholesale dealer – principle place of business in City of Blue Ridge	2000.00		
Fee for wholesale dealer – principle place of business outside City of Blue Ridge	100.00		
Temporary special event license permit	<del>\$50.00 per permit</del> <b>150.00 per permit</b>		
Fee for caterer license			
In City		License fee and 1 <sup>st</sup> permit	\$50.00
		Each permit thereafter	\$50.00
Out of City		License fee and 1 <sup>st</sup> permit	\$50.00
		Each permit thereafter	\$50.00

**Growler (see ordinance dated 08/11/2015)**

**OTHER FEES**

Administrative fee, each license	250.00		
Building department fee, each inspection	35.00		
Alcoholic beverage employee permit (includes fingerprinting)	30.00	30.00	
Change of managing agent/transfer of location	100.00		
<b>Penalty</b> for late payment of annual fees	10%		

(b) The license fees imposed by this section are regulatory fees intended to offset the City’s cost in administering and enforcing this chapter. **In addition thereto, licensees are subject to payment of an occupational tax in accordance with chapter 110 of the Code of Blue Ridge.**

(c) When a new license is issued on or after July 1, the license fee shall be reduced by one-half (1/2).

**SECTION 110.45-24.**

**PAYMENT OF FEE; RENEWAL.**



**All alcoholic beverage licenses are annual licenses that run from January 1 to December 31 of each year. Holders of existing licenses shall apply to the City Clerk for renewal for the next calendar year between September 1 and October 15 by filing a renewal application in proper form and tendering the required fee. Renewal applications will be accepted also from October 15 through December 31, but shall bear a ten percent penalty. Annual license fees are due upon renewal filing and shall be past due if not paid by that date. After October 15, there shall be imposed a penalty of ten percent of the amount of the**

license fee, which together with the license fee shall be paid before a new license is issued. The State of Georgia Department of Revenue shall be promptly notified of all licenses which were not renewed on or before January 1, and all privilege to carry on and conduct a business governed by this ordinance shall be immediately suspended due to license expiration.

**SECTION 110.45-25. PRIVILEGE NATURE OF LICENSE AND SIGNAGE.**

(a) All licenses issued under this ordinance shall constitute a grant of privilege to carry on or conduct a business covered by such license during the term of the license, subject to the terms and conditions imposed by the City Charter, this ordinance and other applicable ordinances of the City and the constitution, laws and regulations of the state and of the United States of America applicable thereto.

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

THIS LICENSE IS A PRIVILEGE CONDITIONAL ON THE HOLDER MEETING ALL STANDARDS FOR SUCH LICENSE AND OPERATING REGULATIONS APPLICABLE THERETO SET OUT IN CITY ORDINANCES AND GEORGIA LAW. FAILURE TO MEET SUCH STANDARDS OR TO COMPLY WITH SUCH OPERATING REGULATIONS SHALL SUBJECT THE HOLDER TO CIVIL PENALTIES WHICH MAY INCLUDE THE LICENSE BEING REVOKED FOLLOWING NOTICE AND HEARING.

(c) All licenses shall be conspicuously posted in the place of business.

(d) At any establishment subject to this chapter there shall be posted conspicuously at or near each entrance of the establishment, a sign which shall state the following:

THE CITY OF BLUE RIDGE AND THE STATE OF GEORGIA REQUIRE YOU TO BE 21 YEARS OF AGE IN ORDER TO PURCHASE AND CONSUME ALCOHOLIC BEVERAGES, AND TO PROVIDE PROPER PROOF OF AGE PRIOR TO PURCHASE. PLEASE HAE YOUR IDENTIFICATION READY TO PRESENT TO THE SERVER, MANAGER OR CASHIER, PERSONS PROVIDING FALSE IDENTIFICATION WILL BE PROSECUTED.

(e) Further, retail consumption and retail dealers who sell at retail any alcoholic beverages for consumption on the premises shall post, in a conspicuous place, a sign which clearly reads: "WARNING, DRINKING ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS."

**SECTION 110.45-26. TRANSFERABILITY OF LICENSES.**

(a) *Generally.* Licenses issued pursuant to this ordinance shall not be transferable except as otherwise provided in this section.

(b) *Death.* In case of the death of any person owning a license, or any interest therein, the same may, with the approval of the City Council or its designated agent of the City and subject to the terms of this ordinance, be transferred to the administrator, executor or personal representative of the deceased person, or to the devisees or heirs at law of the deceased person, if such devisees or heirs meet the qualifications contained in this ordinance. The license of a deceased person shall be held by his administrator, executor, or personal representative only for the time necessary to complete administration of his estate and to dispose of the license or interest therein. One transfer may be made by the administrator, executor, or personal representative of a deceased license holder to a person meeting the qualifications of this ordinance.

(c) *Partnerships.* Nothing in this section shall prohibit a partner in a partnership holding a license to withdraw from the partnership and to assign his interest to one or more of the partners who were partners at the time of the issuance of the license., Such withdrawal shall not serve to bring any new ownership into the partnership, unless such new owner shall apply for a license and comply with all provisions of this ordinance, and then only upon the approval of the City Council or its designated agent of the City.

(d) *Increased capitalization.* A partnership or corporation holding a license may take on additional partners or shareholders or members, as the case may be, where it is determined that the additional capital furnished is to be used exclusively for additional inventory or expanded facilities of the business or for building new facilities and where it further appears that the other partners or shareholders or members will not receive any of the additional capital investment. Such additional partner or new stockholder or member must apply for a license and meet all requirements of a licensee, including approval by the City Council or its designated agent of the City before he shall be permitted to acquire such interest.

(e) *Transfer of locations.* No city license may be transferred from one (1) location to another without permission and approval of the City Council upon receipt of a written application made. Approvals as to any change shall be at the discretion of the City Council pursuant to the provisions of this chapter.

1. Any licensee desiring to discontinue business at one (1) location and commence business at some other new location must make a complete new application for such new location. Upon proper application and provided that there has been no change of ownership or interest in the business, the City Council may permit the license to be transferred upon payment of a fee required in Section 110.45-23 for a change of location, provided that the licensee and the new location meet all qualifications required by this chapter. The fee for a change of location shall be in addition to the original license fee paid by the licensee for the calendar year.

2. Upon the sale of an existing business, the City license issued for that business location shall remain in effect pending approval or denial of a new application by the City Council, provided that the buyer or transferee meets all the qualifications required by subsections (a) and (b), and provided that the buyer or transferee has immediately upon the date of sale or prior to the date of sale made proper written application and has paid the original license fee required by Section 110.45-23.

3. All licenses issued pursuant to this chapter shall be valid only so long as the licensee is actively engaged in such business, with the exception of holidays, vacations, and periods of redecoration, and in the event the licensee shall cease to be actively engaged in such business such license shall be invalid and the licensee of such business shall immediately notify the City Council and return his license thereto.

**SECTION 110.45-27. SUSPENSION AND REVOCATION; GROUNDS AND PROCEDURE.**

(a) Except as provided in sections 110.45-29 and 110.45-30, no license which has been issued or which may be issued pursuant to this ordinance shall be suspended or revoked except for due cause and after hearing and upon prior three-day written notice to the holder of the license of the time, place and purpose of the hearing and a statement of the charges upon which the hearing shall be held.

(b) The term "due cause" for the purposes of this section shall include, but not be limited to:

(1) Conviction of, or the entering of a plea of guilty or nolo contendere by, the licensee or any person holding an interest in the license for any felony, any law, administrative regulation or ordinance involving alcoholic beverages, gambling or narcotics, or tax laws involving the premises, the license, or occurring upon the premises.

(2) Conviction of, or the entering of a plea of guilty or nolo contendere by, the licensee or any of his employees or any person holding an interest in the license for any sex offense.

(3) Suspension or revocation of any state license required as a condition for the possession, sale or distribution of alcoholic beverages.

(4) Material falsification of any fact given in an application for a license issued under this ordinance or bearing upon the licensee's qualification therefor. Any act which may be construed as a subterfuge in an effort to circumvent any of the qualifications for a license under this ordinance shall be deemed a violation of the requirement attempted to be circumvented.

(5) Failure to meet or maintain any standard prescribed by this ordinance as a condition or qualification for holding a license. Included within this subsection, but not limited thereto, is the failure of a on the premises (pouring) license holder to meet the food sale requirements and the other requirements of this ordinance, and which shall be a continuing condition for the validity of said license.

(6) Any other factor known to or discovered by the City whereby it is objectively shown the licensee, any of the licensee's employees or any person holding an interest in a license, has engaged in conduct at or involving the licensed business or has permitted conduct on the licensed premises that constitutes a violation of federal or state law, local ordinance or administrative regulations involving alcoholic beverages, gambling or narcotics for all alcohol licensed businesses and including any sex offense under state law or local ordinances. With respect to this section, it shall be rebuttably presumed that the violative act was done with the knowledge or consent of the licensee; provided, however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence that such licensee could not have discovered or prevented such activity.

(c) Notice of suspension or revocation proceedings shall be served on the person named as licensee in the application. Notice shall be in writing. The notice may be served personally or by first class mail. If by mail, the notice shall be addressed to the licensee at its address as it appears in the records of the City. The burden shall be on the licensee to provide notice, in writing, of any change of address for service of notices and process. In the case of service by mail of any notice required by this ordinance, the service is complete at the time of deposit in the United States Postal Service.

(d) The hearing shall be conducted by the City Council or a hearing officer appointed by the City Council.

(e) Hearings shall be only as formal as necessary to preserve order and shall be compatible with the principles of justice. The City Attorney or other designated agent shall present the City's case and bear the burden of proving by a preponderance of the evidence that due cause exists to suspend or revoke the license. At the hearing the licensee shall have the right to represent itself or be represented by counsel, may cross examine all witnesses offered by the City, and may call witnesses and present evidence in its own behalf. Formal rules of evidence shall not apply to hearings under this section, although the City Council or the hearing officer shall have the right to exclude evidence which carries no indicia of reliability. All testimony shall be offered under oath or affirmation.

(f) The City Council or the hearing officer shall make his final determination within ten days of the completion of the hearing. The decision shall be placed in writing and contain the City Council or the hearing officer's findings of fact, conclusions of law, and decision as to penalty, if any. Such penalty may include one or more of the following: suspension of the license for no more than 12 months, revocation of the license, imposition of a probationary period not to exceed 12 months, and/or a civil penalty not to exceed the amount allowed by the City charter or general State law. In the assessment of any penalties, the City Council or the hearing officer can consider evidence presented by the licensee of any training program for employees instituted by the licensee, or to be instituted, to prevent further violations. Notwithstanding the foregoing, in the event that a license holder including but not limited to any employee of the license holder while acting in the employment of said license holder, furnishes or causes to be furnished, sells, or permits any person in such employer's employ to furnish any alcoholic beverage to any person under 21 years of age, then for a first offense, the minimum penalty shall be a civil fine of \$500.00 and a 30 day suspension of the right of the license holder to sell alcoholic beverages. In the event that a license holder has been found guilty of a second offense of an underage sale within one year of the first offense, then the minimum civil fine shall be \$1,000.00 and the right to sell alcoholic beverages by said license holder, shall be suspended for 90 days. In the event of a third offense, within one year of the first offense, then the license holder shall have a minimum fine of \$1,000.00, the alcoholic beverage license shall be revoked, and the license holder shall be unable to reapply for the alcoholic beverage license for one year from the date of the revocation of the original license.

(g) The City Council or the hearing officer's decision shall be mailed by first class mail or hand delivered to the licensee and the City Attorney or other designated agent of the City within ten days of the close of the hearing.

(h) A total of four separate and unrelated violations within 24 months, whether or not within the probationary period, shall constitute grounds for permanent revocation.

**SECTION 110.45-28. NO REFUNDS FOLLOWING SUSPENSION OR REVOCATION.**

If a license issued under this ordinance is suspended or revoked, the licensee shall not be entitled to a refund of any portion of the application or license fees previously remitted.

**SECTION 110.45-29. SHORTTERM EMERGENCY SUSPENSION FOR VIOLATION INVOLVING LICENSED BUSINESS.**

(a) The Mayor has authority to suspend a license for a short-term period not to exceed ten days. The Mayor's decision shall be in writing, with the term of the

suspension and the reasons therefor stated, and shall be mailed or delivered to the licensee as provided in section 110.45-27.

(b) A short-term suspension by the Mayor must be for an emergency cause. Emergency cause for the short-term suspension of a license shall consist of a third or subsequent violation by the same licensee or the licensee's agents on the same premises within a two-year period of any state or federal laws, administrative regulations of the state or city ordinances regulating such business holding a license, including those prohibiting gambling, regulating the sale, manufacture, distribution, handling, dealing in, and possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in an unlawful manner, and the manufacture, sale, or distribution of any controlled substance which puts the City and the health and safety of its citizens at such risk that an immediate suspension is necessary until a hearing as provided for in section 110.45-27 can be held.

**SECTION 110.45-30. EMERGENCY SUSPENSION OF ALL ALCOHOLIC BEVERAGE LICENSES.**

The City Council is authorized to suspend the sale of alcoholic beverages under all licenses issued pursuant to this ordinance during any state of emergency declared by the governor or any local emergency as defined by O.C.G.A. § 36-69-2, or for any other serious emergency situation when the City Council deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the City. Such suspension may be made effective immediately and shall remain in force until the City Council determines the emergency is over or until the next meeting of the City Council, at which time the suspension shall cease unless the same is extended by affirmative action of the City Council.

**SECTION 110.45-31. ACCEPTANCE OF APPLICATION AFTER REJECTION OR REVOCATION.**

When any license or permit to operate a package store or a pouring license is rejected or revoked by the City Council or its designated agent, no new application shall be accepted from the same applicant for a license within 12 months from the time of such rejection or revocation. Submission of a new application by another applicant, which application shows the applicant was previously rejected or revoked as a holder of an interest in the desired license, shall result in rejection of the new application.

ARTICLE III. **EXCISE TAX\***

**DIVISION 1. GENERALLY**

**SECTION 35.02-1. IMPOSED.**

In addition to the license fees required in this ordinance and in addition to the excise taxes levied by the state, all licensees under this ordinance shall pay to the City the taxes imposed in this article.

**SECTION 35.02-2. EXCISE TAX ON MIXED DRINKS CONSUMED ON THE PREMISES.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) *Agent* means the person designated by the licensee in this application for permit to sell alcoholic beverages by the drink.

(2) *Drink or mixed drink* shall include any distilled spirits served for consumption on the premises, which may or may not be diluted by water or other substance in solution.

(3) *Licensee* means an individual, firm, partnership, limited liability company, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit, plural as well as a singular number, who holds a license from the City to engage in the sale of distilled spirits by the drink for consumption on the premises.

(4) *Monthly period* means the calendar months of any year.

(5) *Purchase price* means the consideration received for the sale of distilled spirits by the drink valued in money, whether received in cash or otherwise, including receipts, credit, property or services of any kind or nature, and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.

(6) *Purchaser* means any individual, firm, partnership, limited liability company, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit, the plural as well as the singular number, who orders and gives present or future consideration for any distilled spirits by the drink.

(7) *Return* means any return filed or required to be filed as herein provided.

(8) *Tax* means the tax imposed by this section.

(b) *Imposition and rate of tax.* There is hereby imposed and levied upon every purchaser of a distilled spirit for beverage purposes by the drink within this City at the rate of three (3%) percent of the purchase price or charge for such drink. No person shall sell at retail by the drink within the City any alcoholic beverage containing distilled spirits on which the taxes imposed by this ordinance have not been paid.

(c) *Authority and requirement of licensee to collect the tax.* Every licensee or his agent is hereby authorized and directed to collect the tax imposed herein from purchasers of distilled spirits by the drink within the licensed premises. Such licensee or agent shall furnish such information as may be required by the City to facilitate the collection of the tax.

(d) *Collection of tax; records; rules and regulations.* In all cases where the collection of food and drinks is by deferred payment or credit, the licensee is liable at the time of and to the extent that such credits are incurred in accordance with the rate of tax owing on the amount thereof. The city shall have authority to adopt rules and regulations prescribing methods and schedules for the collection and payment of the tax.

(e) *Determination, returns and payments.*

(1) *Due date of taxes.* The tax imposed by this section shall become due and payable from the purchaser at the time of purchase of any mixed drink in this City. All amounts of such taxes collected by the licensee shall be due and payable to the City monthly on or before the fifteenth (15<sup>th</sup>) day of every month next succeeding each respective monthly period for which this tax is imposed; provided, however, that upon a proper showing that the tax imposed will not be collected until after a regular billing period of the collecting agent, then the collection of the tax may be deferred by the City for an additional period not exceeding thirty (30) days.

(2) *Return; time of filing; persons required to file; contents.* On or before the fifteenth (15<sup>th</sup>) day of the month following each monthly period, a return for the preceding monthly period shall be filed with the City in such form as the City may prescribe by every licensee liable for the payment of tax hereunder. All returns shall show the gross receipt of the sale of distilled spirits by the drink and the amount of the tax collected on such drinks.

(3) *Collection fee allowed licensees.* Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if such amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the "Georgia Retailers' and Consumers' Sales and Use Tax Act," approved February 20, 1951, as now or hereafter amended. (O. C. G. A. § 48-8-1 et seq.).

(f) *Deficiency determinations.*

(1) If the City has cause to believe that the return or returns of the tax or the amount of the tax required to be paid to the City by any person is not proper, it may compute and determine the amount required to be paid upon the basis of any information that is within or may come into its possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.

(2) Interest on deficiency. The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof from the due date of taxes.

(3) Notice of determination; service. The City or its designated representatives shall give to the licensee written notice of his determination. The notice may be served personally or by mail, such service shall be addressed to the licensee at his address as it appears in the records of the City. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

(4) Time within which notice of deficiency determination to be mailed. Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three (3) years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.

(g) *Determination if not return made.*

(1) Estimates of gross receipts. If any person fails to make a return, the City shall make an estimate of the amount of the gross receipts of the person, or as the case may be, of the amount of the total sales in this City which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is in possession of or may come into the possession of the City official. Written notice shall be given in the manner prescribed in subsection (f)(3).

(2) Interest on amount found due. The amount of the determination shall bear interest at the rate of three-fourths of one percent per month, or fraction thereof, from the tenth day of the month following the monthly period, for which the amount or any portion thereof would have been returned, until the date of payment.

(h) *Penalty for nonpayment.* Any person who fails to pay the tax herein imposed or fails to pay any amount of the tax required to be collected and paid to the City within the time required shall pay a penalty of twenty-five (25) percent of the tax or amount of the tax, in addition to the tax or amount of the tax plus interest on the unpaid tax or any portion thereof as set forth in subsection (g)(2).

(i) *Action for tax; tax credit, penalty or interest paid more than once or erroneously or illegally collected, duty of successors or assignees of licensee to withhold tax from purchase money; liability for failure to withhold.*

(1) At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time with three (3) years after the delinquency of any tax or any amount of tax required to be collected, the City may bring an action in the courts of this state any other state or the United States in the name of the City to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto. Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the City under this article, it may be offset against any future liability for the tax. If the licensee determines that he has overpaid or paid more than once, which fact has not been determined by the City, he will have three (3) years from the date of payment to file claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved by the Council, the excess amount paid the City may be credited on any amounts then due and payable from the person by whom it was paid, or from his administrators or administrators.

(2) *Duty of successors or assignees of licensees to withhold tax from purchase money.* If any licensee liable for any amount under this article sells out his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the City either a receipt reflecting full payment or a certificate stating that no amount is due.

(3) *Liability for failure to withhold.* If the purchase of a business fails to withhold purchase as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.

(j) *Administration.*

(1) Records required from licensee, etc., form. Every licensee for the sale of alcoholic beverages by the drink in the City shall keep such records, receipts, invoices and other pertinent papers in such form as the City may require. **All such records shall be maintained by licensee for two years.**

(2) Examination of records; audits. The City or any person authorized in writing by the City may examine the books, papers, records, financial reports, equipment and other facilities of any licensee for sale of distilled spirits by the drink and any licensee liable for the tax in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.

(3) Authority to require reports; contents. In administration of the provisions of this subsection, the City may require the filing of reports by any person or class of persons having in such person's possession or custody information relating to purchases which are subject to the tax. Reports shall be filed with the City when required by the City and shall

set forth the purchase price for each purchase, the date or dates of purchase, and such other information as the City may require.

(k) *Violations.*

(1) *Criminal penalties.* Any person violating any of the provisions of this subsection shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided herein for violations of this ordinance. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the subsection is committed, continued or permitted by such person, and shall be punished accordingly. Any licensee or any other person who fails to furnish any return required to be made, or falls to refuses to furnish a supplemental return or other data required by the City or who renders a false or fraudulent return shall be deemed guilty of an offense and upon conviction thereof shall be punished as aforesaid.

(2) *Civil penalties.* Any person violating any of the provisions of this subsection shall, in addition to the other penalties and liabilities provided for herein, have his license or permit revoked as provided for herein and following the procedures of this ordinance.

**SECTION 35.02-3. ADMINISTRATION AND ENFORCEMENT AUTHORITY; RECORDKEEPING; CONFIDENTIALITY OF REPORTS.**

(a) *Authority of tax collector.* The Mayor, City Clerk or City Tax Collector shall administer and enforce the provisions of this article for the levy and collection of the tax imposed by this article.

(b) *Rules and regulations.* The Mayor, City Clerk or City Tax Collector shall have the power and authority to make and publish reasonable rules and regulations, subject to the approval of the City Council, not inconsistent with this article or other laws of the city and the state, or the constitution of the state or the United States for the administration and enforcement of the provisions of this article and the collection of the taxes under this article.

(c) *Records required from licensee; form.* Every licensee for the sale of alcoholic beverages in the City shall keep all invoices relating to each purchase of alcoholic beverages and such other records, receipts, invoices and other pertinent papers in such form as the tax collector may require.

(d) *Authority to require reports; contents.* In the administration of the provisions of this article, the Mayor, City Clerk or the City Tax Collector may require the filing of reports by any person or class of persons having in such person's possession or custody information relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the Mayor, City Clerk or the City Tax Collector and shall set forth the price charged for each sale, the date or dates of sales, and such other information as the Mayor, City Clerk or the City Tax Collector may require.

(e) *Wholesale record.* Every distributor, wholesale dealer and manufacturer required to make reports under this article shall keep accurate and complete records of all sales of malt beverages and wine to any package dealer and of all reports made to the City for a period of four years from the time the tax to which they relate becomes due or the date the tax is paid, whichever is later, which records shall be made available for inspection by the Mayor, City Clerk or the City Tax Collector at all reasonable times and places.

**SECTION 35.02-4. EXAMINATION OF RECORDS; AUDITS.**

The City Tax Collector or any person authorized in writing by the City may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid. If a City audit discloses a deficiency of more than three percent over what has been returned and remitted, the licensee shall reimburse the City for all costs of the audit, including but not limited to accountant's fees and out of pocket expenses, the value of time expended by City employees in the investigation, including reasonable cost of overhead, and all attorneys' fees and costs of collection if action must be instituted by the City.

**DIVISION 2. PACKAGE SALES**

**SECTION 35.02-5. IMPOSED; AMOUNT.**

(a) There is hereby imposed an excise tax on alcoholic beverages in the following amounts:

(1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15 1/2 gallons and a proportionate tax at the same rate on all fractional parts of 15 1/2 gallons.

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

(3) On the first sale or use of wine, a tax of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

(b) The excise taxes provided in subsection (a) of this section shall be imposed upon and shall be paid by the licensed wholesale dealer.

(c) No person shall sell at retail by the package within the City any alcoholic beverage on which taxes imposed by this ordinance have not been paid.

**SECTION 35.02-6.**

**REPORT; PAYMENT.**

(a) Each wholesaler of wine responsible for payment of the excise tax shall file a report with the City itemizing for the preceding calendar month the exact quantities of alcoholic beverages, by location, by size and type of container, sold during the preceding month in the City. Each wholesaler of malt beverages responsible for payment of the excise tax shall file with the City, Ga. Rev. Dept. form ATT-122, showing the exact quantities of malt beverages, by size and type of the container, sold within the City during the preceding month.

(b) The wholesale dealer shall remit the tax imposed under this division to the City on the tenth day of the month following the calendar month in which the alcoholic beverages are sold or dispensed.

**SECTION 35.02-7.**

**PURCHASES TO BE MADE FROM LICENSED WHOLESALEERS OR DISTRIBUTORS.**

Licensees subject to the tax under this division shall purchase alcoholic beverages only from wholesalers or distributors licensed by the state. All sales must be to the establishment designated on the license. No transfers, borrowing or internal sales or transfers from one licensed retailer to another shall be permitted.

**DIVISION 4. PAYMENT AND COLLECTION**

**SECTION 35.02-8.**

**DETERMINATIONS OF DEFICIENCIES OR IN ABSENCE OF RETURN; OVERPAYMENTS; DELINQUENCY AND FRAUD.**

(a) *Recomputation of tax; authority to make, basis of recomputation.* If the Mayor, City Clerk or City Tax Collector is not satisfied with the return of the tax or the amount of the tax or the amount of the tax required to be paid to the City by any person, the tax collector may compute and determine the amount required to be paid upon the basis of any information within his possession or that may be made of the amount due for one or more than one calendar month.

(b) *Estimate of gross receipts in absence of return.* If any licensee fails to make a return, the Mayor, City Clerk or City Tax Collector shall make an estimate of the amount of the gross receipts of the licensee or, as the case may be, of the amount of the total sales in the City which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the tax collector. Upon the basis of this estimate, the Mayor, City Clerk or City Tax Collector shall compute and determine the amount required to be paid to the City. One or more determinations may be made for one or for more than one period.

(c) *Offsetting of overpayments.* In making a determination, the Mayor, City Clerk or City Tax Collector may offset overpayments, for a period or periods, against underpayments, for another period or periods, against penalties, and against the interest on underpayments. The interest on overpayments shall be computed in the manner set forth in section 35.02-11.

(d) *Time within which notice of deficiency determination to be mailed.* Promptly after making his determination, the Mayor, City Clerk or City Tax Collector shall give to the person written notice to be served personally or by mail in the manner prescribed for service of notices in section 110.45-27. Except in the case of fraud, intent to evade this article or authorized rules or regulations, or failure to make a return, every notice of a deficiency determination shall be mailed within three years after the 20th day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.

**SECTION 35.02-9. DELINQUENT TAX COLLECTION; DUTY OF ASSIGNEES TO WITHHOLD TAXES; LIABILITY; OFFSETTING OF ERRONEOUS COLLECTIONS**

(a) *Action for tax; time therefor.* At any time within three years after any tax or any amount of tax required to be collected becomes due and payable, and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the City may bring an action in the courts of the state, or of the United States, to collect the amount delinquent, together with penalties and interest, court fees, filing fees, attorney's fees, costs of collection and other legal fees incident thereto.

(b) *Duty of successors or assignees of operator to withhold tax from purchase money.* If any licensee liable for any amount under this ordinance sells out his business or quits the business, his successors or assigns shall withhold sufficient of the purchase price to cover such amount until the former owner produces a receipt from the Mayor, City Clerk or City Tax Collector showing that he has been paid, or a certificate stating that no amount is due.

(c) *Liability for failure to withhold; certificate of notice of amount due; time to enforce successor's liability.* If the purchaser of a business fails to withhold the necessary amount from the purchase price as required in this section, the purchaser becomes personally liable for the payment of the amount required to be withheld by it to the extent of the purchase price valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the Mayor, City Clerk or City Tax Collector shall either issue the certificate or mail notice to the purchaser at his address as it appears on the records of the City of the amount that must be paid as a condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall begin at the time the licensee sells out his business

or at the time that the determination against the licensee becomes final, whichever event occurs later.

**SECTION 35.02-10. TAX CREDIT OR INTEREST PAID MORE THAN ONCE OR ILLEGALLY COLLECTED.**

Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the City under this article, it maybe offset as provided in section 35.02-8(c). If the licensee determines that it has overpaid or paid more than once, which fact has not been determined by the Mayor, City Clerk or City Tax Collector, it will have three years from the date of payment to file a claim in writing stating the specific ground upon which claim is founded. The claim shall be audited. If the claim is approved by the City, the excess amount paid the City may be credited on amounts then due and payable from the licensee by whom it was paid or its administrators or executors.

**SECTION 35.02-11. FAILURE TO PAY TAX; PENALTIES AND INTEREST.**

- (a) *Delinquent penalty.* Any person who fails to pay the tax imposed in this article to the City, or fails to pay any amount of such tax required to be collected and paid to the City, within the time required, shall pay a civil penalty of 15 percent of the tax, or amount of the tax, in addition to the tax or the amount of the tax, plus interest on the unpaid tax or any portion thereof as set forth in subsection (b) of this section.
- (b) *Interest on amount found due.* The amount of the determination, exclusive of penalties, shall bear interest at the rate of one percent per month, or fraction thereof, from the tenth day after the close of the monthly period for which the amount or any portion thereof should have been returned, until the date of payment.
- (c) *Penalty; negligence or disregard of rules and regulations.* If any part of the deficiency for which a deficiency determination has been made is due to gross negligence or disregard of rules and regulations, a penalty of 15 percent of the amount of such deficiency shall be added thereto in addition to the 15 percent prescribed by subsection (a) of this section.
- (d) *Penalty for fraud or intent to evade.* If any part of the deficiency for which a deficiency determination has been made is due to fraud or an intent to evade any provision of this chapter or other authorized rules and regulations, a penalty of 25 percent of the deficiency shall be added thereto in addition to the 15 percent prescribed by subsection (a) of this section.

**ARTICLE IV. REGULATIONS FOR ALL ESTABLISHMENTS  
AND OTHER PROPERTY OPEN TO PUBLIC**

**SECTION 110.45-32. NEW BUILDINGS; EXPIRATION OF LICENSE FOR FAILURE TO COMMENCE OR OPERATE BUSINESS.**

(a) Where a building in which a licensee proposes to operate under the provisions of this ordinance is, at the time of application for such license, not in existence, or not yet completed, a license may be issued for such location, provided the plans and specifications for the proposed building are filed with the City Council or its designated agent and show a compliance with the other provisions of this ordinance and other applicable ordinances of the City. No sales shall be allowed in such establishment until it has been completed in accordance with plans and specifications and is in conformity with all other provisions of this ordinance and other applicable ordinances of the City. If the building is not completed during the year in which the licensee fee was paid, such fee shall apply to the year in which the building is completed and the business commences.

(b) All holders of licenses under this ordinance must open for business within six months after issuance of the license; failure to do so shall serve as an automatic forfeiture and cancellation of such license unless an extension of the time is granted by the City Council or its designated agent before the expiration of the six-month period for good cause shown. No refund of the license fee shall be made in the event of such forfeiture.

(c) Any holder of a license under this ordinance who shall begin the operation of the business authorized in the license, but who shall thereafter cease to operate the business as authorized in the license for six months, shall thereupon forfeit such license, which license shall be automatically canceled without the necessity of any further action of the City unless an extension of time is granted by the City Council or its designated agent before the expiration of the six-month period for good cause shown. No refund of license fee shall be made in the event of such forfeiture.

**SECTION 110.45-33. INSPECTION AUTHORITY OF CITY.**

The City Manager, the Chief of Police, any policeman of the City, the Building Inspector, or other duly designated agent of the City may enter upon the premises operated under the provisions of this ordinance during operating hours for the purpose of inspecting the premises and enforcing this ordinance, and shall have access during the inspection of all books, records, and supplies relating to the sale, storage or possession of alcoholic beverages, and also such records and documents regarding food sales by each licensee licensed for consumption on the premises (pouring).

SECTION 110.45-34.

**EMPLOYEES.**

(a) No licensee under this ordinance shall permit any person under the age of 18 within his employment to sell or dispense alcoholic beverages. Furthermore, this provision shall not prohibit employees under the age of 18 who are employed in supermarkets, convenience stores, or drugstores from handling or carrying sealed packages of alcoholic beverages either within the licensed premises or to customers' vehicles when parked adjacent thereto as a part of employment responsibilities so long as such employees under age 18 do not sell any alcoholic beverage. This provision shall also not prohibit eating establishments from employing persons under the age of 18, so long as such employees under age 18 do not sell any alcoholic beverages.

(b) No licensee under this ordinance shall permit any person to sell, dispense, serve or take orders for alcoholic beverages while that person is currently serving a sentence, including probation or parole, based upon a conviction in any state or federal court or the United States or in any foreign country for any felony, or any misdemeanor ordinance violating relating to the manufacture, sale, use or distribution of alcoholic beverages or narcotics or controlled substances, sexual offenses, or crimes of moral turpitude. No licensee shall employ within its business for the purpose of selling or dispensing alcoholic beverages any person convicted within three years immediately prior to the application for employment of any felony or within two years immediately prior to the application for employment of any misdemeanor or ordinance violation relating to the manufacture, sale, use or distribution of alcoholic beverages or narcotics or controlled substances, sexual offenses, or a crime of moral turpitude. This provision shall not prohibit employees who have been convicted or have a criminal history, when employed in supermarkets, convenience stores or drugstores, from handling or carrying alcoholic beverages either within the licensed premises or to customers' vehicles when parked adjacent thereto as a part of employment responsibilities.

(c) It shall be the duty of the licensee to ascertain that all employees are eligible for employment under this ordinance. The City reserves the right to obtain fingerprints from and conduct a criminal history check of any licensee's employees at any time and as part of receiving an employee permit for alcoholic beverages as provided herein. Upon employment, the licensee shall cause the employee to appear at the City <sup>Hall</sup> ~~Police Department~~ and shall pay the requisite employee permit fee in the amount of \$30.00, as provided below.

(d) It shall be the duty of the licensee to train all employees whose duties shall include the sale, dispensing, serving or taking of orders for alcoholic beverages in the requirements of this ordinance and applicable state laws and regulations. Each licensee shall establish written policies, a copy of which shall be posted within the licensed premises, governing the sale and dispensing of alcoholic beverages in accordance with state law and this ordinance. Licenses are encouraged to adopt disciplinary sanctions for employees who fail to meet the standards of law as

violations by employees may constitute grounds for revocation, suspension or denial of a license under this ordinance. The degree of training, supervision and discipline of employees by the licensee may be considered by the City Council in determining action on any license.

(e) It shall be the duty of the licensee and licensee's employees and agents to exercise reasonable discretion as to requiring customers to produce proper identification (e.g., Georgia driver's license; U.S. passport; birth certificate) that indicates the customer(s) is age 21 or older, prior to furnishing or causing to furnish, sell, distribute, or permit any person in licensee's employ to furnish alcoholic beverages to said customer(s). For purposes of this section, the term "proper identification" means any document issued by a governmental agency containing a physical description of the person, such person's photograph, and giving such person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license, or any identification card authorized by O. C. G. A. § 40-5-100. Notwithstanding the foregoing, it is a violation of this ordinance in accordance with Section 110.45-36 hereinafter, to knowingly, directly or through another person, furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.

(f) Employee permits:

(1) No person shall be employed to dispense, sell, serve, take orders, or mix alcoholic beverages, or in any managerial position, by an establishment holding a license for beer or wine, or both, for consumption on premises unless such person has been approved by the Chief of Police for his designee. **The individual named on the alcoholic beverage license for such establishment shall be exempt from this requirement.**

(2) Upon approval by the Chief of Police or his designee, such person shall be issued an employee permit which shall contain the name, expiration date, and identifying information of such employee. Such employee permit shall remain the property of the City and **shall be in the possession of the employee at any time he or she is working at any licensed establishment**, and shall be produced upon the request of any law enforcement officer or other agent of the City.

(3) No permit shall be issued until such time as a signed application has been filed with the Blue Ridge Police Department and upon the payment of the non-refundable fee of \$30.00. The applicant shall furnish, at the time of presenting the application, **two (2) forms of valid, current identification.** Such application shall contain the following information: Applicant's name, date of birth, height, weight, race, sex, address, telephone number, and disclosure of arrest record. Applicant must give permission to the police department to obtain and inspect any criminal history on such applicant which is in the possession of any law enforcement agency, and permit fingerprinting in order to allow the police department to obtain the criminal

history. The \$30.00 fee shall include the fingerprinting performed by the police department.

(4) No person shall be granted an employee permit who has been convicted, plead guilty, or entered a plea of nolo contendere to any crime involving the sale or possession of alcoholic beverages within three (3) years of the date of the application or any felony within five (5) years of the date of the application.

(5) No person shall be granted any employee permit if he or she has been the holder of an alcoholic beverage license or employee permit which has been revoked with five (5) years of the date of the application.

(6) An employee permit shall be valid for ~~three (3) years~~ <sup>one (1) year</sup> from the date of issue. At the expiration of ~~three (3) years~~, the employee permit may be renewed upon the submission of a renewal application, the payment of the appropriate renewal fee, and upon determination that such individual remains qualified under this chapter. The fee for renewal of an employee permit shall be \$30.00.

\*section amended by ordinance dated 08/14/2018

(7) An employee permit may be suspended or revoked by the Chief of Police or other agent of the City if it is determined that the individual has violated any provision of this chapter or committed any offense which would make him or her ineligible to hold such a permit.

(8) Notification of any denial, suspension, or revocation of any employee permit shall be in writing and served either in person or by certified mail and shall contain the reasons for such action and the notice of the right to appeal the decision.

(a) Decisions of the Chief of Police or other agent of the City that adversely affect or aggrieve any applicant, certificate holder, or permit holder under this ordinance may be appealed to the City Council or its designated agent. All appeals shall be submitted in writing to the City Clerk, within ten (10) calendar days after notification of the adverse decision.

(b) A hearing shall be conducted on each appeal with thirty (30) days of the date of the filing of the written appeal, unless a continuance of such hearing is agreed to by the appellant and the City, or unless the hearing is rescheduled by the hearing officer. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses.

(c) The appellant shall be notified in writing of the date and time of the hearing at least seven (7) calendar days prior to the date of the hearing.

(9) Falsifying or failing to disclose any information required by this chapter shall be grounds for denial or revocation of the employee permit.

(10) The employee permit is non-transferable and is valid only for the individual named on the permit. Such permit is valid for the individual named while employed in any establishment licensed in the City.

(11) No licensee shall allow any employee or manager required to hold an employee permit to work on the premises unless the employee or manager has in their possession a current valid employee permit. Provided, however, that an individual may be employed for a period of time not to exceed fourteen (14) days pending the submission of the application to and the approval of the permit by the police department.

(12) It shall be the duty of the alcoholic license holder to file with the police department on a monthly basis a report which lists all employees employed in a capacity which would require an employee permit. Such report shall include the name and date of birth of all such individuals, as well as the same information on all such individuals who have terminated employment during the reporting period. Failure to submit said report to the police department by the fifteenth day of each month shall be a violation of this code.

~~SECTION 110.45 35. DAYS AND HOURS OF OPERATION.~~

\*Section deleted in its entirety and a new section was adopted by ordinance dated 03/03/2014

(a) No package dealer of malt beverages or wine, or both, including licensees of divided stores meeting the requirements of applicable state laws and regulations, shall sell or offer for sale any packaged malt beverages or wine at any time on Sunday or Christmas Day. Sales are permitted on election day; provided, however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established during the hours the polls are open. No package dealer of malt beverages or wine, or both, shall furnish or offer for sale any malt beverages or wine at any time on Saturday or Sunday and any time on Sunday. This provision shall also apply to licensees who sell wine only by the package, conducting a wine tasting (but which shall not extend to 9:00 a.m. and to tasting rooms of farm wineries except as provided).

(b) No consumption on the premises of alcoholic beverages, shall furnish, sell or offer for sale alcoholic beverages for consumption on the premises at any time on Sundays or Christmas Day; provided, however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established during the hours the polls are open. No consumption on the premises of alcoholic beverages shall furnish or offer for sale any alcoholic beverages prior to 9:00 a.m. or after 11:30 p.m. on New Year's Eve (December 31) and sales shall be allowed until 11:59 p.m. on New Year's Eve (January 1) if it falls on a Sunday and in which event no sale of alcoholic beverages shall be allowed.

**SECTION 110.45-36. FURNISHING TO, PURCHASE OF, OR POSSESSION BY PERSONS UNDER 21 YEARS OF AGE OF ALCOHOLIC BEVERAGES; USE OF FALSE IDENTIFICATION.**

(a) Except as otherwise authorized by law:

(1) No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.

(2) No person under 21 years of age shall purchase, drink, or possess alcoholic beverages.

(3) No person under 21 years of age shall misrepresent such person's age in any manner whatsoever for the purpose of obtaining any alcoholic beverage.

(4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.

(5) No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

(b) The prohibitions contained in subsection (a) of this section shall not apply to the sale, purchase, or possession of alcoholic beverages for consumption for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state, at a religious ceremony, or when the parent or guardian of the person under age 21 gives the alcoholic beverage to such person when possession is in the home of the parent or guardian while such parent or guardian is present.

(c) It shall be the duty of every person seeking to purchase or possess alcoholic beverages from a licensee within the City to furnish, upon request, proper identification showing that the person is 21 years of age or older. For purposes of this section, the term "proper identification" means any document issued by a governmental agency containing a physical description of the person, such person's photograph, and giving such person's date of birth, and includes, without being limited to, a passport, military identification card, driver's license, or any identification card authorized by O.C.G.A.. § 40-5-100.

(d) It shall be a violation of this chapter for any licensee, or any agent, officer or employee of a licensee, to fail to check the proper identification of any patron when selling or otherwise providing any alcoholic beverage, which failure results in an

underage person being sold or served, or to have in such underage person's possession while on the licensee's premises, any alcoholic beverage.

**SECTION 110.45-37.**

**OPEN CONTAINERS AND PARTIALLY  
CONSUMED BOTTLES OF WINE PURCHASED  
WITH A MEAL.**

(a) As used in this section, the term "open container" means any container, containing alcoholic beverages which is immediately capable of being consumed from or the seal of which has been broken.

(b) No person shall possess an open container of any alcoholic beverage within the passenger compartment of a motor vehicle. Closed containers of alcoholic beverages or distilled spirits may be transported in any part of a vehicle. Open containers shall be placed in a locked glove box, locked trunk or locked storage container.

(c) No person shall possess an open container of any alcoholic beverage while walking, standing or otherwise occupying any public street, road, or highway, sidewalk adjacent thereto, public parking lot, or other property owned or leased by the City.

(d) No person shall possess an open container of any alcoholic beverage on the premises of any package dealer, including parking lots adjacent thereto.

(e) Sale, distribution, or service of any distilled spirits by the package is hereby expressly banned and prohibited, and accordingly no package licenses for distilled spirits shall be issued by the City.

(f) Any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one (1) unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises.

1. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises.

2. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.

3. If transporting in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. Licensee or its employees shall inform the customer or patron of this requirement of securing the resealed wine in this manner, when the customer or patron is exiting the restaurant with the resealed bottle of wine.

**SECTION 110.45-38.                    BROWNBAGGING.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Brownbagging* means the bringing, taking or carrying of any alcoholic beverage into a business lawfully operating within the City, provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy for consumption by the residents and invited guests thereof shall not fall within this definition. The term brownbagging shall include the following prohibited acts:

- (1) Any person who brownbags;
- (2) Any person participating in consumption of any alcoholic beverage being brownbagged;
- (3) Any person who consumes an alcoholic beverage on any premises lawfully operating in the City, except for those exempted from the definition of brownbagging by virtue of the private residential character of the occupancy.
- (4) Any employee of the business establishment in whose presence brownbagging knowingly or with reckless indifference occurs.
- (5) Notwithstanding any other provision of this ordinance, nothing contained in this ordinance shall be interpreted as banning or prohibiting the serving of wine as part of a religious sacrament or ceremony (including weddings and wedding receptions) at the premises of any church or house of worship.

(b) Brownbagging is prohibited within the City. The term "brownbagging" does not include the sale or distribution of alcoholic beverages by a bona fide non-profit civic organization pursuant to a special use temporary permit issued in accordance with Section 110.45-52. A "wine and cheese" party and/or "wine tasting" held by a bona fide non-profit civic organization pursuant to a special use temporary permit is allowed in accordance with the terms and conditions of said permit, and shall not be deemed to be "brownbagging". A "wine tasting" and/or a "wine and cheese" party by a package dealer, farm winery or a licensed caterer pursuant to a City license or

an event permit, or both, is allowed in accordance with the terms and conditions of said license or permit, and shall not be deemed to be "brownbagging".

**SECTION 110.45-39. PURCHASES TO BE MADE ONLY FROM LICENSED WHOLESALERS.**

Dealers in alcoholic beverages shall not buy nor accept deliveries from any person other than a wholesaler, dealer or distributor licensed by the State Department of Revenue.

**SECTION 110.45-40. STORAGE OF ALCOHOLIC BEVERAGES AT RETAIL.**

All licensees shall store all alcoholic beverages on the premises for which the license was issued and at no other place. All stock shall be available at all times for inspection by any duly authorized representative of the City. Any alcoholic beverages found in any licensee's stock which was not sold or distributed by a wholesaler licensed in accordance with laws of the state to make sales and deliveries in the City shall be subject to immediate confiscation.

**SECTION 110.45-41. PROHIBITION OF ADULT ENTERTAINMENT ESTABLISHMENTS HAVING ALCOHOLIC BEVERAGE LICENSES.**

Adult entertainment establishments shall not be entitled to have any type of alcoholic beverage license. Further, no alcoholic beverage license shall be issued to a premises where an adult entertainment establishment is operating, or is to be operated. Brownbagging is expressly prohibited within any adult entertainment establishment. If an employee of an adult entertainment establishment who knowingly allows, or with reckless indifference permits any brownbagging within the adult entertainment establishment, than such action or omission shall be cause for the revocation of any occupational tax license issued to the adult entertainment establishment, as well as a revocation of the occupancy permit of any adult entertainment establishment for the premises.

**ARTICLE V. ADDITIONAL REGULATIONS FOR PACKAGE DEALERS**

**SECTION 110.45-42. MERCHANDISE RESTRICTIONS.**

(a) Except as provided in Sections 110.45-17(a) and 110.45-49, no package dealer shall operate such business in connection with any other mercantile establishment, except that a package dealer may sell or display or keep in stock for retail sale the following inventory:

(1) Wines and malt beverages, provided the dealer is licensed for each.

(2) Tobacco products, limited to tobacco, cigarettes, cigars, chewing tobacco, snuff, cigarette papers, lighters and matches which do not carry or

refer to the name of any licensed dealer or the location of his place of business.

(3) Beverages containing no alcohol.

(4) Ice and ice chests.

(5) Paper, styrofoam or plastic cups.

(6) State-approved lottery tickets and related lottery materials but only if the dealer is a state-approved retail lottery dealer location.

(7) Bar supplies, limited to corkscrews, openers, straws, swizzle sticks, and bar-related glassware and ceramic ware, cocktail olives, onion, cherries, lemons and limes.

(8) Cooking demonstrations and/or "wine and cheese" parties in conjunction with a wine tasting permit pursuant to Section 110.45-49.

(b) Beverages containing no alcohol may be dispensed through the use of vending machines or in association with a wine tasting permit, but no beverage alcohol shall be dispensed through such vending machines.

(c) No retail package alcoholic beverage license shall be issued to any place of adult entertainment within the City limits.

(d) It is prohibited for customers of a retail package alcoholic beverage license holder to gather outside the establishment and consume alcoholic beverages. It is prohibited for the manager or any employee of a retail package alcoholic beverage license holder to allow persons to gather outside the establishment and consume alcoholic beverages.

**SECTION 110.45-43. MERCHANDISE AND SALES RESTRICTIONS IN SUPERMARKETS AND CONVENIENCE STORES.**

(a) Where malt beverage or wine sales are licensed in conjunction with a supermarket or convenience store, no licensee shall sell or offer to sell any firearms, ammunition, or weapons of any character. Large commercial retail centers that retail sell many types of consumer items such as clothing, electronics, groceries, toys, sporting equipment, household items and other such products and have a retail area of 50,000 square feet or more, and operate a supermarket as a part of the center, and have a package sale license, may market firearms and other weapons within the center.

(b) During those hours and on those days when alcoholic beverages are not permitted to be sold, it shall be the duty of the licensee to remove all alcoholic

beverages from its shelves or otherwise secure the inventory in such manner as to notify customers that these products are not available for sale at that time.

**SECTION 110.45-44. SALE OR DELIVERY TO UNLICENSED PREMISES.**

No package dealer shall make or allow to be made any deliveries of alcoholic beverages beyond the boundaries of the premises covered by the license.

**SECTION 110.45-45. LIQUOR PRICES TO BE CONSPICUOUSLY DISPLAYED.**

Each package dealer of alcoholic beverages shall conspicuously display within the interior of the licensed premises not less than one copy of a printed price list of the alcoholic beverages offered for sale or, in lieu thereof shall place the price of each item on the container or on the shelf where the container is exhibited for sale.

**SECTION 110.45-46. PORTABLE SIGNS PROHIBITED.**

No licensee for the package sale of alcoholic beverages shall be permitted to utilize a lighted portable sign outside the building.

**SECTION 110.45-47. PREMISES TO HAVE GLASS FRONT.**

Each establishment licensed for the package sale of alcoholic beverages shall have an open glass front and shall be well lighted for clear vision from the outside. No signs or advertising shall be posted on the glass which will obstruct the view.

**SECTION 110.45-48. PURCHASE DELIVERED IN PAPER BAG OR WRAPPED.**

All alcoholic beverages, except prepackaged beer, purchased in a package store must be put in a paper or plastic bag or otherwise wrapped in any opaque cover before delivery to the purchaser.

**SECTION 110.45-49 WINE TASTING.**

(a) A wine-tasting permit for purposes of this section shall be limited to a person possessing a duly issued license for the sale of wine by the package. A wine tasting event may be held in conjunction with a wine and cheese party by a package dealer that receives an event permit. Entities possessing a license for consumption on the premises shall not be eligible for a wine-tasting permit. The package dealer shall make an event permit application to hold a wine-tasting or wine and cheese party at least one week prior to the event.

(b) Any wine-tasting occurring on the premises of a business possessing a license to sell wine by the package shall be limited to times when the premises has received an event permit; provided, however, a wine-tasting permittee shall be allowed to provide a prospective customer, free of charge, a sample of wine which may not exceed two ounces per sample and no more than

five ounces may be provided to any prospective customer in any one two-hour period. All such events shall not last more than four hours and must end by 9:00 p.m.

(c) An eligible licensee may petition the City for a wine-tasting permit provided it meets all requirements of the City's alcoholic beverage ordinance and presently maintains a valid license for the sale of wine by the package issued by the City. A wine-tasting permit shall allow the permittee to offer or sell wine samples in connection with an instructional or educational promotion, including but not limited to cooking demonstrations. A wine-tasting permit is intended to allow such activity on a limited basis and shall not be a part of the core operations of such establishment or occur on a daily basis.

(d) A wine-tasting permittee shall be subject to all laws, rules and regulations of the City and State, including rule 560-2-5-.05 of the Department of Revenue-alcohol and tobacco division, and shall be subject to permit revocation for violation thereof. The permittee shall provide a copy of form ATT-4SP filed with the State of Georgia Department of Revenue.

(e) Said wine-tasting permit shall be applied for each event and shall cost \$25.00. The City may revoke or suspend any wine-tasting permit and/or impose such conditions on its operation at the City's discretion for violation of this Code or in furtherance of the health, safety and welfare of the City's inhabitants.

## **ARTICLE VI. ADDITIONAL REGULATIONS FOR POURING DEALERS**

### **SECTION 110.45-50. POURING DEALERS REGULATIONS.**

(a) Except as provided otherwise herein this chapter, consumption on the premises (pouring) sales of distilled spirits, malt beverage and/or wine may be conducted only in conjunction with an eating establishment which has as its principal business conducted being the serving of meals, and with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. The eating establishment, by whatever name called, must meet the definition of a "restaurant" as defined herein. Consumption on the premises licensees shall maintain at least fifty (50%) percent of their business volume from the sale of food, which shall not include the sale of alcoholic beverages. Food sales shall include all consumable items sold on the premises except alcoholic beverages. The fifty (50%) percent ratio shall be determined on a calendar quarter basis pursuant to a monthly report that will be submitted under oath (and subject to all penalties for false swearing) by each licensee to the administrative office of the City. In the event food sales fall below fifty (50%) percent of the business volume of the license holder in any quarter, then the license holder shall be placed on-probation for the next succeeding quarter. The City Clerk or other designated agent for the City shall notify the license holder in writing of the probation. At the end of the next succeeding quarter, if food sales have not attained fifty (50%) percent of business volume, then the City Council, Mayor, City Manager, or other designated agent of the City, shall suspend

such license for a period of six (6) months in accordance with Section 110.45-27. After the period of suspension, should the license holder fail to meet the fifty (50%) percent food sales ratio for any quarter during the year following suspension, then the pouring license shall be revoked following the procedures of Section 110.45-27. Nothing herein provided shall prevent the City Council or other duly designated agent of the City from suspending or revoking such licenses for any other violations of this ordinance. Authorized agents of the City may examine the records of businesses licensed hereunder at any reasonable time to ascertain that the requirements of this and other provisions of this ordinance are met. Licensees for consumption on the premises (pouring) licenses shall provide a monthly report under oath (and subject to all penalties for false swearing), by the 15<sup>th</sup> day of the following month, to the administrative office for the City of Blue Ridge, Georgia, that demonstrates that the food sale requirements of this ordinance have been met. Such licensees, upon request by the City of Blue Ridge or its designated agent, shall provide to the administrative office of the City, any and all backup documentation to demonstrate that the food sale requirements of this ordinance have been met. Failure to provide any of the reports or documentation required under this ordinance by the licensee to the City may result in the City Council or other designated agent of the City suspending the pouring license until the reporting requirements are met, and may result in revocation of the pouring license by following the revocation procedures provided within this ordinance.

(b) Alcoholic beverage sales can be made by a licensed consumption on premises establishment in a patio/open area type environment if the establishment has been approved in this section. The requirements for approval are:

(1) (A) The patio/open area must be enclosed by some structure (which may be a rope guard) providing for public ingress/egress only through the main licensed premises. The only exception to this would be a fire exit as required by building and fire codes. Such fire exit would not be for general public use unless an emergency exists and would be of the type which sounds an alarm so that the establishment would be alerted of unauthorized use if no emergency exists. The height of such structure may be a minimum of three and one-half (3.5) feet above the patio floor. The structure does not have to be solid nor does it have to restrict visibility into or out of the patio/open area. The method or means of enclosure shall be flexible depending on the location of the premises, so long as there is substantial compliance with the requirement that ingress/egress be only through the main licensed premises. The Building Inspector or other City agent will make a case-by-case determination of compliance with the primary requirement being controlled access to the patio/open area.

(B) The patio/open area shall not be required to be covered by a roof. However, patio/open areas that are covered shall be covered by a roof. As used in this section, the term "roof" shall mean a structural covering of the patio/open floor area which shall be of similar design and material as the primary structure to which it is attached, whether physically attached or by use.

(C) The patio/open area shall be used merely as an extension of the interior seating area. Service in the patio/open area shall be only by waiter or waitress or by customer self service at an interior selling location; i.e. no outside bar or service window.

(D) The patio/open area cannot be located within seventy-five (75) feet of any public street or thoroughfare with the exception of licensees located within the downtown business district. Such measurement shall describe the shortest straight line distance between the street curb and the patio.

(E) The patio/open area cannot be located within one hundred fifty (150) feet of any residence, with the exception of licensees located within the downtown business district. Such measurement shall describe the shortest straight line distance from the patio to the nearest residential structure.

**(2) It is prohibited for an establishment:**

**(A) To allow any noise to be created in a patio/open area which may be heard from a distance of one hundred (100) yards from the patio/open area. Any measurement made pursuant to this section shall describe the shortest straight line distance from the patio to the point in question.**

**(B) Allow the operation of any sound amplification devices in the patio/open area.**

**(3) Patio/open area plans must be reviewed and approved on an individual basis by the Building Inspector. Patio/open areas must be permitted and approved by the City's building inspection and fire departments as required by their governing regulations or codes.**

(C) Notwithstanding the provisions of Section 110.45-50(a), the following provisions shall apply to hotels, motels or resorts, and to bed and breakfasts and said businesses shall be governed as follows for pouring licenses:

1. A licensed hotel or resort meeting the other requirements of this article may serve alcoholic beverages for consumption on the premises along with food in other locations on the hotel/resort premises without compliance with a required number of seats and percentage of food sales so long as there is also a full service eating establishment in the hotel/resort which shall meet all of the requirements of this article. This provision specifically does not allow a "stand alone bar," but rather allows a snack bar or smaller café on the premises with alcohol service together with food service.

2. A bed and breakfast meeting the other requirements of this article except for the number of seats may serve alcoholic beverages for

consumption on the premises along with food at a full service eating establishment located in the bed and breakfast. A bed and breakfast will be required to meet the 50 percent requirement for nonalcoholic sales which may include revenue from the sale of rooms.

(D) It shall be unlawful for any person to open or to consume all or any part of any type of alcoholic beverage outside in the parking lot or entrance areas or outside of the premises of the licensed eating establishment, except in previously approved patio/open areas. It is prohibited for customers to leave the premises of a consumption on the premises licensee with alcoholic beverages and it is the licensee's responsibility to insure that no beverages or sold and carried out. However, nothing herein shall be construed to prohibit the carrying out of a partially consumed bottle of wine as provided by Section 110.45-37. The owner of the business and the license holder and their agents and employees shall strictly enforce this provision, and the failure to do so will be a violation of this ordinance and cause for revocation of the license.

\*section amended by ordinance dated 08/14/2018

~~(E) It shall be unlawful to knowingly sell alcoholic beverages to a person who is intoxicated or to allow intoxicated persons to congregate on the premises, either inside, on any patio, in outside area or parking lot, and it shall be the responsibility of the owner of the business and the license holder and its agents and employees to strictly enforce this provision, and the failure to do so shall be cause for revocation of the license.~~

(F) There shall be no gambling, betting, games of chance, slot machines, or the operation of any scheme for hazarding money or any other thing of value in any place of business licensed under this chapter, or in any room adjoining same, owned, leased or controlled by a licensee, except that this restriction shall not apply to official sales locations of Georgia lottery games and tickets.

(G) No retail consumption dealer licensed under this chapter shall keep any malt beverages, wine, or distilled spirits, or any combination thereof, at any place except the licensed place of business.

\*section amended by ordinance dated 08/14/2018

~~(H) As to any retail consumption dealer, happy hours or similar promotions shall not be permitted, and no licensee or employee or agent of a licensee, in connection with the sale or service of alcoholic beverages for consumption on the premises shall:~~

1. Offer or deliver any free alcoholic beverage to any person or group of persons;
2. Deliver more than one alcoholic beverage to one person at a time;

3. Offer or deliver an alcoholic beverage without also serving food, except that while a customer is waiting for a table, the customer in a lounge or at the bar may order up to a maximum of three alcoholic beverage drinks without purchase of a food item. This subsection shall not relieve the license holder of compliance with the overall food sale requirements mandated by this ordinance;

4. Sale, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except as to licensed catered functions pursuant to an issued City permit and with said functions not open to the public;

5. Sale, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price;

6. Sale, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except by licensed alcoholic beverage caterers pursuant to an issued catering permit, and with said function not open to the public;

7. Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week;

8. Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverage or the awarding of alcoholic beverages as a prize; and

9. Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day, and the schedule shall be effective for not less, than one calendar week.

**\*a new subsection (10) was added by ordinance amendment dated 08/14/2018**

Failure to comply with any of the above regulations by the retail consumption dealer shall be deemed a violation of this ordinance, and cause for suspension or revocation of the dealer's license.

(I) The following additional regulations shall apply to a retail consumption dealer (holding a pouring license), and any licensee of a license for the sale or service of alcoholic beverages for consumption on the premises shall:

1. Prohibit the licensee's employees from consuming alcoholic beverages on the premises during the work hours of the licensee's employees.

Failure to do so by the licensee shall be cause for suspension or revocation of the licensee's license following the procedures provided herein;

2. All licensees for the sale of alcoholic beverages for consumption on the premises shall remove, or cause to be removed, from the area of the premises utilized by customers or patrons all alcoholic beverages within forty-five (45) minutes after the closing time for the sale of alcoholic beverages;

3. All licensees for the sale of alcoholic beverages for consumption on the premises shall remove, or cause to be removed, from the premises, all customers or patrons within forty-five (45) minutes after the closing time for the sale of alcoholic beverages. After the time period for removal of the customers or patrons has lapsed, only employees of the licensees engaged in their employment duties shall remain on the premises. Failure to comply with this subsection shall be due cause for the suspension or revocation of the license following the procedures as provided herein.

4. The occurrence on three or more occasions within any thirty day period upon the premises of a licensee for the sale of alcoholic beverages for consumption on the premises of fights, disorderly conduct, drunkenness, breach of the peace, physical violence against persons or property, or other activities prohibited by this ordinance upon the licensed premises, whether such conduct is committed by agents of the licensee or by customers or others, shall be due cause for the suspension or revocation of the license following the procedures as provided herein.

#### **SECTION 110.45.51 BREW PUBS.**

(a) For all purposes of this section, a "brew pub" is defined as an eating establishment (restaurant) in which beer or malt beverages are manufactured or brewed for retail consumption on the premises and solely in draft form.

(b) Notwithstanding any other provision of this ordinance to the contrary, a limited exception to the prohibition of the manufacturing of alcoholic beverages and distilled spirits within the City of Blue Ridge shall exist for owners and operators of brew pubs provided that:

(1) No applicant shall be permitted to own or operate a brew pub without first obtaining a proper pouring license from the City Council. The applicant desiring to operate a brew pub must note this intent on the pouring license application, and the City in the issuance of a pouring license must note on the license that a brew pub is allowed. Each brew pub pouring license holder shall comply with all other applicable state and local license requirements. A brew pub pouring license authorizes the holder of such license to (i) manufacture on the licensed premises not more than five thousand (5000) barrels of beer in a calendar year solely for retail consumption on the premises and solely in draft form; and (ii) operate a restaurant that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced

by other manufacturers which are authorized for retail sale under this ordinance, provided that such alcoholic beverages are purchased from a licensed wholesale dealer for consumption on the premises only and, provided further, in addition to draft beer manufactured on the premises, each brew pub pouring license shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer.

(2) Possession of a brew pub pouring license shall not prevent the holder of such license from obtaining any other license available under this ordinance for the same premises.

(3) A brew pub license does not authorize the holder of such license to sell alcoholic beverages by the package for consumption off the premises.

(4) A brew pub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this ordinance as manufacturers, retailers and, where applicable, wholesale dealers.

(5) Except as set forth in this section, a brew pub license holder shall be subject to all sections of this ordinance regarding a pouring license.

## **ARTICLE VII: SALES BY BONA FIDE NON-PROFIT CIVIC ORGANIZATION**

### **SECTION 110.45-52. CHARITABLE EVENTS; SALES BY BONA FIDE NON-PROFIT CIVIC ORGANIZATIONS.**

*\*section amended by ordinance dated 08/14/2018*

(a) Bona fide nonprofit civic organizations desiring to sell alcoholic beverages may apply and submit completed forms furnished by the Commissioner of the Georgia Department of Revenue and a permit from the Commissioner authorizing the organization to sell or distribute alcoholic beverages for consumption only on the premises, or to sell wine at retail for off-premise consumption, or to auction wine in sealed containers, or any combination thereof, for a period not to exceed three days, and subject to the rules and regulations of the Georgia Department of Revenue.

(b) The special use temporary permits to be issued to the bona fide non-profit civic organization shall be subject to the rules and regulations in other applicable Sections of this ordinance relating to the sale and distribution of alcoholic beverages, as follows:

(1) The licensing requirements under Sections 110.45-6 and 110.45-7;

(2) The distance prohibitions of Section 110.45-10;

(3) The compliance requirements of Section 110.45-18;

(4) The penalty for false information within an application as set by Section 110.45-22;

(5) That the special use temporary permit is a privilege and conditional upon the holder meeting the requirements of this ordinance as provided by Section 110.45-51;

(6) The inspection authority as provided by Section 110.45-33;

(7) The employee requirements as to age and criminal history as provided within Section 110.45-34 (but no employee permits shall be required);

(8) The days and hours of operation requirements as provided by Section 110.45-35;

(9) The prohibitions against furnishing or providing alcoholic beverages to any person under 21 years of age as provided by Section 110.45-36;

(10) The prohibitions against open containers provided by Section 110.45-37;

(c) A duly authorized agent for the bona fide non-profit civic organization shall file an application with the City for a special use temporary permit upon the application form of the City and file said application at least twenty (20) days prior to the event. At the time of the filing of the application form, the bona fide non-profit civic organization shall pay a fee of ~~Fifty (\$50.00)~~ <sup>\$150.00</sup> Dollars for each permit received thereafter during the calendar year. The application shall identify the bona fide non-profit civic organization, the dates for which the permit is to be applicable (~~which cannot include any Sunday of the year~~), the premises where alcoholic beverages will be served; the event or type of function for the bona fide non-profit civic organization, and such other information as may be required by the City of Blue Ridge, Georgia. The City Clerk may issue a permit authorizing the bona fide non-profit civic organization to sell alcoholic beverages for consumption on the premises, or to sell wine at retail for off-premises consumption, or to auction wine in sealed containers, or any combination thereof, for a period not to exceed three days, and subject to any law regulating the time and date for selling such beverages. The special use temporary permit shall also be conditioned upon the Commissioner for the Georgia Department of Revenue issuing said Department's permit for a special use temporary permit for a bona fide non-profit civic organization.

(d) No more than six permits may be issued to an organization in any one calendar year pursuant to this ordinance.

(e) Permits issued pursuant to this Section shall be valid only for the place specified in the permit.

(f) The issuance of a special use temporary permit to a bona fide non-profit civic organization shall exempt said organization from the brownbagging prohibition established by Section 110.45-38 of this ordinance.

## ARTICLE VIII: FARM WINERIES

### SECTION 110.45-53. FARM WINERIES.

(a) There is hereby created a license for the business of operating a Georgia farm winery, to be in conformance with the farm winery laws of the State of Georgia under O. C. G. A. § 3-6-21.1 as amended and this article. The applicant for a farm winery license shall indicate within the application as to whether the applicant is seeking a license for the premises of the farm winery that manufactures wine in Georgia, or whether the application is for one of the five additional locations in the State of Georgia that the farm winery can operate a tasting room for consumption on the premises of the tasting room and retail sale closed packages of wine for consumption off the premises.

(b) Under this article, the licensee shall be authorized to carry on the business of operating a farm winery tasting room on the premises of the farm winery, if the premises is located within the City of Blue Ridge, Georgia, or operating a tasting room off of the premises of the farm winery and located within the incorporated limits of the City of Blue Ridge and subject to the provisions of O. C. G. A. § 3-6-21.1, et seq., as amended.

(c) The farm winery tasting room created by this article is limited to farm wineries licensed by the State of Georgia and allows the licensee to offer wine samples and to make retail sales of its wine and the wine of any other Georgia farm winery in the tasting room, and as allowed by state law. No license is created by this article authorizing any other person to deal in any other alcoholic beverage in a farm winery tasting room. The tasting room of a farm winery can conduct the same activities allowed by a wine only package store holding an ancillary wine tasting license such as a wine and cheese party or a cooking or other wine educational event.

(d) The requirements of this chapter with respect to the sale of food with alcoholic beverages and the display, signs, seating requirements, and percentage of sales requirements shall not apply to farm winery tasting room, but all other provisions and requirements shall apply. Notwithstanding the foregoing, should the tasting room be upon the actual premises of the farm winery, then Sunday sales as permitted by O. C. G. A. § 3-6-21.2, as amended, shall be allowed. Further, notwithstanding any other provisions of this chapter to the contrary, in the event that the Georgia Revenue Commissioner has authorized the farm winery licensee to make sales of distilled spirits, malt beverages, and wines not produced by a farm winery for consumption in its tasting rooms, then the farm winery shall be allowed to sell such alcoholic beverages provided that the tasting room is upon the premises of the farm winery or on property located contiguous to the premises of the farm winery and owned by the farm winery or by an affiliate of the winery.

(e) A licensed farm winery must specifically apply for a farm winery license from the City of Blue Ridge, Georgia to operate a tasting room within the City, and pay the license fee for a farm winery or a tasting room, or both. The farm winery licensee must operate its tasting room in accordance with the requirements of state law and the provisions of this ordinance.

**ARTICLE IX: LICENSED ALCOHOLIC BEVERAGE CATERER**

**SECTION 110.45-54. LICENSED ALCOHOLIC BEVERAGE CATERER.**

(a) Licenses may be obtained for the purpose of selling or dispensing alcoholic beverages by the drink on premises at which authorized catered functions are to be held.

1. Such licenses shall be annual licenses and may be obtained only by those persons, firms or corporations already licensed by the City for the sale of alcoholic beverages by the drink or by these persons, firms or corporations licensed by another local governmental entity for the sale of alcoholic beverages by the drink and also being an authorized licensed caterer of said entity.

2. The procedures for securing such licenses and the terms thereof shall be made in person by the applicant to the City Administrator or his designee in writing on forms, furnished by said agent or his designee and signed by the applicant in compliance with subsection 110.45-8.

(b) Before a licensed alcoholic beverage caterer may sell or dispense alcoholic beverages at any authorized catered function, such caterer shall obtain a permit from the City Administrator or his designee at least ten (10) working days prior to the event.

1. The application for a permit shall include the name of the alcoholic beverage caterer's license number, and the date, address and time of the event.

2. The license fee for a caterer's license and the first permit shall be \$50.00 and a permit fee of \$50.00 shall be charged for each catered event permit thereafter for the alcoholic beverage caterers located within and licensed by the City.

3. For caterers licensed by jurisdictions other than the City for the sale of alcoholic beverages by the drink, an annual license fee of \$50.00 and a permit fee of fifty dollars (\$50.00) per event shall be charged.

4. If such off-premises permit is granted, it shall be good only for the specific event at the specified address and times set forth in the application, not in excess of four (4) hours, except permits approved by City Council by resolution.

(c) 1. Caterers licensed by the City shall maintain a record of all alcoholic beverages transported for each event, and shall make report and remittance of such taxes with their monthly reports to the City.

2. Caterers licensed by a jurisdiction other than the City shall maintain a record of all alcoholic beverages transported into the City for the event, and shall pay an excise tax to the City covering all such beverages at the rate provided by this ordinance.

3. As a condition of permit issuance, alcoholic beverage caterers licensed to sell alcoholic beverages by the drink by jurisdictions other than the City shall be provided a copy of the City's alcoholic beverages ordinances, and shall indicate, by signature, that they have received such ordinances and acknowledge the applicability of such ordinances to their operations.

4. Failure to report and remit the tax within seven (7) days of the conclusion of the event shall be grounds for denial of subsequent permits to the caterer for similar events.

5. The permit shall be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the permit is in effect.

(d) No alcoholic beverages shall be transported, distributed, or sold to other than licensed locations in the City, except to authorized catered functions, unless otherwise authorized by this chapter or by state law.

(e) The hours and days of sale or distribution of alcoholic beverages under this section shall be the same by Section 110.45-35(b).

(f) No licensed alcoholic beverage caterer shall employ any person under twenty-one (21) years of age to dispense, serve, sell or handle alcoholic beverages of authorized catered functions.

(g) No event permit will be issued to an event at any location with respect to which any alcoholic license has been denied or revoked within the past twelve (12) months; nor for any location with respect to which the conduct set forth in this chapter has previously occurred.

(h) Except as set forth above in this section, an off-premises permit hold must comply with all other provisions set forth in this chapter.

(i) Violations of this chapter shall be subject to the penalties, fines, and provisions of this ordinance.

**SECTION 2. EFFECTIVE DATE.**

This ordinance is effective upon passage.

SO ORDAINED this 12<sup>th</sup> day of April, 2011.

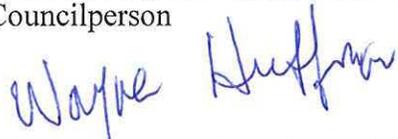
**BLUE RIDGE CITY COUNCIL**

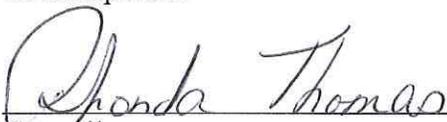
By:   
Mayor

  
Councilperson

  
Councilperson

  
Councilperson

  
Councilperson

  
Councilperson

Attest:

  
Bill Sowers, City Clerk

2881/W129079

FIRST READING 3-18-13

ADVERTISED 3-18-13

PASSED 4-9-2013

AN ORDINANCE NO. 2013-9-4

**AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE FOR THE CITY OF BLUE RIDGE, GEORGIA; TO AUTHORIZE THE MANUFACTURE OF MALT BEVERAGES AND BEER BY AN AUTHORIZED BREWER WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE ISSUANCE OF AN AUTHORIZED BREWER LICENSE; TO PROVIDE FOR THE LICENSE FEES FOR AN AUTHORIZED BREWER LICENSE; TO PROVIDE FOR REGULATIONS THAT REGULATE THE OPERATION OF A BREWERY BY AN AUTHORIZED BREWER WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR THE BREWER PROVIDING A "FREE TASTING" DURING OR AFTER AN EDUCATIONAL OR PROMOTIONAL TOUR; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, has adopted an alcoholic beverage ordinance to allow the sale of distilled spirits, malt beverages, and beer and wine, but with said sales regulated by the provisions of the City of Blue Ridge Alcoholic Beverage Ordinance;

**WHEREAS**, the City Council finds that it is in the interest of the City and its citizens to allow authorized brewers to manufacture malt beverages and beer within the city limits of the City of Blue Ridge, Georgia, and thereby promote the economy of the City and tourism to the City; and

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia therefore finds that it is appropriate to amend the alcoholic beverage ordinance to allow the manufacture of malt beverages and beer by authorized brewers within the City of Blue Ridge, Georgia; and

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the authority of the City Charter and general law, as follows:

**SECTION 1. AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE REGARDING THE SALE OF ALCOHOLIC BEVERAGES.**

The Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages is hereby amended by modifying and adopting some new provisions regulating the sale of alcoholic beverages within the City of Blue Ridge, Georgia, and which shall read as follows:

(A) **SECTION 110.45-1. DEFINITIONS** is hereby amended by deleting the term, “manufacturer” in its entirety, and substituting in lieu thereof, the following:

“*Manufacturer*” means any maker, producer, or bottler of an alcoholic beverage or distilled spirits. The term also means:

1. In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
2. In the case of malt beverages and beer, any brewer; and
3. In the case of wine, any vintner.

The manufacturer of alcoholic beverages and distilled spirits is not allowed in the City, except for a brew pub which must meet the requirements of Section 110.45-51, or a farm winery which must meet the requirements of Section 110.45-53, or an authorized brewer which must meet the requirements of Section 110.45-55.

(B) **SECTION 110.45-7. TYPES OF LICENSES TO BE ISSUED** is hereby amended by adding the following additional license:

- (14) Authorized brewer license.

(C) **SECTION 110.45-23(a). FEES**, under "OTHER LICENSES," has added the following additional license fee:

Authorized Brewer License	\$2,000.00
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(D) The code is further amended by adding a new **ARTICLE X: Licensed Authorized Brewer**, and which shall read as follows:

**ARTICLE X: LICENSED AUTHORIZED BREWER**

**SECTION 110.45-55. LICENSED AUTHORIZED BREWER.**

(a) There is hereby created a license for the business of operating a brewery, to manufacture malt beverages and beer, and which shall be in conformance with the laws of the State of Georgia pursuant to O.C.G.A. § 3-5-20, et seq., as amended and this Article. In order to operate as a brewer within the City of Blue Ridge, Georgia, the brewer shall be required to provide a copy of any brewery license issued as to the brewery by the Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, and any State of Georgia brewer license, when issued. Applicant may receive an authorized brewer license from the City of Blue Ridge, Georgia, prior to the issuance of the federal or state license, or both, but may not operate the brewery until such time as the applicant has received the applicable federal and state licenses, and provided a copy of said licenses to the City of Blue Ridge, Georgia.

(b) Under this Article, the licensee shall be authorized to carry on the business of manufacturing malt beverages and beer within the incorporated limits of the City of Blue Ridge, Georgia, and providing a "free tasting" of the malt beverages and beer brewed during or after completion of an educational or promotional tour regarding the brewery. The licensee shall follow all federal and state requirements regarding the operation of a brewery, including but not limited to the payment of any excise taxes assessed by said authorities. Failure of the licensee to

operate the brewery in accordance with federal and state requirements shall be due cause for the City of Blue Ridge, Georgia to suspend or revoke, or both, the authorized brewer license upon compliance with the procedures as set out within Section 110.45-27 of this Code. An authorized brewer license does not allow or permit the retail package or the retail sale of malt beverages and beer for consumption on the premises, by the drink (unless specifically exempt by regulation of the Georgia Department of Revenue or the Georgia Alcoholic Beverage Code, as amended), and any such sales shall be due cause for revocation of the authorized brewer license. All sales of alcoholic beverages by the brewer shall comply with the three-tier distribution system of the State of Georgia, and failure by the brewer to do so shall be due cause for revocation of the brewer's license. An authorized brewer license shall only be revoked for due cause. Due cause for the revocation of a brewer's license shall consist only of violation of the laws regulating the manufacture of malt beverages and of regulations made pursuant to authority lawfully granted for the purpose of regulating the manufacture of malt beverages. Every unrevoked license authorizing the manufacture of malt beverages, whether issued by the State or by any other duly authorized licensing authority, shall be renewable to the holder of the license as of right upon the payment of fees and taxes lawfully assessed and fixed for the issuance of licenses of that kind and character.

(c) An applicant to receive an authorized brewer license shall be required to submit an application for said license based upon the malt beverages for sale by the package application, but shall indicate thereon that applicant is applying as a brewer, and is required to meet the same requirements regarding application information, the submission of the application, distant prohibitions, and other such package requirements as provided by the Code. Brewers do not have to meet food sale requirements unless licensed as a brew pub pursuant to Section

110.45-51.

(d)

1. An authorized brewer holding a valid brewer license from the City of Blue Ridge, Georgia, and which has provided a copy of the annual permit issued to the brewer by the Georgia Department of Revenue Commissioner authorizing free tasting of malt beverages on brewery premises during educational and promotional tours, may conduct such free tastings as a part of the authorized brewer license issued by the City of Blue Ridge, Georgia. "Free tasting" means an event during which a properly licensed brewery may provide malt beverages to each attendee of lawful drinking age for consumption on the licensed premises, and without charge of any kind, and only during or after completion of attendee participation in an instructional, educational, or promotional program or tour.

2. During an educational or promotional tour, a "free tasting" may be conducted by the licensed brewery and the following amounts of alcoholic beverage which is brewed at the licensed facility may be provided:

a. During or after completion of a one (1) hour educational or promotional tour in compliance with this regulation, an attendee may receive no more than a total of twenty-four ounces (24 oz.) of malt beverage or beer from a licensed facility;

b. During or after completion of a two (2) hour educational or promotional tour in compliance with this regulation, an attendee may receive no more than a total of thirty-two ounces (32 oz.) of malt beverage or beer from a licensed facility.

c. The above-referenced amounts of alcoholic beverages which may be received as a part of participation in an educational or promotional tour, are also the maximum amounts of alcoholic beverages that can be provided to an attendee by the brewery in

a 24 hour period of time regardless of the number of tours taken.

3. All malt beverage or beer provided at the tasting shall be served by a state licensed representative of the brewery.

4. No malt beverages or beer may be served during or after a tour if:

a. The brewery charges a fee for providing an educational or promotional tour; or

b. The tour of the facility is conducted on Sunday pursuant to Georgia Administrative Code Section 560-2-2-.29.

5. The licensed facility may elect to provide non-alcoholic food or beverages at no charge, either directly or indirectly, to the attendees.

6. The attendees may, if permitted by the licensed facility, bring non-alcoholic food or beverages to the licensed facility solely for use during or following the tour, or as part of any tasting at the licensed facility.

7. A licensed brewery shall not engage in retail package or retail consumption sales on the premises, directly or indirectly, of alcoholic beverages at any time unless specifically exempt by regulation of the Georgia Department of Revenue or the Georgia Alcoholic Beverage Code As Amended. All sales of alcoholic beverages by the brewer shall comply with the three-tier distribution system of the State of Georgia, and failure by the brewer to do so shall be due cause for revocation of the brewer's license.

8. No person who is a participant in a tour may bring alcoholic beverages to the licensed facility under any circumstances.

9. An authorized brewer is authorized to sell souvenirs and brewer branded merchandise at the brewery. Souvenirs offered for sale by brewery may be used in

tastings sponsored by the brewery upon the conditions that:

(a) The brewery shall disclose, in writing by posted signs or distributed notices given to the tour participants, that there are no requirements to purchase the souvenir container to participate in the tour or tasting;

(b) The souvenir container may be used in subsequent tours of the brewery.

**SECTION 2. CONTINUATION OF ALL OTHER PROVISIONS OF THE ALCOHOLIC BEVERAGE ORDINANCE, AS AMENDED.**

All other terms and provisions of the alcoholic beverage ordinance, as amended, are continued in full force and effect, as if they were restated herein.

**SECTION 3. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the

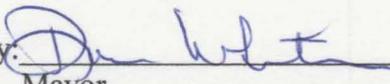
intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

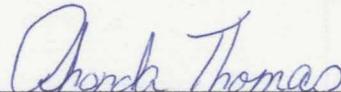
**SECTION 5. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

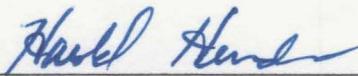
SO ORDAINED this 9<sup>th</sup> day of April, 2013.

**BLUE RIDGE CITY COUNCIL**

By:   
Mayor

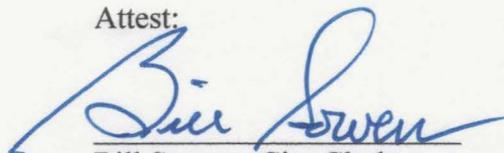
  
Councilperson

  
Councilperson

  
Councilperson

  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:  
  
Bill Sowers, City Clerk

**FIRST READING :** August 13, 2013

**PASSED:** September 10, 2013

**RATIFICATION:** September 11, 2018

**AN ORDINANCE NO.** 2013-09-10

**AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE FOR THE CITY OF BLUE RIDGE, GEORGIA; TO AUTHORIZE EVENT CENTERS WITHIN THE CITY OF BLUE RIDGE, GEORGIA TO SELL AND DISPENSE ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES (BY THE DRINK); TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE ISSUANCE OF AN AUTHORIZED EVENT CENTER LICENSE; TO PROVIDE FOR THE LICENSE FEES FOR AN AUTHORIZED EVENT CENTER; TO PROVIDE FOR REGULATIONS THAT REGULATE THE OPERATION OF AN EVENT CENTER WITHIN THE CITY OF BLUE RIDGE, GEORGIA; AND FOR OTHER PURPOSES.**

**WHEREAS,** the City Council of the City of Blue Ridge, Georgia, has adopted an alcoholic beverage ordinance to allow the sale of distilled spirits, malt beverages, and wine, but with said sales regulated by the provisions of the City of Blue Ridge Alcoholic Beverage Ordinance;

**WHEREAS,** the City Council finds that it is in the interest of the City and its citizens to allow authorized event centers to sell and dispense alcoholic beverages at event centers within the City limits of the City of Blue Ridge, Georgia, and thereby promote the economy of the City and tourism to the City; and

**WHEREAS,** the City Council of the City of Blue Ridge, Georgia, therefore finds that it is appropriate to amend the alcoholic beverage ordinance to allow event centers to sell and dispense alcoholic beverages within the City of Blue Ridge, Georgia; and

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the authority of the City Charter and general law, as follows:

**SECTION 1. AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE REGARDING THE SALE OF ALCOHOLIC BEVERAGES.**

The Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages is hereby amended by modifying and adopting some new provisions regulating the sale of alcoholic beverages within the City of Blue Ridge, Georgia, and which shall read as follows:

(A) **SECTION 110.45-1. DEFINITIONS** is hereby amended by adding the following terms:

*Event* means the gathering of people at an event center and not at a private residence, for the purpose of honoring a person or engaging in an infrequent business or social activity, and where alcoholic beverages can be consumed on the premises (by the drink) by persons in attendance, and includes but is not limited to weddings, wedding receptions, retirement parties, birthdays, holiday parties, banquets, conventions, anniversary parties, civic or social organization meetings or award dinners, funerals, wakes, fundraisers, reunions, or similar functions organized in connection with a central cause, or purpose.

*Event center* shall mean and is limited to an establishment:

(1) Which is a commercial facility, and not a private residence, hotel, motel, restaurant (there shall be a rebuttable presumption that any facility open to the public for the service of at least one (1) meal per day for three (3) or more days per week is a restaurant and not an event center), or lounge, and which has as its primary commercial enterprise and activity the holding of events and in which the sale of food and alcoholic beverages is only incidental to the holding of events; and

(2) In which food may be served by meals prepared by the event center or by an authorized caterer, and having an adequate and sanitary full service kitchen (a full service kitchen will consist at a minimum of a three-compartment pot sink, commercial grade stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments, and capable of preparing, cooking and serving meals for events), and dining room equipment, and a sufficient number and kind of permanent and temporary employees to handle events held at the event center. Said establishments shall be prepared to serve food every hour they are open; and

(3) Which is an enclosed building with a minimum seating capacity of three hundred (300) persons for a seated meal and which is primarily devoted to the holding of events, but not including any adult entertainment establishments or activities; and

(4) Which is available to public or private groups of persons, but attended by invited or selected guests or paying patrons as a closed function which is not open to the general public and must have a specific guest list that is prepared in advance of the date on which the event is to occur. No pay-at-the-door guests or drop-ins are to be permitted. The consideration for the alcoholic beverages served at the event may be paid by the person, persons, or organization that contracted with the event center for the event, and the alcoholic beverages may be served without charge and consumed at the event by guests, or by way of "cash bar" sales. The person, persons, or organization contracting with the event center for the event, may charge in advance a general admission fee permitting attendance at the event; and

(5) With at least 12,000 square feet of enclosed heated space; and

(6) With an occupant capacity of at least 300; and

(7) Which is located off of a major thoroughfare or a major road corridor.

(B) **SECTION 110.45-7. TYPES OF LICENSES TO BE ISSUED** is hereby amended by adding the following additional license:

(15) Authorized event center.

(C) **SECTION 110.45-23(a). FEES**. Under “OTHER LICENSES,” has added the following additional license fees:

Authorized event center license      \$3,000.00

(D) The Code is further amended by adding a new **ARTICLE XI: LICENSED AUTHORIZED EVENT CENTER**, and which shall read as follows:

**ARTICLE XI: LICENSED AUTHORIZED EVENT CENTER**

**SECTION 110.45-56.      LICENSED AUTHORIZED EVENT CENTER.**

(a) There is hereby created a license for the business of operating an event center and which will allow the sale of alcoholic beverages only on the premises by the drink pursuant to the requirements and regulations of this ordinance and in conformance with the laws of the State of Georgia pursuant to O.C.G.A. § 3-3-3, et seq. In order to operate as an event center within the City of Blue Ridge, Georgia, the operator of the event center shall be required to provide a copy of any alcoholic beverage license issued by the State of Georgia, when said license is issued. The applicant/operator may receive an authorized event center license from the City of Blue Ridge, Georgia, prior to the issuance of the state license, but may not sell and dispense alcoholic beverages until such time as the applicant/operator has received the applicable state license, and provided a copy of said license to the City of Blue Ridge, Georgia.

(b) The consumption only on the premises by the drink licenses to be issued to event centers shall be subject to the rules and regulations in the other applicable sections of this alcoholic beverage ordinance relating to the sale and distribution of alcoholic beverages, as follows:

- (1) The licensing requirements under Sections 110.45-6 and 110.45-7;
- (2) The distance prohibitions of Section 110.45-10;
- (3) The compliance requirements of Section 110.45-18;
- (4) The penalty for false information within an application as set by Section 110.45-22;
- (5) That the license is a privilege and conditional upon the holder meeting the requirements of this ordinance as provided herein including and not limited to the definition requirements of Section 110.45-1 and Section 110.45-56.;
- (6) The inspection authority as provided by Section 110.45-33;
- (7) The employee requirements as to age and criminal history as provided within Section 110.45-34 and also the requirement as to employee permits (fingerprinting, criminal background checks and the employee permit fee);
- (8) The days and hours of operation requirements as required by Section 110.45-35;
- (9) The prohibitions against furnishing or providing alcoholic beverages to any person under 21 years of age as provided by Section 110.45-36;
- (10) The prohibitions against open containers provided by Section 110.45-37.
- (11) The prohibitions against “brownbagging” provided by Section 110.45-38.

(c) It is the intent of the City Council of the City of Blue Ridge, Georgia that an event center meet all of the requirements as to having a license for consumption of alcoholic beverages on the premises by the drink imposed by this ordinance as outlined hereinabove except that said event centers shall not have to meet the food sales requirements for a consumption on the premises by the drink license.

(d) Besides meeting the licensing requirements as provided by this Article, an applicant shall also provide a sketch that depicts the physical delineation of the area in which alcoholic beverages are to be sold within the enclosed building that contains the event center. Licenses issued pursuant to this section shall be valid only for the place delineated within the application. All sales or service of alcoholic beverages at the event shall take place within the delineated areas within the building, and within the basic confines of the building, as described in the application of the applicant. No alcoholic beverages may be sold or served outside of the confines of the general location of the event; nor will any patron of the event be allowed to leave the event location with alcoholic beverages. The licensee shall be responsible for insuring that no person removes any unauthorized alcoholic beverages from the premises in any type of container. Applicants shall be required to pay the annual license fee as provided herein and said license shall be subject to all rules and regulations mandated by this ordinance as provided herein.

(e) The operator of the event center shall comply with the three-tier distribution system of the State of Georgia and only purchase alcoholic beverages from a licensed wholesaler. Failure of the operator of an event center to purchase the alcoholic beverages from a licensed wholesaler or another violation of the requirements of this ordinance, shall be due cause for suspension or revocation of the event center license. Due cause for the suspension or revocation

of an event center license shall also consist of violations of the laws regulating alcoholic beverages, and of regulations made pursuant to authority lawfully granted for the purpose of regulating alcoholic beverages. Every unrevoked license authorizing the sale and dispensation of alcoholic beverages by an event center, whether issued by the state or by any other duly authorized licensing authority, shall be renewed to the holder of the license as of right upon the payment of fees and taxes lawfully assessed and fixed for the issuance of licenses of that kind and character.

(f) An applicant to receive an authorized event center license shall be required to submit an application or said license based upon the application for license to sell alcoholic beverages for consumption on the premises by the drink application, but shall indicate thereon that applicant is applying as an event center, and is required to meet the same requirements regarding application information, the submission of the application, and the other consumption on the premises license requirements as provided by this article except authorized event centers do not have to meet the food sale requirements.

(g) The operator of an event center shall comply with the excise tax requirements imposed by Section 35.02-1, et seq., and on a monthly basis shall provide to the City of Blue Ridge licensing clerk or other designated agent of the City of Blue Ridge, a monthly report that provides the amount (volume and cost) of alcoholic beverages purchased by the event center on a monthly basis, the amount of alcoholic beverages sold by volume by the event center on a monthly basis, indicates the licensed wholesaler from which the alcoholic beverages were purchased, the gross sales of alcoholic beverages for the month, and the gross sales of food for the month by the event center. The report shall be provided in the same procedural fashion as the excise tax reports regarding the sale of distilled spirits by the drink.

(h) In order to be issued an event center license, the applicant must provide satisfactory evidence that the building or other facility where the events are to be held or conducted is a site or location meeting applicable building codes, fire codes, and otherwise appears to be a location where an event can be safely held. An event center can have music, bands, orchestras, live performances, and patron dancing so long as the area for such activities meets the applicable building and fire codes and all music, bands, orchestras, and performances cease playing by 10:00 p.m. Sunday through Thursday, and by 12:00 a.m. on Friday and Saturday. The sound of the bands, orchestras, and performances or other music should be confined as much as possible to the property of the event center and shall not negatively impact neighboring properties due to excessive or loud noise.

(i) An applicant for an authorized event center license shall also provide satisfactory evidence as to the availability of parking spaces/facilities so as not to cause traffic congestion, unlawful parking or unauthorized parking on surrounding properties, or a negative impact to the public safety or as to surrounding property values.

(j) The operator of an event center shall be responsible for the order and security of the patrons and guests at an event, and when necessary, shall hire off duty law enforcement officers to be present for the duration of the event.

(k) If the person, persons, or organization that contracted with the event center for the event is to pay for the alcoholic beverages consumed at the event by guests, then the operator of the event center shall establish entrance criteria to insure that only invited or selected guests attend the event and that there are no pay-at-the-door guests or drop-ins. The entrance criteria shall also include some form of identifying persons who have displayed proof of obtaining the age of twenty-one (21) years, and are authorized to purchase, receive, or hold in their possession

alcoholic beverages within the event center, and may be by means of wrist bands, stamps, tickets, or other means of identification. Any guest that requests alcoholic beverages, regardless of whether the alcoholic beverages are paid for by the guest at a cash bar or by the person or entity contracting for the event with the event center, must have attained the age of twenty-one (21) years before receiving alcoholic beverages, and the operator of the event center has the ultimate responsibility for determining if a person has attained the age of twenty-one (21) years before dispensing alcoholic beverages to that person.

**SECTION 2. CONTINUATION OF ALL OTHER PROVISIONS OF THE ALCOHOLIC BEVERAGE ORDINANCE, AS AMENDED.**

All other terms and provisions of the alcoholic beverage ordinance, as amended, are continued in full force and effect, as if they were restated herein.

**SECTION 3. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any

ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 5. EFFECTIVE DATE.**

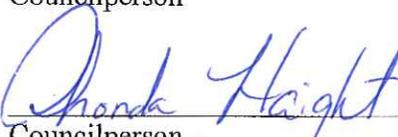
The effective date of this ordinance shall be upon its passage by the City Council.

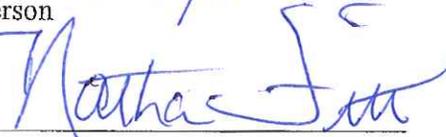
**SO ORDAINED** this 10 day of September, 2013.

**BLUE RIDGE CITY COUNCIL**

By:   
Mayor

  
Councilperson

  
Councilperson

  
Councilperson

  
Councilperson

  
Councilperson

Attest:

  
**Bill Sowers, City Clerk**  
Kelsey Ledford, City Clerk

RDS/lle/2881-21/W153517

FIRST READING March 3, 2014

PASSED March 11, 2014

ADVERTISED March 3, 2014

AN ORDINANCE NO. 2014-5-11

AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE FOR THE CITY OF BLUE RIDGE, GEORGIA; TO AUTHORIZE THE PACKAGE SALES OF MALT BEVERAGES AND WINE ON SUNDAYS BETWEEN THE HOURS OF 12:30 P.M. AND 11:30 P.M.; TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON SUNDAYS FROM 12:30 P.M. UNTIL 11:30 P.M. IN ANY LICENSED ESTABLISHMENT WHICH DERIVES AT LEAST 50% OF ITS TOTAL ANNUAL GROSS SALES FROM THE SALE OF PREPARED MEALS OR FOOD IN ALL OF THE COMBINED RETAIL OUTLETS OF THE INDIVIDUAL ESTABLISHMENT WHERE FOOD IS SERVED AND IN ANY LICENSED ESTABLISHMENT WHICH DERIVES AT LEAST 50% OF ITS TOTAL ANNUAL GROSS INCOME FROM THE RENTAL OF ROOMS FOR OVERNIGHT LODGING; TO PROVIDE THAT THESE AMENDMENTS REGARDING SUNDAY SALES ARE CONDITIONED UPON A REFERENDUM APPROVING SUCH SALES BY THE QUALIFIED ELECTORS OF THE MUNICIPALITY; TO PROVIDE THAT THE ORDINANCE IS DULY AMENDED UPON THE QUALIFIED ELECTORS APPROVING SUCH SALES, AND THE CERTIFICATION OF THE ELECTION RESULTS BY THE ELECTION SUPERINTENDENT TO THE GEORGIA SECRETARY OF STATE'S OFFICE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blue Ridge, Georgia, has adopted an alcoholic beverage ordinance to allow the sale of distilled spirits, malt beverages, and beer and

wine, but with said sales regulated by the provisions of the City of Blue Ridge Alcoholic Beverage Ordinance;

**WHEREAS**, the City Council finds that it is in the interest of the City and its citizens to allow certain establishments to sell alcoholic beverages on Sundays and pursuant to the provisions and regulations of the City of Blue Ridge Alcoholic Beverage Ordinance; and

**WHEREAS**, in order for Sunday sales to be authorized, the qualified electors of the City of Blue Ridge, Georgia, must approve such sales in a duly conducted referendum, and therefore the Sunday sales provided for by this ordinance amendment is conditioned upon the approval of such sales by the qualified electors in a referendum; and

**NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED** by the authority of the City Charter and general law, as follows:

**SECTION 1.            AMENDMENT TO THE ALCOHOLIC BEVERAGE  
ORDINANCE ALLOWING SUNDAY SALES IS  
CONDITIONED UPON APPROVAL BY THE QUALIFIED  
ELECTORS IN A REFERENDUM.**

The Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages, as amended as provided hereinafter, and which would allow Sunday sales under this proposed amendment, is conditioned upon such Sunday sales being approved by the qualified electors in a referendum duly held by the City of Blue Ridge, Georgia. If the duly qualified electors of the City of Blue Ridge, Georgia, approve the Sunday sales of alcoholic beverages, then this amendment shall be effective upon the certification of the election results by the City of Blue Ridge Election Superintendent to the Georgia Secretary of State. If the duly qualified electors of the City of Blue Ridge, Georgia, do not approve Sunday sales of alcoholic beverages, then this ordinance amendment shall not be effective, and shall be null and void.

**SECTION 2.            AMENDMENT TO THE CODE OF THE CITY OF  
BLUE RIDGE REGARDING THE SALE OF ALCOHOLIC  
BEVERAGES.**

Subject to the approval of the qualified electors of the City of Blue Ridge, Georgia, regarding Sunday sales, the Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages is hereby amended by modifying and adopting new provisions, and deleting in its entirety Section 110.45-35 of said Code, and adopting a new section 110.45-35, and which shall read as follows:

**“SECTION 110.45-35.            DAYS AND HOURS OF OPERATION.**

**\*section amended by ordinance dated 08/14/2018**

(a) No package dealer of malt beverages or wine, or both, including licensees of divided stores meeting the requirements of applicable state laws and regulations, shall furnish, sell, or offer for sale any packaged malt beverages or wine at any time on Christmas Day. Sales are permitted on Election Day; provided, however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or the outer edge of any building within which such polling place is established during the hours the polls are open. No package dealer of malt beverages or wine, or both, shall furnish, sell or offer for sale any malt beverages or wine during Monday through Saturday prior to 9:00 a.m. or after 11:30 p.m., and on Sundays only between the hours of 12:30 p.m. and 11:30 p.m. This provision shall also apply to licenses for wine only by the package, conducting a wine tasting (~~but which must end at 9:00 p.m.~~) and to tasting rooms of farm wineries except as provided differently herein.

(b) No consumption on the premises dealer of alcoholic beverages, shall furnish, sell or offer for sale alcoholic beverages for consumption on the premises at any time on Christmas Day. Sales are permitted on Election Day; provided, however, it shall be unlawful for any person to sell alcoholic beverages within 250 feet of any polling place or the outer edge of

any building within which such polling place is established during the hours the polls are open. No consumption on the premises dealer of alcoholic beverages shall furnish, sell or offer for sale any alcoholic beverages during Monday through Saturday prior to 9:00 a.m. or after 11:30 p.m., except on New Year's Eve (December 31), and sales shall be allowed until 11:59 p.m. **Labor Day, Memorial Day, July 4** Consumption on the premises dealers of alcoholic beverages, shall also be allowed to furnish, sell or offer for sale any alcoholic beverages on Sunday from 12:30 p.m. until 11:30 p.m. in any licensed establishment which derives at least 50% of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 50% of its total annual gross income from the rental of rooms for overnight lodging.”

**SECTION 3. CONTINUATION OF ALL OTHER PROVISIONS OF THE ALCOHOLIC BEVERAGE ORDINANCE, AS AMENDED.**

All other terms and provisions of the alcoholic beverage ordinance, as amended, are continued in full force and effect, as if they were restated herein.

**SECTION 4. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 5. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 6. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon approval by the qualified electors of the City of Blue Ridge, Georgia, within a referendum as to Sunday sales of alcoholic beverages, and the regulation thereof by the City of Blue Ridge, Georgia, and upon the certification of the referendum results by the City of Blue Ridge Election Superintendent to the Georgia Secretary of State.

SO ORDAINED this 11<sup>th</sup> day of March, 2018.

**BLUE RIDGE CITY COUNCIL**

By: Denise Whiten  
Mayor

[Signature]  
Councilperson

Phonda Thomas  
Councilperson

[Signature]  
Councilperson

  
\_\_\_\_\_  
Councilperson

\_\_\_\_\_  
Councilperson

Attest:

\_\_\_\_\_  
Bill Sowers, City Clerk

FIRST READING Jan. 14, 2014

ADVERTISED Jan. 14, 2014

PASSED March 3, 2014

AN ORDINANCE NO. 2014-3-3

**AN ORDINANCE TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE FOR THE CITY OF BLUE RIDGE, GEORGIA; TO AUTHORIZE THE MANUFACTURE OF DISTILLED SPIRITS MADE FROM PERISHABLE FRUITS GROWN IN GEORGIA OR FROM AGRICULTURAL PRODUCTS, OTHER THAN PERISHABLE FRUITS, GROWN IN GEORGIA BY AN AUTHORIZED DISTILLER WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE ISSUANCE OF AN AUTHORIZED DISTILLER LICENSE; TO PROVIDE FOR THE LICENSE FEES FOR AN AUTHORIZED DISTILLER LICENSE; TO PROVIDE FOR REGULATIONS THAT REGULATE THE OPERATION OF A DISTILLERY BY AN AUTHORIZED DISTILLER WITHIN THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR THE DISTILLER PROVIDING A "FREE TASTING" DURING OR AFTER AN EDUCATIONAL OR PROMOTIONAL TOUR; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council of the City of Blue Ridge, Georgia, has adopted an alcoholic beverage ordinance to allow the sale of distilled spirits, malt beverages, and beer and wine, but with said sales regulated by the provisions of the City of Blue Ridge Alcoholic Beverage Ordinance;

WHEREAS, the City Council finds that it is in the interest of the City and its citizens to allow authorized distillers to manufacture distilled spirits made from perishable fruits grown in Georgia or from agricultural products, other than perishable fruits, grown in Georgia within the city limits of the City of Blue Ridge, Georgia, and thereby promote the economy of the City and tourism to the City; and

WHEREAS, the City Council of the City of Blue Ridge, Georgia therefore finds that it is appropriate to amend the alcoholic beverage ordinance to allow the manufacture of distilled spirits made from perishable fruits grown in Georgia or from agricultural products, other than perishable fruits, grown in Georgia by authorized distillers within the City of Blue Ridge, Georgia; and

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED by the authority of the City Charter and general law, as follows:

**SECTION 1.            AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE REGARDING THE SALE OF ALCOHOLIC BEVERAGES.**

The Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages is hereby amended by modifying and adopting some new provisions regulating the sale of alcoholic beverages within the City of Blue Ridge, Georgia, and which shall read as follows:

(A) SECTION 110.45-1. DEFINITIONS is hereby amended by deleting the term, “manufacturer” in its entirety, and substituting in lieu thereof, the following:

“*Manufacturer*” means any maker, producer, or bottler of an alcoholic beverage or distilled spirits. The term also means:

1. In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits made from perishable fruits grown in Georgia or agricultural products, other than perishable fruits, grown in Georgia;
2. In the case of malt beverages and beer, any brewer; and
3. In the case of wine, any vintner.

The manufacturer of alcoholic beverages and distilled spirits is not allowed in the City, except for a brew pub which must meet the requirements of Section 110.45-51, or a farm winery

which must meet the requirements of Section 110.45-53, or an authorized brewer which must meet the requirements of Section 110.45-55, or an authorized distiller which must meet the requirements of Section 110.45-56.

(B) **SECTION 110.45-7. TYPES OF LICENSES TO BE ISSUED** is hereby amended by adding the following additional license:

(15) Authorized distiller license of distilled spirits made from perishable fruits grown in Georgia.

(16) Authorized distiller license of distilled spirits made from agricultural products, other than perishable fruits, grown in Georgia.

(C) **SECTION 110.45-23(a). FEES**, under "OTHER LICENSES," has added the following additional license fee:

Authorized Distiller License of distilled spirits made from perishable fruits grown in Georgia	\$2,000.00
Authorized Distiller License of distilled spirits made from agricultural products, other than perishable fruits, grown in Georgia	\$2,000.00

(D) The code is further amended by adding a new **ARTICLE XI**: Licensed Authorized Distiller, and which shall read as follows:

**ARTICLE XI: LICENSED AUTHORIZED DISTILLER**

**SECTION 110.45-56. LICENSED AUTHORIZED DISTILLER.**

(a) There is hereby created a license for the business of operating a distillery, to manufacture distilled spirits made from perishable fruits grown in Georgia or from agricultural products, other than perishable fruits, grown in Georgia, and which shall be in conformance with the laws of the State of Georgia pursuant to O.C.G.A. §§ 3-4-24 and 3-4-24.1, et al., as amended and this Article. In order to operate as a distiller within the City of Blue Ridge, Georgia, the

distiller shall be required to provide a copy of any distillery license issued as to the distillery by the Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, and any State of Georgia distillery license, when issued. Applicant may receive an authorized distiller license from the City of Blue Ridge, Georgia, prior to the issuance of the federal or state license, or both, but may not operate the distillery until such time as the applicant has received the applicable federal and state licenses, and provided a copy of said licenses to the City of Blue Ridge, Georgia.

(b) Under this Article, the licensee shall be authorized to carry on the business of manufacturing distilled spirits made from perishable fruits grown in Georgia or from agricultural products, other than perishable fruits, grown in Georgia, within the incorporated limits of the City of Blue Ridge, Georgia, and providing a “free tasting” of the distilled spirits distilled during or after completion of an educational or promotional tour regarding the distillery. The licensee shall follow all federal and state requirements regarding the operation of a distillery, including but not limited to the payment of any excise taxes assessed by said authorities. Failure of the licensee to operate the distillery in accordance with federal and state requirements shall be due cause for the City of Blue Ridge, Georgia to suspend or revoke, or both, the authorized distiller license upon compliance with the procedures as set out within Section 110.45-27 of this Code. An authorized distiller license does not allow or permit the retail package or the retail sale of distilled spirits for consumption on the premises, by the drink (unless specifically exempt by regulation of the Georgia Department of Revenue or the Georgia Alcoholic Beverage Code, as amended), and any such sales shall be due cause for revocation of the authorized distiller license. All sales of alcoholic beverages by the distiller shall comply with the three-tier distribution system of the State of Georgia, and failure by the distiller to do so shall be due cause for

revocation of the distiller's license. An authorized distiller license shall only be revoked for due cause. Due cause for the revocation of a distiller's license shall consist only of violation of the laws regulating the manufacture of distilled spirits and of regulations made pursuant to authority lawfully granted for the purpose of regulating the manufacture of distilled spirits. Every unrevoked license authorizing the manufacture of distilled spirits, whether issued by the State or by any other duly authorized licensing authority, shall be renewable to the holder of the license as of right upon the payment of fees and taxes lawfully assessed and fixed for the issuance of licenses of that kind and character.

(c) An applicant to receive an authorized distiller license shall be required to submit an application for said license based upon the malt beverages for sale by the package application, but shall indicate thereon that applicant is applying as a distiller of distilled spirits made from perishable fruits grown in Georgia or agricultural products, other than perishable fruits, grown in Georgia, and is required to meet the same requirements regarding application information, the submission of the application, distant prohibitions, and other such package requirements as provided by the Code. Distillers do not have to meet food sale requirements.

(d)

1. An authorized distiller holding a valid distiller license from the City of Blue Ridge, Georgia, and which has provided a copy of the annual permit issued to the distiller by the Georgia Department of Revenue Commissioner authorizing free tasting of distilled spirits on distillery premises during educational and promotional tours, may conduct such free tastings as a part of the authorized distiller license issued by the City of Blue Ridge, Georgia. "Free tasting" means an event during which a properly licensed distillery may provide distilled spirits to each attendee of lawful drinking age for consumption on the licensed premises, and without

charge of any kind, and only during or after completion of attendee participation in an instructional, educational, or promotional program or tour.

2. During an educational or promotional tour, a “free tasting” may be conducted by the licensed distillery and the following amounts of alcoholic beverage which is distilled at the licensed facility may be provided, during or after completion of an educational or promotional tour in compliance with this regulation, an attendee may receive no more than one-half of one ounce of distilled spirits per calendar day from a licensed facility;

a. The above-referenced amount of alcoholic beverages which may be received as a part of participation in an educational or promotional tour, is also the maximum amount of alcoholic beverages that can be provided to an attendee by the distillery in a 24 hour (calendar day) period of time regardless of the number of tours taken.

3. All distilled spirits provided at the tasting shall be served by a state licensed representative of the distillery.

4. No distilled spirits may be served during or after a tour if:

a. The distillery charges a fee for providing an educational or promotional tour; or

b. The tour of the facility is conducted on Sunday pursuant to Georgia Administrative Code Section 560-2-2-.29.

5. The licensed facility may elect to provide non-alcoholic food or beverages at no charge, either directly or indirectly, to the attendees.

6. The attendees may, if permitted by the licensed facility, bring non-alcoholic food or beverages to the licensed facility solely for use during or following the tour, or as part of any tasting at the licensed facility.

7. A licensed distillery shall not engage in retail package or retail consumption sales on the premises, directly or indirectly, of alcoholic beverages at any time unless specifically exempt by regulation of the Georgia Department of Revenue or the Georgia Alcoholic Beverage Code As Amended. All sales of alcoholic beverages by the distiller shall comply with the three-tier distribution system of the State of Georgia, and failure by the distiller to do so shall be due cause for revocation of the distiller's license.

8. No person who is a participant in a tour may bring alcoholic beverages to the licensed facility under any circumstances.

9. An authorized distiller is authorized to sell souvenirs and distiller branded merchandise at the distillery. Souvenirs offered for sale by distillery may be used in tastings sponsored by the distillery upon the conditions that:

(a) The distillery shall disclose, in writing by posted signs or distributed notices given to the tour participants, that there are no requirements to purchase the souvenir container to participate in the tour or tasting;

(b) The souvenir container may be used in subsequent tours of the distillery.

**SECTION 2. CONTINUATION OF ALL OTHER PROVISIONS OF THE ALCOHOLIC BEVERAGE ORDINANCE, AS AMENDED.**

All other terms and provisions of the alcoholic beverage ordinance, as amended, are continued in full force and effect, as if they were restated herein.

**SECTION 3. SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of

circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

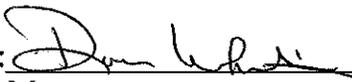
All parts of prior ordinances, in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance, or any provision of any ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof, and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

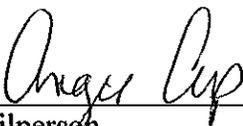
**SECTION 5. EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council.

SO ORDAINED this 3<sup>rd</sup> day of March, 2014.

**BLUE RIDGE CITY COUNCIL**

By:   
Mayor

  
Councilperson

  
Councilperson

*Harold Hunter*

Councilperson

*[Signature]*

Councilperson

*[Signature]*

Councilperson

Attest:

*Bill Sowers*

Bill Sowers, City Clerk

FIRST READING July 14, 2015

PASSED August 11, 2015

AN ORDINANCE NO. 2015-08-11

**AN ORDINANCE TO AMEND THE CITY OF BLUE RIDGE ORDINANCE NO. 4.12.11, AS AMENDED, BEING AN ORDINANCE TO REGULATE THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF BLUE RIDGE, GEORGIA; TO INCLUDE DISTINCT DEFINITIONS FOR CRAFT BREWED MALT BEVERAGES, AND EXCLUSIVE MALT BEVERAGE BY THE PACKAGE AND ANCILLARY GROWLER MALT BEVERAGE TASTING LICENSE (“GROWLER LICENSES”) WITHIN THE LIMITS OF THE CITY OF BLUE RIDGE, GEORGIA; TO PROVIDE FOR THE ISSUING OF GROWLER LICENSES; TO PROVIDE FOR LICENSE FEES FOR GROWLER LICENSES; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and Council of the City of Blue Ridge are charged with the protection of the public health, safety, and welfare of the citizens of Blue Ridge; and

WHEREAS, the Blue Ridge City Council has previously adopted Ordinance No. 4.12.11, as amended, to regulate the sale of alcoholic beverages within the City;

WHEREAS, Section 110.45-1 (“Definitions”) shall be amended to include the definition of *Craft beer*, *Growler* and *Ancillary growler tasting* as words, terms, or phrases recognized within the Alcoholic Beverage Ordinance; and

WHEREAS, Section 110.45-7 (“Types of Licenses to be Issued”) of the Alcoholic Beverage Ordinance currently prohibits retail malt beverage by package licenses from providing growler tastings on the licensed premises; and

WHEREAS, Section 110.45-42 (“Regulations for Package Dealers”) of the Alcoholic Beverage Ordinance currently prohibits the exclusive retail sale of craft beer malt beverage by the package and ancillary growler tastings; and

WHEREAS, the Mayor and Council desire a distinction between convenience store malt beverage by the package licenses, and growler licenses, whose primary purpose is the retail of craft beer packaged in containers of varying size, and to include malt beverage licenses offering the sale of growlers the ability to provide tastings of craft beer malt beverages on the licensed premises; and

WHEREAS, the Mayor and Council desire to allow growler licensees the ability to distinctly offer craft beers by growlers exclusively.

NOW THEREFORE, the Council of the City of Blue Ridge hereby ordains, as follows:

**SECTION 1.            AMENDMENT TO THE CODE OF THE CITY OF  
BLUE RIDGE REGARDING THE SALE OF  
ALCOHOLIC BEVERAGES.**

The Code of the City of Blue Ridge, Georgia, regarding the sale of alcoholic beverages is hereby amended by modifying and adopting new provisions regulating the sale of alcoholic beverages within the City of Blue Ridge, Georgia, and which shall read as follows:

(A) Section 110.45-1. "Definitions" of the City of Blue Ridge Alcoholic Beverage Ordinance (Ordinance 4.12.11, as amended) regulating the sale of alcoholic beverages within the city limits, is hereby amended to include the following definitions.

*Ancillary growler tasting* are samples of craft beer provided to customers of licensed malt beverage only package stores with ancillary growler malt beverage tasting under conditions set forth in Section 110.45-42 of this Ordinance.

*Craft Beer* means any malt beverage that is produced by a small, independent and traditional brewery. Flavored malt beverages are NOT considered *craft beer*. *Small* is any brewery with an annual production less than 6 million barrels per year. *Independent* means less than 25% of the craft brewery is owned or controlled by an alcoholic beverage industry member

who is not themselves a craft brewer. A *traditional* brewer is one that has either an all malt flagship or has at least 50% of its volume in either malt beverages or in beverages which use adjuncts to enhance rather than lighten flavor. *Craft beer* is typically produced by small brewers, and is made with both traditional and non-traditional ingredients added for distinctiveness. *Craft beer* is often historic, unique, and innovative malt beverages that often have no stylistic precedent.

*Growler* means reusable, resealable, and professionally sanitized container made of either glass, plastic or other material that may be considered as a bottle not to exceed 2 liters and not less than 12 ounces that is filled with craft beer from a keg and sealed airtight by a licensee, or an employee of a licensee, holding a malt beverage package license with ancillary growler malt beverage tasting issued by the City of Blue Ridge.

(B) Section 110.45-7. "Types of Licenses to be Issued" of the City of Blue Ridge Alcoholic Beverage Ordinance, regulating the sale of alcoholic beverages within the city limits, is hereby amended by adding the following additional license:

(6) Combination licenses:

(f) Malt beverage only by the package, with ancillary growler malt beverage tasting.

(C) Section 110.45-23(a) Fees, under "Other Licenses," add the following additional license fees:

	ANNUAL FEE
Fee for sale of malt beverages by the package with ancillary growler malt beverage tasting in an establishment with 10,000 sq. ft. or less of total floor space of the business establishment	\$ 800.00

Fee for sale of malt beverages by the package with ancillary growler malt beverage tasting in an establishment having between 10,001 and 20,000 sq. ft. of total floor space of the business establishment. 1600.00

Fee for the sale of malt beverages by the package with ancillary growler malt beverage tasting in an establishment having 20,001 sq. ft. or more of total floor space of the business establishment 3200.00

(D) Section 110.45-42. "Additional Regulations for Package Dealers" of the City of Blue Ridge Alcoholic Beverage Ordinance regulating the sale of alcoholic beverages within the city limits, is hereby amended by adding the following provisions to read as follows:

(e) Persons holding a license to sell malt beverage by the package shall be permitted to sell them only at retail, and not for consumption on the premises. This section shall not apply with respect to tasting pursuant to an ancillary growler malt beverage tasting license.

(f) Malt beverage package licensees whose retail beverage sales are one-hundred percent (100%) derived from the sale of craft beer must meet the following requirements: (i) licensees must meet all requirements and be approved for malt beverage by the package sales and ancillary growler tasting combination license, and (ii) the licensee must maintain and display an up to date list of domestic non-craft brewers that may not be sold on the premises for inspection by customers, citizens, and the Council of the City of Blue Ridge and its agents.

(g) Malt beverage by the package with ancillary growler tasting licensees specializing in the retail of craft beer as defined in Section 110.45-1, shall be permitted to sell craft beer malt beverages by the growler, and other unique, special, non-conforming alternate bottle styles of original craft beer packaging intended for single sale in bottles typically not larger than 750 ml and not less than 10 oz.

(h) Malt beverage by the package and ancillary growler tasting licensees may NOT display malt beverages, signs, or promotional banner outside of the building except for a business name sign.

(i) Ancillary craft beer sampling for customers shall be limited to two (2) ounces within any eight (8) hour period.

(j) Malt beverage by the package with ancillary growler tasting licensees, may fill growlers with draft beer that is defined as craft beer, at the licensee's location from kegs lawfully procured by the licensee, subject to the following requirements: (i) the filled growler must be securely sealed, on premises with a tamper proof plastic cap or tamper proof seal; (ii) at least seventy-five percent (75%) of the licensee's total gross sales are from the packaged sale of malt beverages, and (iii) the licensee complies with all State, Federal and local packaging and labeling laws regarding alcoholic beverages. Each filled growler must be removed from the premises in its securely sealed condition.

(k) No open containers of malt beverages shall be removed from the premises.

(l) Holders of an ancillary growler tasting permit shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.

**SECTION 2.**                    **REPEAL OF CONFLICTING ORDINANCES TO THE  
EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 3.**            **SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause or phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4.**            **EFFECTIVE DATE.**

The effective date of this ordinance shall be upon its passage by the City Council

SO ORDAINED, this 11 day of August, 2015.

BLUE RIDGE CITY COUNCIL

By: Don White  
Mayor

Shonda Thomas  
Councilperson

Bruce [Signature]  
Councilperson

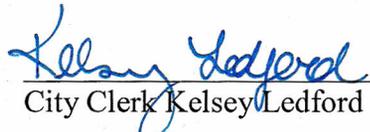
Thel Hendon  
Councilperson

Angie [Signature]

  
Councilperson

  
Councilperson

Attest:

  
City Clerk Kelsey Ledford

FIRST READING July 10, 2018

SECOND READING August 14, 2018

PASSED August 14, 2018

AN ORDINANCE NO. 2018-08-14(a)

AN ORDINANCE TO AMEND AND REPEAL CERTAIN PORTIONS OF THE CITY OF BLUE RIDGE, GEORGIA REGULATION OF ALCOHOL ORDINANCES RELATING TO CONFIRMATION OF RATIO COMPLIANCE; TO THE EXPIRATION DATE OF EMPLOYEE PERMITS; TO OWNERSHIP AND CONFLICT OF INTERESTS BY COUNCIL MEMBERS AND OTHER OFFICERS; TO CHANGE THE FEE CHARGED FOR SPECIAL TEMPORARY LICENSES; TO MAKE CERTAIN CHANGES TO HOURS OF OPERATION; TO UPDATE ARTICLE VII DEALING WITH BONA FIDE NON-PROFIT CIVIC ORGANIZATIONS SO AS TO ALLOW FOR IDENTICAL RESTRICTIONS ON SUNDAY SALES AND FOR OTHER PURPOSES

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, has previously adopted ordinance number 4.12.11 (as amended) as an alcoholic beverage ordinance for the purposes of regulating of the sale of alcoholic beverages including, but not limited to, related fees and taxes (collectively “Alcohol Ordinance”); and

**WHEREAS**, City Council of the City of Blue Ridge, Georgia, finds that the certain changes set forth herein will be not be detrimental to the public health, safety and welfare of the citizens of Blue Ridge, Georgia and will actually be the economic benefit of the City of Blue Ridge, Georgia, and its citizens,; and

**WHEREAS**, the City Council of the City of Blue Ridge, Georgia, desires to continue to regulate the sale of alcoholic beverages as provided in the Alcohol

Ordinance subject to the changes and/or additional regulations contained within this ordinance;

**NOW, THEREFORE, BE IT ORDERED, AND IT IS HEREBY ORDAINED** by the Council of the City of Blue Ridge, Georgia, as authorized by the City Charter and general law, as follows:

**SECTION 1.**

The Alcohol Ordinance is hereby amended by modifying, deleting and adopting the following provisions.

**SECTION 110.45-3**

This Section is hereby amended by inserting an additional sentence and the end of the Paragraph which reads “In addition to any other requirements set forth in this Ordinance, the City of Blue Ridge may annually require any license holder subject to a ratio requirement to produce a statement prepared by a certified public account setting forth proof of compliance with the ratio and that consumable items are at least fifty percent (50%) of a licensee’s business volume.”

Adopted by the following vote: 5-0

Rejected by the following vote: \_\_\_\_\_

**SECTION 110.45-34(f)**

Section 110.45-34(f) entitled “Employee permits” is hereby amended by deleting the previous subsection (6) in its entirety and the new Section 110.45-34(f)(6) shall read as follows:

*“An employee permit shall be valid for one year from the date of issue. The employee permit may be renewed upon the submission of a renewal application, the payment of the appropriate renewal fee, and upon a determination that such individual remains qualified for said permit under this Ordinance. The fee for renewal of an employee permit shall be no less than \$30.00.”* 110.45-34(f)(6).

Adopted by the following vote: 5-0

Rejected by the following vote: \_\_\_\_\_

**SECTION 110.45-14**

Section 110.45-14 entitled “Sale, Distribution and other dealing in alcoholic beverages within the City by officials and employees: exemptions”, subsection (a) is hereby amended by deleting the previous subsection (a) in its entirety and the new Section 110.45-14(a) shall read as follows:

*No member of the City Council who holds any interest, directly or indirectly, in any establishment licensed by the City to sell, distribute or otherwise deal in alcoholic beverages shall vote on any matter involving or relating to said establishment. For purposes of this subsection, a member shall*

*be deemed to have or hold a beneficial interest if the license is issued in the name of the person's spouse, child, parent or sibling, or in a partnership or corporation or limited liability company in which such persons owns more than ten percent (10%) controlling interest.*

Adopted by the following vote: 3-2

Rejected by the following vote: \_\_\_\_\_

**SECTION 110.45-23 (Fees)**

The fee schedule is hereby amended to state the charge for a temporary special event license permit shall be \$150 per permit.

Adopted by the following vote: 5-0; with condition that the Council has the discretion to waive said fee for a non-profit

Rejected by the following vote: \_\_\_\_\_

**SECTION 110.45-35 (Days and Hours of Operation)**

Subsection (a) and (b) is amended to change any reference to “after 11:30 p.m.” on Fridays and Saturdays to “after 11:59 p.m.”

Adopted by the following vote: \_\_\_\_\_

Rejected by the following vote: \_\_\_\_\_

Subsection (a) is amended to remove the parenthetical (but which must end at 9:00 p.m.).

Adopted by the following vote: \_\_\_\_\_

Rejected by the following vote: 5-0

Subsection (b) is amended by changing the sentence “except on New Year’s Eve (December 31), and sales shall be allowed until 11:59” to read “except on Labor Day, Memorial Day, July 4 and New Years’ Eve and sales shall be allowed until 11:59 p.m.”

Adopted by the following vote: 3-2

Rejected by the following vote: \_\_\_\_\_

A new Subsection (c) is added which reads “any person or entity holding a temporary special event license shall be allowed to furnish, sell or offer for sale alcoholic beverages until 11:59 p.m.”

Adopted by the following vote: 4-1; only on holidays listed above

Rejected by the following vote: \_\_\_\_\_

**SECTION 110.45-50(b)(2)**

Section 110.45-50 shall be amended for clarification and so as to correct a numbering error located at Section(b)(2)(B) and delete the number (3) and have said section now read: (b)(2)(B) [it is prohibited for an establishment to] “Allow the operation of any sound amplification devices in the patio/open area. Patio/open area plans must be reviewed and approved on an individual basis by the Building Inspector or other official as may be designated by the City of Blue Ridge and by the City of Blue Ridge Public Safety.”

Adopted by the following vote: 5-0

Rejected by the following vote: \_\_\_\_\_

Section 110.45-50(b)(2)(E) shall be amended to read: ***It shall be unlawful to knowingly sell, deliver to or serve alcoholic beverages to a person in a state of noticeable intoxication or to allow persons in a noticeable state of intoxication to congregate on the premises, either inside, on any patio, or in an outside area or park, and it shall be the responsibility of the owner of the business and/or the license holder and their agents and employees to strictly enforce this provision and the failure to do so shall be cause for revocation of the license and constitute a violation of this ordinance.***

Adopted by the following vote: 5-0

Rejected by the following vote: \_\_\_\_\_

Section 110.45-50(b)(2)(H)'s introductory paragraph shall be amended to read as follows: ***As to any retail consumption dealer, reasonable drink specials may be allowed, provided, however, that no licensee, in connection with the sale or service of alcoholic beverages for consumption on the premises shall:***

Adopted by the following vote: 3-2

Rejected by the following vote: \_\_\_\_\_

Section 110.45-50(b)(2)(H)(4) shall be amended to read [No licensee shall] “sale, offer to sell, or deliver to any person or group of persons any alcoholic

beverage at a price less than the less than the price regularly charged for such alcoholic beverage during the same calendar week, except *reasonable drink specials which are clearly identified as to price and quantity and licensed catered functions pursuant to an issued City permit and not open to the public shall be allowed.*”;

Adopted by the following vote: 5-0

Rejected by the following vote: \_\_\_\_\_

Section 110.45-50(b)(2)(H) shall be amended to include a new paragraph subsection (10) which shall read: *It shall be unlawful to knowingly sell, deliver to or serve alcoholic beverages to a person in a state of noticeable intoxication or to allow persons in a noticeable state of intoxication to congregate on the premises, either inside, on any patio, or in an outside area or park, and it shall be the responsibility of the owner of the business and/or the license holder and their agents and employees to strictly enforce this provision and the failure to do so shall be cause for revocation of the license and constitute a violation of this ordinance.*

Adopted by the following vote: 5-0

Rejected by the following vote: \_\_\_\_\_

**SECTION 110.45-52(c)**

Subsection (c) is hereby updated and amended to make non-profit organizations subject to the same Sunday sales rules (Section 110.45-35) which apply to all other persons, entities and organizations by deleting the parenthetical “*(which cannot include any Sunday of the year).*”

Adopted by the following vote: 5-0

Rejected by the following vote: \_\_\_\_\_

**SECTION 2:**  
**REPEAL OF CONFLICTING ORDINANCES TO REMOVE CONFLICT**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict, but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 3.**  
**SEVERABILITY**

If any paragraph, subparagraph, sentence, clause, phrase or any other portion of this Ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular person, situation or set of circumstances is declared invalid or

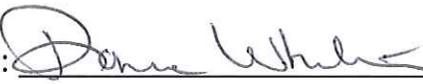
unconstitutional, such invalidity shall not be construed to affect the provisions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the legislative intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 4.**  
**EFFECTIVE DATE**

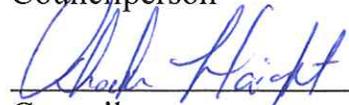
The effective date of this Ordinance shall be immediately upon its passage by the City Council and execution by the Mayor or upon fifteen (15) days expiring from the date of its passage without a veto of said Ordinance by the Mayor as set forth in the City Charter at Section 3.23(b). Upon the Ordinance becoming effective, the City Clerk shall insert the modifications, additions or deletions and publish the Ordinance as amended.

SO ORDAINED, this 14 day of August, 2018.

**BLUE RIDGE CITY COUNCIL**

By:   
Mayor

  
Councilperson

  
Councilperson



Harold Henderson  
Councilperson

John Deaton  
Councilperson

[Signature]  
Councilperson

Attest:

Kelsey Ledford  
Kelsey Ledford, City Clerk

**OCCUPATIONAL TAX CERTIFICATE (FORMERLY KNOWN AS BUSINESS LICENSE)  
APPLICATION INSTRUCTIONS**

When planning to begin a business in the City Limits of Blue Ridge at a commercially zoned location, you must first file an Occupational Tax Certificate application. **You must bring or mail the original application along with a copy of your picture ID and/or Driver's License, State Professional Licenses (if applicable), federal and state tax identification documents, commercial lease agreement and your check for the appropriate fees payable to the CITY OF BLUE RIDGE.**

- Restaurants are required to submit a copy of the Georgia Department of Public Health Food Service Permit for such restaurant before an occupational tax certificate will be issued. Information regarding food service permits can be obtained from the Fannin County Environmental Health Department at (706) 632-3024.
- The U.S. Internal Revenue Service issues an Identification Number (E.I.N.) to any business that: 1) has employees, and/or 2) plans to establish itself as a corporation, partnership, or sole proprietorship (some exceptions may apply). Provide the E.I.N. with your City of Blue Ridge Occupational Tax Application. The telephone number to call to obtain this number is (800) 829-4933 or online at [www.irs.gov](http://www.irs.gov).
- The State of Georgia levies a sales and use tax on the retail purchase, retail sale, rental, storage, use, or consumption of tangible personal property and on certain services described in the Georgia Code. It is the responsibility of any business owner making transactions subject to this tax to obtain a Georgia Sales and Use Tax Number. Provide the Georgia Sales Tax Number with your City of Blue Ridge Occupational Tax application. The telephone number to call to obtain this number is (706) 389-6977. The Internet Website is: [www.ntax.dor.ga.gov](http://www.ntax.dor.ga.gov). Select Business Taxes, Sales Tax, and then select On-line Business Registration.
- Certain professions are required to obtain professional licenses/certifications from the State of Georgia. A few examples of these professions are: Plumbers, Electricians, Heating/Air Conditioning Contractors, Attorneys, Physicians, Cosmetologists, and Salons. For more information on Georgia State professional licensing, call the Georgia Secretary of State Licensing Board at (478) 207-2440. Documentation of this certification must be provided with the City of Blue Ridge Occupational Tax application.
- **The City of Blue Ridge requires business owners to permit the signs for their business. Please contact the Blue Ridge Zoning Department at (706) 632-2091 for information regarding the number, size, and type of signage that is allowed for your business location.**

Please retain the enclosed copy of the Blue Ridge Occupational Tax Ordinance for your records, and return the Acknowledgement of Receipt with your application.

Occupational Tax Certificate fees are as follows:

**January through June**

Up to 3 Employees - \$50.00 – Plus \$10.00 Administration Fee = \$60.00  
4 to 9 Employees - \$100.00 – Plus \$10.00 Administration Fee = \$110.00  
Above 9 Employees - \$150.00 – Plus \$10.00 Administration Fee = \$160.00

Anyone who will be issued a W-2 form is considered an employee.

For Businesses who have contract workers, such as real estate agencies, hair salons, etc. - If a 1099 will be issued, each contract worker **MUST** apply for a separate Occupational Tax Certificate/Business License upon beginning work at such establishment.

**July through December 15<sup>th</sup>**

After July 1<sup>st</sup> Occupational Tax Certificates are half price but the \$10.00 Administration Fee still applies.

After December 15<sup>th</sup> Occupational Tax Certificates will be dated for the next year and full price will be charged.

**There will be a \$5.00 charge for the re-printing of any Occupational Tax Certificate.**

Application Process: To ensure that a business wishing to operate within the City of Blue Ridge is legal and the location is safe for public use and zoned appropriately for such use, a review process will be conducted before the issuance of an Occupational Tax Certificate. This process takes approximately 5-7 business days. **Before a business license will be issued, you must meet with the Zoning Department Inspector with the City of Blue Ridge regarding your sign permits for the business. The Inspector can be contacted at (706) 632-2091.**

**HOME BASED BUSINESS APPLICATION**

When wishing to operate a home-based business within the City of Blue Ridge, an Occupational Tax Certificate/Business License application must still be completed. You will need to provide proof of residency at your home location along with any state license that are required and corporation information, as well as any applicable federal and state tax identification documents. The same fee schedule applies. Please check with the City of Blue Ridge Zoning Department regarding the regulations for opening a home-based business.

**CITY OF BLUE RIDGE**  
480 West First Street  
Blue Ridge, GA 30513  
Phone (706) 632-2091 Fax (706) 632-3278

Today's Date: \_\_\_\_\_  
Application for Fiscal Year: \_\_\_\_\_

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**BUSINESS LICENSE APPLICATION**  
Please PRINT and fill out application completely

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Business Name : \_\_\_\_\_ ( d/b/a ) \_\_\_\_\_

Business Street Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Business Contact Person: \_\_\_\_\_ Title (Owner/Officer/Agent) \_\_\_\_\_

Business Mailing Address: \_\_\_\_\_

**BUILDING OWNERS NAME AND INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

**TYPE OF BUSINESS**

Retail [ ] Wholesale [ ] Professional Services [ ] Manufacturing [ ] Contractor [ ] Restaurant [ ] Other [ ]

If a W2 is issued count as employee: Total Number of employees \_\_\_\_\_

Total Number of part-time employees \_\_\_\_\_ Full-time \_\_\_\_\_

**If 1099's are issued, each contract worker MUST apply for a separate Occupational Tax Certificate**

Federal ID # \_\_\_\_\_ State ID # \_\_\_\_\_

(Please provide copies of both Federal and State Tax ID Documents with application)

**If business requires a state license to operate, please provide a copy of said state license.**

State License # \_\_\_\_\_ Date Issued \_\_\_\_\_ Date of Expiration \_\_\_\_\_

**DETAILED BUSINESS INFORMATION**

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**Disclaimer and Signature**

I have received and read a copy of the City of Blue Ridge Occupational Tax (Business License) Ordinance and understand that Occupational Tax Certificates (Business License) are to be renewed yearly.

I certify that the information provided above is true and correct to the best of my knowledge and records shall be available for inspection as specified in the City of Blue Ridge Occupational Tax (Business License) Ordinances.

By signing this application, I, \_\_\_\_\_, am acknowledging that I have read and will comply with all requirements of the City of Blue Ridge Occupational Tax (Business License) Ordinances.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

---

**OFFICE USE ONLY**

Occupational Tax Official's Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning Official's Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Zoning District Designation: \_\_\_\_\_ Tax Map & Parcel: \_\_\_\_\_





**Private Employer Affidavit of Compliance Pursuant to O.C.G.A. § 36-60-6(d)**

By executing this affidavit, the undersigned private employer verifies its compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm or corporation employs **more than ten employees** and has registered with and utilizes the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 13-10-90. Furthermore, the undersigned private employer hereby attests that its federal work authorization user identification number and date of authorization are as follows:

\_\_\_\_\_  
Federal Work Authorization User Identification Number (E-Verify Number)

\_\_\_\_\_  
Date E-Verify Number was issued

\_\_\_\_\_  
Name of Private Employer (Business)

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 20\_\_ in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC My Commission Expires: \_\_\_\_\_

**PLEASE COMPLETE THIS FORM IF YOU EMPLOY  
MORE THAN 10 EMPLOYEES**



**Private Employer Exemption Affidavit Pursuant To O.C.G.A. §36-60-6(d)**

By executing this affidavit, the undersigned private employer verifies that it is exempt from compliance with O.C.G.A. § 36-60-6, stating affirmatively that the individual, firm, or corporation employs ten (10) or fewer employees and is not required to register with and/or utilize the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 201\_\_ in \_\_\_\_\_(City), \_\_\_\_\_(State).

\_\_\_\_\_  
Printed Name of Exempt Private Employer (Business name)

\_\_\_\_\_  
Signature of Exempt Private Employer or  
Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
  
\_\_\_\_\_

\*This affidavit is for submissions made on or after July 1, 2013.

**PLEASE COMPLETE THIS FORM IF YOU EMPLOY  
TEN (10) OR LESS EMPLOYEES**

FIRST READING Dec. 13, 2005

PUBLISHED Dec. 13, 2005

PASSED Jan 10, 2006

AN ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BLUE RIDGE, GEORGIA; TO AMEND SECTION 110.25, ET SEQ. PROVIDING FOR THE ASSESSMENT OF OCCUPATIONAL TAXES BY THE CITY OF BLUE RIDGE, GEORGIA; TO STRIKE IN ITS ENTIRITY SECTION 110.25 THROUGH SECTION 110.32; TO ADOPT AND PROMULGATE NEW SECTIONS REGARDING THE ASSESSMENT OF OCCUPATIONAL TAXES, THE ISSUANCE OF AN OCCUPATIONAL TAX LICENSE AND PROVIDING REGULATIONS REGARDING OCCUPATIONAL TAXES; TO PROVIDE FOR THE RENUMBERING OF SECTIONS 110.45 THROUGH 110.64, WITH THESE SECTIONS NOW DESIGNATED AS SECTIONS 110.68 THROUGH SECTION 110.87; AND FOR OTHER PURPOSES.**

WHEREAS, the City Council of the City of Blue Ridge, Georgia, pursuant to the City Charter and O.C.G.A. § 48-13-5, et seq., as amended, duly enacted an occupational tax ordinance on or about November 14, 2000, as amended, and provided for the assessment of occupational taxes upon the businesses, professions, and occupations operating within the incorporated area of the City of Blue Ridge, Georgia;

WHEREAS, the occupational tax ordinance has been codified within the Code of the City of Blue Ridge, Georgia, as Section 110.25, et seq.;

WHEREAS, the City Council of the City of Blue Ridge, Georgia, does hereby find it to be appropriate to amend the sections regarding the assessment of occupational taxes and to provide for the regulation of occupational taxes by the City of Blue Ridge, Georgia;

WHEREAS, the amendment to the Code of Blue Ridge providing new regulations regarding occupational taxes, results in the need of a renumbering of part of the Code of the City of Blue Ridge;

THEREFORE, BE IT ORDAINED, and it is hereby ordained by the above-referenced authority as follows:

**SECTION 1.            AMENDMENT TO THE CODE OF THE CITY OF BLUE RIDGE REGARDING OCCUPATIONAL TAXES.**

Sections 110.25 through Section 110.32 are hereby stricken in their entirety, and the following is substituted in lieu thereof:

OCCUPATIONAL TAXES

- Sec. 110.25. Occupation tax required; occupation tax required for business dealings within the City.
- Sec. 110.26. Construction of terms; definitions.
- Sec. 110.27. Regulatory fee structure.
- Sec. 110.28. Occupation tax levied; restrictions.
- Sec. 110.29. Paying occupation tax of business with no location in Georgia.
- Sec. 110.30. Dominant line of business to be identified on business registration.
- Sec. 110.31. Number of businesses considered operating in City.
- Sec. 110.32. Professionals as classified in O. C. G. A. § 48-13-9(c), paragraphs 1 through 18.
- Sec. 110.33. Practitioners exclusively practicing in the government.
- Sec. 110.34. Purpose and scope of tax.
- Sec. 110.35. When tax due and payable; effect of transacting business when tax delinquent.
- Sec. 110.36. Allocation of employees of businesses with multiple intra or interstate locations.
- Sec. 110.37. Exemption on grounds that business operated for charitable purpose.
- Sec. 110.38. Evidence of state registration required if applicable; state registration to be displayed.
- Sec. 110.39. Evidence of qualification required if applicable.
- Sec. 110.40. Liability of officers and agents; registration required; failure to obtain.
- Sec. 110.41. When registration and tax due and payable; effect of transacting business when tax delinquent.
- Sec. 110.42. Penalty for chapter violation.
- Sec. 110.43. City marshal; business inspector.
- Sec. 110.44. Businesses not covered by this chapter.
- Sec. 110.45. Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.
- Sec. 110.46. Occupation taxes levied on business to be transacted during calendar year; filing of returns showing number of employees during preceding calendar year.
- Sec. 110.47. Plan for economic development; prorated tax for persons sixty-five years of age or older conducting business from their homes with under ten thousand dollars annual gross income.
- Sec. 110.48. Payment of occupation tax by newly established businesses.
- Sec. 110.49. More than one place of business.
- Sec. 110.50. Issuance of executions against delinquent taxpayer.
- Sec. 110.51. Returns confidential.

Sec. 110.52. Inspection of books and records.

Sec. 110.53. Tax certificate to be revoked for failure to pay tax, file returns, permit inspection of books

Sec. 110.54. Effect of failure to comply with chapter provisions; continuing in business after tax certificate revocation.

Sec. 110.55. Execution for delinquent tax.

Sec. 110.56. Amendment, repeal of provision.

Sec. 110.57. Applications of provisions to prior ordinance

Sec. 110.58. Enforcement of provision.

Sec. 110.59. Provisions to remain in full force and effect until changed by council.

Sec. 110.60. Requirement of public hearing.

Sec. 110.61. Option to establish exemption, or reduction in occupation tax.

Sec. 110.62. Conflicts between specific and general provisions.

Sec. 110.63. Additional Remedy.

Sec. 110.64. Occupation tax certificate not transferable.

Sec. 110.65. Duty to keep information current.

Sec. 110.66. Compliance with other ordinance and laws.

Sec. 110.67. Practitioners of professions and occupations.

**Sec. 110.25. Occupation tax required; occupation tax required for business dealings within the city.**

For the year 2005 and succeeding years thereafter, each person engaged in any business, trade, profession (except the legal profession which shall pay an occupational tax based upon the previous year) or occupation in the City of Blue Ridge, Georgia, whether with a location in the City of Blue Ridge, or in the case of an out-of-state business with no location in Georgia exerting substantial efforts within the state pursuant to O.C.G.A. § 48-13-7, shall pay an occupation tax for said business, trade, profession or occupation; which tax and any applicable certificate, except for practitioners of professions (including the legal profession does not have to display the certificate) and occupations, shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in the City of Blue Ridge, Georgia. If the taxpayer has no permanent business location in the City of Blue Ridge, Georgia, such business tax certificate shall be shown to any police officer of the City of Blue Ridge, Georgia upon his or their request.

**Sec. 110.26. Construction of terms; definitions.**

(a) Wherever the term "City of Blue Ridge" is used herein, such term shall be construed to mean "Blue Ridge, Georgia"; wherever the term "city" is used herein, it shall be construed to mean "Blue Ridge, Georgia."

(b) As used within this chapter 110, the term:

*Business* means any person, corporation, partnership, or other legal entity which exerts substantial efforts within the city, engages in, causes to be engaged in, and/or

represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.

*Business location or office* shall include any structure or vehicle where a business, profession, or occupation is conducted, but shall not include a temporary or construction work site which serves a single customer or project or a vehicle used for sales or delivery by a business or practitioner of a profession or occupation which has a location or office. A temporary work site which serves multiple customers is included in this definition. The renter's or lessee's location which is the site of personal property which is rented or leased from another does not constitute a location or office for the personal property's owner, lessor, or the agent of the owner or lessor. The site of the real property which is rented or leased to another does not constitute a location or office for the real property's owner, lessor, or the agent of the owner or the lessor, in addition to showing the property to prospective lessees or tenants and performing maintenance or repair of the property, otherwise conducts the business of renting or leasing the real property at such site or otherwise conducts any other business, profession, or occupation at such site.

*Dominant line* means the type of business within a multiple line business that the greatest amount of income is derived from.

*Employee.*

(1) Except as otherwise provided in subsection (2) of this definition, "employee" means an individual whose work is performed under the direction and supervision of the employer and whose employer withholds FICA, federal income tax, or state income tax from such individual's compensation or whose employer issues to such individual for purposes of documenting compensation a form I.R.S. W-2 but not a form I.R.S. 1099.

(2) An individual who performs work under the direction and supervision of one business or practitioner in accordance with the terms of a contract or agreement with another business which recruits such individual is an employee of the business or practitioner which issues to such individual for purposes of documenting compensation a form I.R.S. W-2.

*Engaged in business* means doing or performing of any act of selling any goods or services, or soliciting business, or offering any goods or services for sale primarily in an attempt to make a profit, including selling or performing services of the character of a wholesaler or retailer, or being involved in any of the functions performed as a manufacturer, or renting real or personal property; all of the foregoing performed either as an owner, operator or agent of any business, trade, profession, or occupation within the city.

*Manufacturing* means a person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or commercial use any articles, substances or commodities, including, but not limited to, the following: materials

upon which commercial activities have been applied, by hand or machinery, so that as a result thereof a new substance of trade or commerce is produced; the production or fabrication of special or custom-made articles; the making, fabrication, processing, refining, mixing, slaughtering, packing, aging, curing, preserving, canning, preparing and freezing of fresh foods, fruits, vegetables and meats.

*Nonprofit organization* means an organization which complies with U.S. Internal Revenue Code 501-a.

*Occupation tax* means a tax levied for revenue raising purposes on persons, partnerships, corporations or other entities for engaging in an occupation, profession or business.

*Person* wherever used in chapter 110 shall be held to include sole proprietors, corporations, partnerships or any other form of business organization.

*Practitioner of profession or occupation* is one who by state law requires state licensure regulating such profession or occupation. "Practitioners of professions and occupations" shall not include a practitioner who is an employee of a business, if the business pays an occupation tax.

*Regulatory fees* means payments, whether designated as license fees, permit fees, or by another name, which are required by a local government as an exercise of its police power and as a part of or as an aid to regulation of an occupation, profession, or business. The amount of the regulatory fee shall approximate the reasonable cost of the actual regulatory activity performed by the city. A regulatory fee may not include an administrative fee or registration fee. The city is not authorized to require any administrative fee, registration fee, or fee by any other name in connection with a regulatory fee, except an occupation tax, as defined in O.C.G.A. §48-13-5. Regulatory fees do not include development impact fees and defined by paragraph (8) of O.C.G.A. § 36-71-2 or other costs or conditions of zoning or land development.

*Retailer* means a person who sells to consumers or any other person for any purpose, other than for resale, any tangible personal property.

*Services* means the accommodating or performing a duty or work by a person utilizing time or talents for direct or indirect remuneration.

*Wholesaler* means a person who sells to jobbers or to persons, other than consumers, any tangible personal property.

**Sec. 110.27. Regulatory fee structure.**

A regulatory fee will only be imposed as provided under O.C.G.A. § 48-13-9 on those applicable businesses. A regulatory fee may not include an administrative fee.

**Sec. 110.28. Occupation tax levied; restrictions.**

(a) An occupation tax shall be levied upon those businesses and practitioners of professions and occupations with one (1) or more locations or offices within the corporate limits of the city of and upon the applicable out-of-state businesses with no location or office in Georgia pursuant to O.C.G.A. § 48-13-7 based upon the following criteria:

- (1) Number of full-time equivalent employees of the business or practitioner determined as follows:

By adding the total number of hours worked during the preceding calendar year by all employees and dividing that total by two thousand eighty (2,080) (forty (40) hours per week times fifty-two (52) weeks), and rounding the result to the nearest whole. (Five-tenths (0.5) or greater would be rounded up; less than five-tenths (0.5) would be rounded down.)

Employees whose total number of hours worked are not available (such as salaried employees) shall be calculated at a rate of forty (40) hours per week.

In businesses where it can be shown that calculation by this method would be impractical, an alternate method may be used which would provide an accurate count of full-time equivalent employees.

An employee whose hours total more than two thousand eighty (2,080) during a year, may be counted as having worked two thousand eighty (2,080) hours.

Any alternate method is subject to the approval of the City Council.

- (2) For the purpose of calculating full-time equivalent employees, all employees, including owners, who actually perform work at the business shall be included.

- (b) (1) The city shall not require the payment of more than one (1) occupational tax for each location that a business or practitioner shall have.

(2) The city shall not require an occupation tax on those employees that were taxed by occupation tax in other localities or states, provided that those businesses were taxed in full compliance with O.C.G.A. § 48-13-7 and § 48-13-14. Upon request by any city official, including but not limited to personnel of the city clerk's office, finance department, and building inspection department, the operator of a business shall be required to provide proof that the business was taxed pursuant to O.C.G.A. § 48-13-7 and § 48-13-14.

(3) An occupation tax shall not be levied in any other manner except as described in this section.

(c) Occupation tax schedule.

(1) The occupation tax levied shall be based upon the following tax table:

Tax Table	
Number of Employees	Tax Amount
1--3 . . .	\$ 50.00
4--9 . . .	100.00
10 or more	150.00

(2) In addition to the tax from the above tax table, there shall be assessed a ten dollar (\$10.00) administrative fee for each business/occupation tax account.

**Sec. 110.29. Paying occupation tax of business with no location in Georgia.**

For out-of-state businesses with no location in Georgia, occupation taxes apply to the employees of the business which are reasonably attributed to sales or services in the state. The assessment of an occupation tax is hereby imposed on those businesses and practitioners of professions with no location or office in the state if the business' largest dollar volume of business in Georgia is in the city and the business or practitioner:

- (1) Has one (1) or more employees or agents who exert substantial efforts within the jurisdiction of the city for the purpose of soliciting business or serving customers or clients; or
- (2) Owns personal or real property which generates income and which is located within the jurisdiction of the city.

**Sec. 110.30. Dominant line of business to be identified on business registration.**

The business registration of each business operated in the city shall identify the dominant line of business that the business conducts. Except for practitioners of professions and occupations, no business shall conduct any line of business without first having that line of business registered with the city clerk and that line of business being noted by the city clerk upon the occupation tax certificate form which is to be displayed by the business owner.

**Sec. 110.31. Number of businesses considered operating in city.**

Where a person conducts business at more than one (1) store or place, each store or place shall be considered a separate business for the purpose of occupation tax.

**Sec. 110.32. Professionals as classified in O.C.G.A. § 48-13-9(c), paragraphs I through 18.**

Practitioners of professions as described in O.C.G.A. § 48-13-9(c)(1) through (18) shall have as their entire occupation tax:

- (1) For the year 2005 and subsequent years: The occupation tax based on number of employees.

**Sec. 110.33. Practitioners exclusively practicing for the government.**

Any practitioner whose office is maintained by and who is employed in practice exclusively by the United States, the state, a municipality or county of the state, instrumentalities of the United States, the state or a municipality or county of the state, shall not be required to obtain a license or pay an occupation tax for that practice.

**Sec. 110.34. Purpose and scope of tax.**

The tax levied herein is for revenue purposes only and is not for regulatory purposes, nor is the payment of the tax made a condition precedent to the practice of any such profession, trade or calling. The occupation tax applies to those businesses and occupations which are covered by the provisions of O.C.G.A. §§ 48-13-5 to 48-13-26. All other applicable businesses and occupations are taxed by the local government pursuant to the pertinent general and/or local law ordinance. Payment of an occupation tax shall not be required as a precondition for the practice of professions and occupations as set out in O.C.G.A. § 48-13-9(c).

**Sec. 110.35. When tax due and payable; effect of transacting business when tax delinquent.**

- (a) Each such business or occupation tax shall be for the calendar year 2005 and succeeding calendar years thereafter unless otherwise specifically provided. Except for practitioners of law, said registration and occupation tax shall be payable January 15 of each year and shall be delinquent if not paid by April 15 of each year and shall be subject to penalties for delinquency as prescribed in chapter 110. In the event that any person commences business on any date after January 15 in any year, the tax shall be due and payable thirty (30) days following commencement of the business.
- (b) Except for practitioners of law, regulatory fees authorized by chapter 110 shall be paid before commencing business as a condition precedent for transacting business.
- (c) Regulatory fees may be paid after commencing business when:
- (1) The work done or services provided are necessary for the health and safety of one (1) or more individuals; and
  - (2) The work done or services provided have no adverse effect on any other person; and
  - (3) Regulatory fees are tendered to the local government within two (2) business days after commencing business.
- (d) The tax certificate herein provided for shall be issued by the city clerk. Except for the practitioners of law, if any person, firm, or corporation whose duty it is to obtain a registration shall, after said registration or occupation tax become delinquent, transact, or offer to transact, in the city, any of the kind of profession, trade or calling in chapter 110 specified without having first obtained said registration and certificate, such person shall, in addition to remedies provided herein, be punished as provided in section 110.42 of this chapter.
- (e) In addition to the above remedies, the city clerk through the city attorney may proceed to collect delinquent business or occupation tax in the same manner as provided by law for tax executions.
- (f) (1) Any occupation tax due by any practitioner of law pursuant to this chapter shall be due and payable within thirty (30) days of January 15 for the previous calendar year.
- (3) If a practitioner of law commences business in the city on or after July 1 in any year, the occupation tax for the remaining portion of the year shall be fifty (50) percent of the tax imposed for the entire year and

shall be due and payable within thirty (30) days of January 15 for the previous calendar year.

**Sec. 110.36. Allocation of employees of businesses with multiple intra or interstate locations.**

For those businesses who have multiple locations inside and outside of the city where the number of employees can be allocated to each location, the number of employees used to determine the occupational tax assessed will be those employees attributed to each city location. In the case where the number of employees attributed locally cannot be determined in those businesses with multiple locations, the total number of employees will be divided by the total number of locations in the city and elsewhere and allotted to those locations. Upon request, the business or practitioner with a location or office situated in more than one (1) jurisdiction shall provide to the city the following:

- (1) Information necessary to allocate the number of employees of the business or practitioner; and
- (2) Information relating to the allocation of the business' or practitioner's number of employees by other local governments.

**Sec. 110.37. Exemption on grounds that business operated for charitable purpose.**

No business on which a business registration or occupation tax is levied by this chapter shall be exempt from said registration or tax on the ground that such business is operated for a charitable purpose, unless eighty (80) percent or more of the entire proceeds from said business are devoted to such purpose.

**Sec. 110.38. Evidence of state registration required if applicable.**

Each person who is licensed under Title 43 of the state license examining boards shall provide evidence of proper and current state licensure before the city registration may be issued.

**Sec. 110.39. Evidence of qualification required if applicable.**

- (a) Any business required to obtain health permits, bonds, certificate of qualification, certificates of competency or any other regulatory matter shall first, before the issuance of a city business registration, show evidence of such qualification.

(b) Any business required to submit an annual application for continuance of that business shall do so before the registration is issued.

**Sec. 110.40. Liability of officers and agents; registration required; failure to obtain.**

(a) All persons subject to the occupation taxes provided in chapter 110 shall be required to take out the necessary registration and obtain the necessary tax certificate for said business prescribed in chapter 110, and in default thereof the officer or agent soliciting for or representing such persons shall be subject to the same penalty as other persons who fail to obtain a certificate. Except for practitioners of professions and occupations, every person commencing business in the city after January 1 of each year shall likewise obtain the registration and obtain the tax certificate herein provided for before commencing the same; and any person transacting, or offer to transact in the city, any of the kinds of business, trade, profession or occupation without first having so obtained said registration, except for practitioners of professions and occupations, shall be subject to penalties provided herein and upon conviction, be punished as provided in section 110.42 of this chapter. In the case of practitioners of professions and occupations, if any person, firm, or corporation whose duty it is to obtain a registration and an occupation tax certificate shall fail to pay such tax in a timely fashion, such offender shall be subject to penalties provided in O.C.G.A. § 48-13-21.

(b) It shall be unlawful for the owner, proprietor, manager, executive officer or employee of any business, coming within the provisions of this chapter, to make a false registration for such business, or to give or file, or direct the giving or filing, of any false information with respect to the occupation tax due under the provisions of this chapter or upon which any occupation tax due under the provisions of this chapter is based.

**Sec. 110.41. When registration and tax due and payable; effect of transacting business when tax delinquent.**

(a) Each such registration shall be for the calendar year 2005 and each succeeding calendar year thereafter unless otherwise specifically provided. There is hereby imposed a penalty upon each business which fails to apply for and obtain an appropriate business registration and pay all tax and fees as provided herein before April 15 of each year, on the 16th day of April of each year thereafter. The penalty for failure to comply with this section shall be assessed in the amount of ten (10) percent of the occupational tax determined to be due and owing under the provisions of this chapter for the first thirty (30) days or fraction thereof of delinquency and an additional one and five-tenths (1.5) percent of the occupation tax for each additional month or fraction thereof of delinquency. Said penalties shall be in addition to all other civil penalties, herein provided; and may be collected by the remedies herein

provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied.

(b) The registration certificate herein provided for shall be issued by the city clerk and, except for practitioners of law, if any person, firm or corporation whose duty it is to obtain a registration shall, after said occupation tax becomes delinquent, transact or offer to transact, in the city, any of the kind of business or trade without having first obtained said registration, such offender shall be subject to the penalties provided thereof.

(c) In the case of practitioners of law, if any person, firm or corporation whose duty it is to obtain a registration and an occupation certificate, or shall fail to pay such tax when due, the penalty for failure to comply with this paragraph shall be assessed in the amount of ten (10) percent of the occupational tax determined to be due and owing under the provisions of this chapter for the first thirty (30) days or fraction thereof of delinquency and an additional one and five-tenths (1.5) percent of the occupation tax for each additional month or fraction thereof of delinquency. Said penalties shall be in addition to all other civil penalties, herein provided; and may be collected by the remedies herein provided for collection of the occupation tax, and shall have the same lien and priority as the occupation tax to which the penalty is applied.

**Sec. 110.42. Penalty for chapter violation.**

(a) In addition to the other remedies available to the city for the collection of special taxes, occupation taxes, and license regulatory fees due the city from persons subject to the tax fee who fail or refuse to pay the tax or fee, the city clerk through the city attorney shall issue executions against the delinquent taxpayers for any or all of the following: the amount of the taxes or fees due when the taxes or fees become due; any penalty imposed by section 6-2-17(a) and (b); and any interest imposed by section 6-2-17(a) and (b), except for practitioners or professions and occupations, the municipal court may impose a civil fine for failure to pay the occupation tax or regulatory fee. Such a civil fine shall not exceed five hundred dollars (\$500.00) and may be enforced by the contempt power of the municipal court.

(b) Any person whose qualifications to practice their profession is determined by the general laws of the state and who fails to pay an occupation tax as provided in this chapter shall only be subject to the provisions of section 110.41 of this chapter.

**Sec. 110.43. City clerk; business inspector.**

The city clerk and the duly designated officers and inspectors of the city shall be classified as business inspectors with full subpoena and arresting powers in conjunction with any violation pertaining to the business tax ordinance for 2005 (this chapter) and succeeding years thereafter. The clerk shall administer and enforce the provisions of this chapter for the levy, assessment and collection and penalties imposed herein. In carrying out its responsibilities hereunder, the clerk shall have the following duties:

- (1) To prepare and provide the necessary forms for registration of a business, and for the submission of required information as may be necessary to properly administer and enforce the provisions of this chapter.
- (2) To issue to each person an occupation tax certificate within a reasonable time after the payment of the occupation tax assessed and levied in this chapter; provided, however, where under other ordinances of the city, permits, certifications, and compliance with the enumerated conditions are required for the operation of the business, the clerk shall not issue said certificate until the applicant exhibits to the clerk such obtained permits, certifications and compliances;
- (3) To audit periodically, and when deemed necessary by the clerk, the books and records of the businesses subject to the provisions of this chapter, and to require the submission of such additional information as may be necessary in order to correctly determine the amount of the occupation tax due and to insure the collection of same; and
- (4) The clerk shall have the power and authority to make and publish reasonable rules and regulations not inconsistent with this chapter or other laws of the city and the state or the constitution of this state for the administration and enforcement of the provisions of this chapter and the collection of the occupation tax and fees hereunder.

**Sec. 110.44. Businesses not covered by this chapter.**

The following businesses are not covered by the provisions of this chapter but may be assessed an occupation tax or other type of tax or fee pursuant to the provisions of other general laws of the state or by act of local law.

- (1) Those businesses regulated by the Georgia Public Service Commission.
- (2) Those electrical service businesses organized under Chapter 3 of Title 46 of the Official Code of Georgia Annotated.

- (3) Any farm operation for the production from or on the land of agricultural products, but not including agribusiness.
- (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105.
- (5) Insurance companies governed by O.C.G.A. § 33-8-8, and city Code chapter 6-6-1 et seq.
- (6) Motor common carriers governed by O.C.G.A. § 46-7-15.
- (7) Those businesses governed by O.C.G.A. § 48-5-355.
- (8) Agricultural products and livestock raised in the state governed by O.C.G.A. § 48-5-356.
- (9) Disabled veterans and blind persons with proof of exemption under O.C.G.A. § 43-12-1.
- (10) Depository financial institutions governed by O.C.G.A. § 48-6-93, and city Code chapter 6-5-1 et seq.
- (11) Facilities operated by a charitable trust governed by O.C.G.A. § 48-13-55.
- (12) Any state or local authority or nonprofit organization.
- (13) Any person engaging in casual or isolated activity and commercial transactions, where such involve personal assets and are not an occupation for the individual.
  - a. In regard to yard/garage sales, this exemption shall apply to persons or nonprofit organizations conducting such sales at a private residence or at a commercial location with an occupancy permit and with permission of the property owner, not exceeding four (4) events per year.
  - b. In regard to the rental of personally owned residences, this exemption shall apply to persons renting a maximum of five (5) residences within the state.

The city may require any business claiming not to be covered by the provisions of this chapter to provide specific and detailed evidence showing such noncoverage.

**Sec. 110.45. Occupation tax inapplicable where prohibited by law or provided for pursuant to other existing law.**

This occupation tax is not levied upon any part of a business where such levy is prohibited or exempted by the laws of Georgia or of the United States.

**Sec. 110.46. Occupation taxes levied on business to be transacted during calendar year; filing of returns showing number of employees during preceding calendar year.**

(a) All occupation taxes levied by this chapter are levied on number of employees during the calendar year. However, for convenience of both the city and the taxpayer, those businesses subject to the occupation tax levied in sections 6-2-4 and 6-2-8 hereof shall, on or before the times hereinafter set forth, file with the city clerk the returns hereinafter specifically provided for, showing the number of full-time equivalent employees of that business during the preceding calendar year.

(b) The owner, proprietor, manager or secretary officer of the business subject to said occupation tax for the current calendar year shall, at the end of the preceding year, and on or before April 15 of the current calendar year, file with the city clerk of the city, on a form furnished by the city clerk, a signed return setting forth the number of full-time equivalent employees of such business for the preceding calendar year. The return calendar year 2005 shall include the number of full-time equivalent employees for calendar year 2004.

(c) Where a business subject to the occupation tax for the calendar year has been conducted for only a part of the preceding year, the number of full-time equivalent employees for such part shall be set forth in said return. Said return shall also show a figure putting the full-time equivalent employees for such part of a year on an annual basis, which figure shall bear the same ratio to the number of employees for such part year as the full year bears to such part. Said figure shall be used as the estimate of the number of full-time equivalent employees of the business for the current calendar year.

(d) If any person fails to make a return, the city clerk may make an estimate of the number of full-time equivalent employees of the business. The estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come into the possession of the clerk.

(1) The clerk, or designee, shall give to the operator written notice of his determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the operator at his address as it appears in the records of the clerk. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

(2) The amount of the determination shall bear interest and penalty as required in sections 110.41 and 110.55

**Sec. 110.47. Plan for economic development; prorated tax for persons sixty-five years of age or older conducting business from their homes with under ten thousand dollars annual gross income.**

The city recognizes and encourages the fact that individuals within the city who have reached the age of sixty-five (65) wish to remain involved in the economy of the area without pursuing a full-time business or occupation. This involvement contributes to the economic development of the city, and as a means of encouraging this, the following plan for economic development shall apply:

Any person sixty-five (65) years of age or older conducting business from his/her home with under ten thousand dollars (\$10,000.00) annual gross income may conduct such business by paying one-half (1/2) of the otherwise required business tax. Proof of qualification for this status must be provided to the city clerk.

**Sec. 110.48. Payment of occupation tax by newly established businesses.**

In the case of a business subject to occupation tax for a calendar year, which was not conducted for any period of time in the corporate limits of the city in the preceding year, the owner, proprietor, manager or executive officer of the business liable for occupation tax shall estimate the number of full-time equivalent employees from commencing date to the end of the calendar year and such tax shall be paid as provided in section 110.35. The estimate shall be, at a minimum, the number of full-time equivalent employees which will be employed when the business begins operation.

Businesses beginning operation after July 1st of any calendar year shall pay a prorated business tax of fifty (50) percent of the tax which would be due on an annual basis. The administrative fee shall not be prorated.

**Sec. 110.49. More than one place of business.**

Where a business is operated at more than one (1) place, the number of employees of each location will be entered on a separate occupation tax return on a form to be furnished by the city.

**Sec. 110.50. Issuance of executions against delinquent taxpayers.**

(A) In addition to other remedies available under other ordinances of the City or under state statute for collection of occupational taxes and associated administrative fees from delinquent taxpayers, the City Clerk may issue executions against delinquent taxpayers for the amount of such unpaid occupational taxes and administrative fees due as of the day following the last day for payment, plus penalty and interest thereon as provided in § 110.41 and 110.55 and as authorized by O. C. G. A. § 48-13-21.

(B) The right of the City to prosecute criminally delinquent taxpayers violating this subchapter by failing to pay occupational taxes or by refusing to register voluntarily for such taxes shall be in addition to, and unaffected by, the remedy of issuing executions against delinquent taxpayers as authorized in division (A) of this section.

(C) After the last day for payment of any occupational tax owed to the City of Blue Ridge, Georgia, and receipt and posting of the license certificate issued by the City of Blue Ridge, any duly certified law enforcement officer of the Police Department of the City of Blue Ridge, Georgia, including but not limited to the Police Chief, the Assistant Police Chief, and any other officer of the Police Department, may issue a citation to the person, managing agent, or professional, operating any business, occupation, or profession within the incorporated boundaries of the City of Blue Ridge, Georgia for not having paid the occupational taxes imposed by the Code of the City of Blue Ridge, Georgia or the posting of the license certificate, or both.

(D) Any citation issued to any person, managing agent, or professional of any business, occupation or profession, for operating without paying occupational taxes or posting the license certificate, or both, shall specify a date and time for appearance before the Municipal Court of the City of Blue Ridge, Georgia, in order for said court to determine whether said person, managing agent or professional has been operating without the payment of occupational taxes or the posting of the license certificate, or both, and if found to be in violation of the occupational tax provisions of the Code of the City of Blue Ridge by the failure to pay occupational taxes or the posting of the license certificate, or both, then the municipal judge, in the judge's discretion, may impose a civil fine for failure to pay the occupational tax (including the administrative fees) or the posting of the license certificate, or both, not to exceed \$500.00, and said civil fine may be enforced by the contempt power of the Municipal Court of the City of Blue Ridge, Georgia. The City of Blue Ridge, Georgia recognizes and acknowledges that only the Georgia Supreme Court has the power and authority to regulate the practice of law within the State of Georgia, and no provision of this ordinance shall be deemed to impose criminal penalties for the practice of law without an occupational tax license issued by the City of Blue Ridge, Georgia or the failure to pay occupational taxes, or both. However, while the legal professionals may be allowed to practice their occupations, failure to pay the occupational taxes imposed by the Code of the City of Blue Ridge shall still subject them to interest, penalties, and any civil fine for failure to pay the taxes.

**Sec. 110.51. Returns confidential.**

Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied, it shall be unlawful for any officer, employee, agent or clerk of the city or any other person to divulge or make known in any manner any information provided for the purpose of determining the amount of occupation tax required under this chapter. Such information shall be confidential and open only to the officials, employees, agents or clerks of the city using said returns for the purpose of this occupation tax levy and the collection of the tax. Independent auditors or bookkeepers employed by the city shall be classed as "agents of the city." Nothing herein shall be construed to prohibit the publication by the city officials of statistics, so classified as to prevent the identification of particular reports or returns and items thereof, or information such as name, location, ownership and line of business with no association made to number of employees or amount of tax paid, or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia or of the United States, and other local governments. Information provided by a business or practitioner may be disclosed to the governing authority of another local government for tax purposes.

**Sec. 110.52. Inspection of books and records.**

In any case the city clerk, through his officers, agents, employees or representatives, may inspect the books of the business for which the returns are made. The city clerk or his designees shall have the right to inspect the books or records for the business of which the return was made in the city, and upon demand of the city clerk or his designees such books or records shall be submitted for inspection by a representative of the city within thirty (30) days. Failure of submission of such books or records within thirty (30) days shall be grounds for revocation of the tax certificate currently existing to do business in the city. In the case of practitioners of professions and occupations, the city shall be sensitive to the issues of client or customer confidentiality. In such cases, the practitioner may redact information claimed to be privileged before disclosing books or records of financial transactions. If such Practitioner alleges that redaction provides inadequate protection to the confidences of its clients or customers, such Practitioner may petition the Superior Court of Hall County for an in camera inspection, prior to examination by the city clerk. Adequate records shall be kept in Blue Ridge, Georgia, for examination by the city clerk or his designees at his discretion. If, after examination of the books or records, it is determined that a deficiency occurs as a result of underreporting, a penalty of ten (10) percent of the deficiency and an additional one (1) percent of the deficiency for each month or fraction thereof that the deficiency was due and unpaid shall be assessed.

**Sec. 110.53. Tax certificate to be revoked for failure to pay tax, file returns, permit inspection of books.**

Except for a person whose qualifications to practice law are determined by the general laws of the state, the failure of any business to pay said occupation tax or any part thereof before it becomes delinquent or upon failure to permit inspection of its books as above provided, any business tax certificate granted by the city under this chapter permitting the owner of said business to do business in the city for the current year shall be, ipso facto, revoked. No new business tax certificate shall be granted by the city for the operation of a business for which any part of the occupation tax herein provided for is at that time unpaid, or to a person who has failed to submit adequate records as requested by the city clerk in accordance with provisions found in section 110.46. In the case of practitioners of law, if any such person, firm, or corporation whose duty it is to obtain a registration and an occupation tax certificate shall fail to pay such tax in a timely fashion, such offender shall be subject to the penalties provided in section 110.41.

**Sec. 110.54. Effect of failure to comply with chapter provisions; continuing in business after tax certificate revocation.**

Any persons, their manager, agent or employee, who does business in the city after the certificate for said business has been revoked as above; any person, their manager, agent or employee, who is hereby required to make returns showing the amount of full-time equivalent employees and who fail to make said returns within the time and in the manner herein provided, or refuse to amend such returns so as to set forth the correct information, or who shall make false returns, and except for practitioners of professions and occupations electing to pay a flat fee in lieu of a per employee tax, any person, their manager, agent or employee who refuses to permit an inspection of books in their charge when the officer(s), agent(s), employee(s) or representative(s) of the city request such inspection, during business hours, for the purpose of determining the accuracy of the returns herein provided for, shall be subject to penalties provided in section 110.42 of this chapter.

**Sec. 110.55. Execution for delinquent occupation tax.**

In addition to the other remedies herein provided for the collection of the occupation tax herein levied, the city clerk of the city, upon any tax or installment of said tax becoming delinquent and remaining unpaid, shall issue execution for the correct amount of said tax against the person liable for said tax, which execution shall bear interest at the rate of one and one-half (1.5) percent per month from the date when such tax or installment becomes delinquent, and the lien shall cover the property of the person liable for said tax, all as provided by the Ordinances and Charter of the City and the laws of Georgia. The lien of said occupation tax shall become fixed on and date from the time when such tax or any installment thereof becomes delinquent. The execution shall be levied by the city clerk upon the property of the person liable for said tax, and sufficient property shall be advertised and

sold the [to] pay the amount of said execution, with interest and costs. All other proceedings in relation thereto shall be had as is provided by the Ordinances and the Charter of the City and the laws of Georgia and the defendant in said execution shall have rights of defense, by affidavit of illegality and otherwise, which are provided by the Charter of the City and the laws of Georgia in regard to tax executions. When a nulla bona entry has been entered by property authority upon an execution issued by the city clerk against any person defaulting on the occupation tax, except for practitioners of professions and occupations, the person against whom the entry was made shall not be allowed or entitled to have or collect any fees or charges whatsoever for services rendered after the entry of the nulla bona. If, at any time after the entry of nulla bona has been made, the person against whom the execution issues pays the tax in full to other with all interest, penalties and costs accrued on the tax, the person may collect any fees and charges due the person as though the person had never defaulted in the payment of the taxes.

**Sec. 110.56. Amendment, repeal of provision.**

This chapter shall be subject to amendment or repeal, in whole or in part, at any time and no such amendment or repeal shall be construed to deny the right of the council to assess and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amounts and tax rates of any occupation and may change the classification thereof. The payment of any occupation tax provided for shall not be construed as prohibiting the levy or collection by the city of additional occupation taxes upon the same person, property or business.

**Sec. 110.57. Applications of provisions to prior ordinance.**

This chapter does not repeal or affect the force of any part of any ordinance heretofore passed where taxes levied under such prior ordinance have not been paid in full. So much and such parts of ordinances heretofore and hereinafter passed as provided for the issuing and enforcing of execution for any tax or assessment required by such ordinances, or that imposed fines or penalties for the nonpayment of such tax, or for failure to pay regulatory fees provided for in said ordinance or ordinances, or failure to comply with any other provisions hereof, shall continue and remain in force until such tax, regulatory fee or assessment shall be fully paid.

**Sec. 110.58. Enforcement of provision.**

It is hereby made the duty of the city clerk and the police department to see that the provisions of this chapter relating to occupation taxes are observed; and to summon all violators of the same to appear before the municipal court. It is hereby made the further duty of the city clerk, the chief of police, their designees and assistants, to inspect all certificates issued by the city, as often as in their judgment it may seem necessary to

determine whether the certificate held is the proper one for the business sought to be transacted thereunder.

**Sec. 110.59. Provisions to remain in full force and effect until changed by council.**

This chapter shall remain in full force and effect until changed by amendment adopted by the council. All provisions hereto relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

**Sec. 110.60. Requirement of public hearing.**

In any year when revenue from occupation taxes is greater than the preceding year, the city shall hold a public hearing as a part of the process for determining how to use the additional revenue.

**Sec. 110.61. Option to establish exemption or reduction in occupation tax.**

The city may by subsequent ordinance or resolution provide for an exemption or reduction in occupation tax to one (1) or more types of businesses or practitioners of occupations or professions as part of a plan for economic development or attracting or encouraging selected types of businesses or practitioners of selected occupations or professions. Such exemptions or reductions in occupation tax shall not be arbitrary or capricious.

**Sec. 110.62. Conflicts between specific and general provisions.**

Where there is an apparent conflict in this chapter between specific and general provisions, it is the intention hereof that the specific shall control.

**Sec. 110.63. Additional Remedy.**

As an additional remedy as to the non-payment of any occupational taxes, penalties, interest, assessments, or other charges, assessed to a taxpayer or citizen pursuant to the occupational tax ordinance of the City of Blue Ridge, Georgia, and as designated and referenced within Chapter 110 of the Code of Ordinances, when the person or entity owing said funds to the City of Blue Ridge, Georgia, is a water customer or sewer customer, or both, the City Council, the City Mayor, the City Clerk, the Public Works Director, the City Attorney or other properly designated agent for the City of Blue Ridge, Georgia may, in addition to all other remedies provided by the ordinances of the City of Blue Ridge, Georgia, of such non-payment, and request that service be withheld until such time as the water customer or sewer customer, or both, is no longer

delinquent in the payment of occupational taxes, interest, penalties, assessments and other charges owed to the City of Blue Ridge, Georgia. The City Council specifically finds that should a person or entity owe delinquent occupational taxes, interest, and penalties to the City of Blue Ridge, Georgia, and be a utility customer of the City of Blue Ridge, Georgia, and therefore be in violation of Blue Ridge's ordinances, rules and regulations, that any properly designated agent for the City of Blue Ridge, Georgia may disconnect and terminate water service, or sewer service, or both, until such time as said customer is no longer in violation of the ordinances, rules, and regulations of the City of Blue Ridge, Georgia, and has paid all delinquent occupational taxes, interest, and penalties. All usual and standard fees, expenses, and charges, such as the disconnection charge and the reconnection fee, must also be paid by said customer, in order to again receive service from the City of Blue Ridge, Georgia, as well as the customer complying with the ordinances, rules, and regulations of the City of Blue Ridge, Georgia by payment of the owed amounts.

**Sec. 110.64. Occupation tax certificate not transferable.**

An occupation tax certificate and/or regulatory fee certificate shall not be transferable and a transfer of ownership shall be considered in the same light as the termination of such business and the establishment of a new business. Therefore, a new certificate shall be required for each new owner of the business.

**Sec. 110.65. Duty to keep information current.**

Any person required by this chapter to register his or her business shall notify the clerk in writing within thirty (30) days of the following changes:

- (1) Any change of address of the business, in which case the same occupation tax certificate shall be valid at the new location.
- (2) Any change of ownership, in which case the transfer shall be treated as the termination of one (1) business and the establishment of a new business for the purposes of this chapter.
- (3) The termination of any business.

**Sec. 110.66. Compliance with other ordinances and laws.**

- (a) All businesses are required to comply with the provisions of all ordinances of the city and other laws and the issuance of an occupation tax receipt to any business pursuant to this chapter shall not authorize that business to engage in or carry on business or to perform any other activity in violation of state or federal law or regulations and other ordinances of the city nor shall it relieve that business from

obtaining any certificate or permit required by the provision of other laws or ordinances.

(b) No certificate shall be issued or renewed until any delinquent property taxes and other debts to the city have been paid.

**Sec. 110.67. Practitioners of professions and occupations.**

It being the intention of the mayor and council that no portion of this taxation scheme shall be construed to be, or have the practical effect of, regulation of practitioners of professions and occupations and if any provision hereof shall be construed by a court of competent jurisdiction to be an unlawful regulation of such profession, then such provision shall be considered rescinded by the mayor and council as if such provision had not been adopted, and in such case, the remaining provisions of this chapter shall be applied to such practitioner.

**SECTION 2. RENUMBERING OF CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF BLUE RIDGE.**

Chapter 110 of the Code of the City of Blue Ridge, Georgia, is hereby further amended, by renumbering Sections 110.45 through 110.64, as Sections 110.68 through 110.87 respectively, but with all other provisions of said sections to remain the same.

**SECTION 3. NO INCREASED REVENUE FROM THE ENACTMENT OF NEW REGULATIONS REGARDING OCCUPATIONAL TAXES.**

The City Council notes that the new regulations regarding occupational taxes are revenue neutral, and that the occupational taxes have not increased by the passage of this ordinance.

**SECTION 4. REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT.**

All parts of ordinances in conflict with the terms of this ordinance are hereby repealed to the extent of the conflict; but it is hereby provided that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this ordinance on behalf of the City of Blue Ridge, Georgia.

**SECTION 5. SEVERABILITY.**

If any paragraph, sub-paragraph, sentence, clause, phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the provisions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Blue Ridge, Georgia to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**SECTION 6. EFFECTIVE DATE.**

This amendment to the sewer use ordinance shall be effective upon passage by the City Council of the City of Blue Ridge, Georgia.

SO ORDAINED this 10<sup>th</sup> day of January, 2006.

BLUE RIDGE CITY COUNCIL

By: Robert Greene  
Mayor

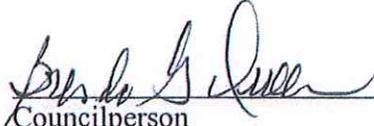
Wayne F. Hoff  
Councilperson

John Pearson  
Councilperson

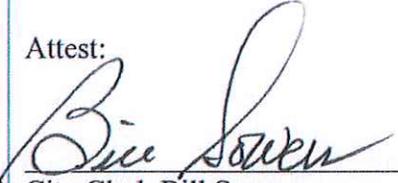
Reid Mathis  
Councilperson

Atty R. J. D.  
Councilperson



  
Councilperson

Attest:

  
City Clerk Bill Sowers

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