

ORDINANCE NO. 1079

AN ORDINANCE TO AMEND SECTIONS OF CHAPTER 3 OF THE CITY OF BRUNSWICK CODE OF ORDINANCES; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR CLASSES OF LICENSES; TO PROVIDE FOR LICENSE FEES; TO PROVIDE FOR DISTANCE REQUIREMENTS; TO PROVIDE FOR AN AMENITY LICENSE; TO PROVIDE FOR A CATERER'S LICENSE; TO PROVIDE FOR OPEN CONTAINER RESTRICTIONS; TO PROVIDE FOR PROBATION; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

The commission of the City of Brunswick hereby ordains that the Code of Ordinances of the City of Brunswick be and it is hereby amended as follows:

SECTION ONE:

Certain Sections of Chapter 3 are hereby amended as set forth below and shall now read as follows:

ARTICLE I. - IN GENERAL

Sec. 3-1. - Definitions.

Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in a comparable provision of the Georgia Alcoholic Beverage Code, O.C.G.A. §§ 3-1-1 through 3-10-15, provided that the following terms used in this chapter shall have the following meanings:

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

Alcoholic beverage shall mean and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

Alcoholic beverage code shall mean the Georgia Alcoholic Beverage Code presently found at O.C.G.A. title 3, and including future amendments thereto.

Alcohol Treatment Center shall mean any building or location, publicly or privately owned, engaged in the practice of treating any alcohol related illness.

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

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

Beer or malt beverage shall mean any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other 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 "malt beverage" does not include sake, known as Japanese rice wine.

Beer Specialty Shop shall mean any person, business, or establishment which deals exclusively in the sale and/or distribution, by the drink, of malt beverages for consumption on the premises. For purposes of this ordinance, a beer specialty shop shall not be considered a lounge.

Brewpub shall mean any restaurant in which beer or malt beverages are manufactured or brewed, subject to provisions and limitations prescribed in O.C.G.A. § 3-5-36.

Brewer shall mean a manufacturer of malt beverages.

Brewery shall mean a location licensed to make, produce and bottle alcoholic malt beverages.

Church shall mean any permanent place where religious worship services are regularly conducted.

College Campus shall mean Real property owned by a college or university with educational buildings in which are taught the subjects commonly taught in the colleges of this state.

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

Distilled spirits shall mean any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

Distiller shall mean a manufacturer of distilled spirits.

Distillery shall mean a location engaged in distilling, rectifying and blending distilled spirits.

Farm Wineries shall mean a winery as defined in O.C.G.A. § 3-6-21.1.

Financial interest shall mean, but is not limited to, the holding of any indebtedness or security interest in a business.

Grocery store shall mean a retail establishment which has at least 85 percent of its total retail floor space reserved for the sale of food and other nonalcoholic items and conducts all of its sales inside the building containing its retail floor space.

Growler shall mean a reusable container no greater than 64 ounces used to transport draft beer for off-premises consumption.

Keg shall mean any container of malt beverage sold at retail and having a capacity in excess of two gallons.

Home-brew beverage shall mean any malt beverage produced pursuant to O.C.G.A. § 3-5-4.

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

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

Housing Authority Property shall mean any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

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

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

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

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

Lounge or bar shall mean an establishment licensed for retail sale of beer, wine, or distilled spirits, or any combination thereof, for on-premises consumption, and having seating accommodations for not fewer than 12 persons.

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

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

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

Manager shall mean any person who supervises the regular operations of a business licensed under this chapter.

Minor shall mean any person under 21 years of age.

Non-restaurant bar shall mean a lounge or bar which is not part of a "restaurant" as defined below.

Package shall mean a bottle, can, keg barrel, growler, or other original consumer container.

Package Goods Retailer shall have the same meaning as provided by O.C.G.A. § 3-3-10.

Pouring license shall mean a license for retail sale for on-premises consumption of alcoholic beverages including beer, wine, and distilled spirits.

Premises shall mean the building and real property described in the application as approved by the city commission where the licensed operations are to be conducted, and shall include all parts of the address at which the license is located according to the application as approved by the

commission, including all floors of any building or structure unless the approved application reflects otherwise. This meaning shall apply even though some parts of the licensed premises may not be used for customer service.

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

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

Retail consumption dealer shall mean a holder of a license to sell alcoholic beverages at retail for consumption on-premises; holder of a pouring license.

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

School building or educational building on a college campus or governmental or church school buildings shall mean such buildings at such other schools as teach the subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b).

Special Event Venue shall mean an establishment, including social gathering event centers, that is rented by individuals or groups intended to accommodate public and private events and functions, social, entertainment, or educational gatherings to include meetings, music events, weddings, receptions, banquets, fundraisers, parties, private performances, art shows, and other celebrations, and which establishment shall include a permanent structure which houses an onsite kitchen or catering capabilities.

Tasting Event shall mean an event at a licensed premises authorized by law or regulation to hold such an event and is to the applicable laws and regulations governing the same.

Wholesale or wholesale dealer shall mean any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

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

Wine Specialty Shop shall mean any person, business, or establishment which deals exclusively in the sale and/or distribution, by the drink, of wine for consumption on the premises. For purposes of this ordinance, a wine specialty shop shall not be considered a lounge.

Sec. 3-2. – License –Required; Classes; Fees.

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

(b) *Classes.* The licenses shall be divided into the following classes:

1. Class A, retail liquor, beer and wine package.
2. Class B, retail beer and wine package.
3. Class B2, retail beer only.
4. Class B3, retail wine only.
5. Class C, Consumption on Premises, liquor, beer and wine.
6. Class D, Consumption on Premises, beer and wine.
7. Class D2, Consumption on Premises, beer only.
8. Class D3, Consumption on Premises, wine only.
9. Class E, Wholesale Liquor.

10. Class F, Wholesale Beer and Wine.
11. Class G, Brewer, manufacturer of malt beverages.
12. Class H, Brew Pub Operator.
13. Class I, Hotel.
14. Class J, Manufacturer of Wine.
15. Class K, Distiller, Manufacturer of Distilled Spirits.
16. Class L, Caterer.
17. Class M, Specialty Shop, beer or wine.
18. Class N, Amenity License.

Sunday Sales Permits All licensees who engage in Sunday Sales as permitted herein under Sec. 3-13 shall be required to have a separate Sunday sales permit. A fee in the amount of \$300.00 shall be charged for an applicant seeking Sunday Sales Permit. A fee in the amount of \$115.00 shall be charged for any applicant seeking the renewal of a Sunday Sales Permit. These fees shall be charged in addition to the application or renewal fee set forth in subsection (c) below.

Delivery Permits All licensees who seek to engage in the Delivery of Alcohol as permitted herein under Sec. 3-8.2 shall be required to obtain a separate delivery permit. A fee in the amount of \$115.00 shall be charged for any licensee seeking to obtain the license. A renewal fee of \$115.00 shall be charged for any renewal.

(c) *Fees.* Any applicant for a new license shall pay a non-refundable application fee of \$290.00; Any applicant seeking a renewal of their license shall pay a non-refundable renewal fee of \$115.00. Before a new license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the Mayor and City Commission regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the Mayor and City Commission set forth below and kept on file with the code enforcement officer. The basic fees for each type of license listed in paragraph (b) hereinabove shall be as follows:

1. Retail Liquor, Beer and Wine Package, \$2,875.00.
2. Retail Beer and Wine Package, \$609.00.
3. Retail Beer Only, \$405.00.

4. Retail Wine Only, \$405.00.
5. Consumption on Premises, Liquor, Beer and Wine \$2,875.00.
6. Consumption on Premises, Beer and Wine, \$920.00.
7. Consumption on Premises, Beer Only, \$575.00.
8. Consumption on Premises, Wine Only, \$575.00.
9. Wholesale Liquor, \$1,000.00.
10. Wholesale Beer and Wine, \$865.00.
11. Brewer, manufacture of Beer, \$2,875.00.
12. Brew Pub Operator, \$920.00.
13. Hotel, shall pay a license fee in an amount equal to the fee charged for an On-Premises Consumption License as set forth in items 5, 6, 7 and 8 above.
14. Manufacturer of Wine, \$2,875.00.
15. Distiller, Manufacturer of Distilled Spirits, \$2,875.00.
16. Caterer, \$750.00.
17. Specialty Shop, \$575.00.
18. Amenity License, \$750.00, per annum.

(d) Proration of fees. The fee for a new alcoholic beverage license for a portion of the year shall be prorated from the date of the application. Any holder of a license issued pursuant to the provisions of this article who discontinues the operation of his business because of a documented hardship may apply for a refund of a portion of the unearned license fee previously paid, and the license fee shall be prorated on a monthly basis as of the last day of the month in which the business discontinued.

Sec. 3-3. - Application.

(a) Application for a license to manufacture or sell alcoholic beverages or renewal of such a license shall be made on a form to be furnished by the city and shall be made under oath. The complete address of each applicant and applicant's Social Security number shall be furnished together with such further information as the city may require on the form. Any knowingly untrue, misleading or omitted statement or information shall be cause for denial or non-renewal and, if a license has been granted, shall be cause for revocation. Each

application shall be filed together with a certified or cashier's check in payment of the application, renewal and/or license fee required by subsection 3-2(c).

- (b) An application shall be made in the name of all the owners of the business, if the owners are natural persons, and in the name of all managerial employees. If the owner is a corporation, application shall be made in the name of all corporate officers who will be directly concerned in the operation of the business and in the name of all managerial employees. All such persons must meet the requirements of this chapter.
- (c) The license application shall require the disclosure of any conviction of each applicant for any violation of federal, state, or local law involving alcoholic beverages, gambling, taxes or moral turpitude.
- (d) The City of Brunswick shall conduct an investigation on each applicant to determine whether said applicant is eligible to receive a license under this Code section. Each applicant authorizes the City of Brunswick and its agents to secure from any court, law enforcement agency, or other public agency his or her criminal history and the criminal history of all individuals required to be listed on the application, including but not limited to sole proprietor, partners, members, corporate officers, stockholders, and managers, and authorizes The City of Brunswick to use such information in determining whether the license applied for shall be issued. Each applicant waives any right that he would otherwise have to preclude the City of Brunswick or its agents from obtaining and using such information and each applicant further waives any liability of the City of Brunswick or its agents for obtaining and using such information, and agrees to indemnify and hold the City of Brunswick harmless against the claims of any person listed by the applicant on the application and by doing so has authorized the City of Brunswick to investigate. The police department shall make an arrest and conviction investigation concerning any applicants hereunder and all individuals required to be listed on the application, including but not limited to sole proprietor, partners, LLC members, corporate officers, corporate stockholders, and managers.
- (e) An application shall include a survey be prepared by the applicant showing the location of the proposed licensed business is not in violation of the distance requirements set forth in Section 3-7(g). Said survey shall illustrate the application of minimum distances in accordance with the manner of measurement provided for by state law. Upon receipt of the survey, the City Marshal may conduct his or her own measurements of the distances identified in the survey to confirm the applicant is in compliance with distance requirements discussed herein. If the City Marshal determines the survey is inaccurate causing the proposed location to be in violation of Section 3-7(g), he or she shall immediately notify the applicant in writing and provide the findings of his measurements.
- (f) The license application shall contain a statement as to whether an applicant holds any other license for the sale of alcoholic beverages and the location thereof.
- (g) If the proposed licensed premises requires construction or substantial renovation, the applicant shall submit a detailed set of plans and specifications showing the exact location

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

- (h) As a prerequisite to the issuance of any license, each applicant shall furnish a complete set of fingerprints; provided, however, this requirement may be waived upon recommendation of the police chief where such requirement may be impossible or impractical. Such waiver shall be disclosed to the City Commission during the presentation of the application.
- (i) The city commission may require such additional information as it may deem necessary.
- (j) Any applicant for a new or renewal license, who desires to engage in Sunday sales pursuant to subsection 3-13(d) shall complete a separate application form to be furnished, along with the basic application form, by the city, such Sunday sales application form to include the following statement made by the applicant under oath: "By applying for a license to sell alcoholic beverages at retail for consumption on premises on Sundays, I am representing to the city commission of Brunswick that the licensed premises is either (1) a restaurant which derives at least 50 percent 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; (2) an establishment which derives at least 50 percent of its annual gross income from the rental of rooms for overnight lodging; or (3) is otherwise allowed by state law to serve alcohol for consumption on premises on Sundays. (If applicant seeks Sunday sales licensure for a new establishment, I represent that the anticipated annual revenue will be as required above.) I further certify that, if a restaurant, the licensed premises will not be used for Sunday sales unless there is a currently valid permit for restaurant operation issued by the county health department. I further certify that I will furnish my bookkeeping/financial records for inspection within seven days of my receipt of a written request for production of same from the chief of the city police department or the city manager so that eligibility of the licensed establishment may be monitored."
- (k) Any applicant seeking a new license, or the renewal of a license, shall submit an affirmation demonstrating its understanding and acceptance of the provisions set forth in this Chapter of the City of Brunswick Code of Ordinances. Such affirmation shall be made in writing and executed in the presence of a notary public.
- (l) Any applicant seeking a new license, or the renewal of a license, shall submit a certification showing the licensee and its employees are trained in accordance in Section 3-28 of this Code of Ordinances.

Sec. 3-4. – When issuance of license is prohibited.

Issuance of licenses required under section 3-2 is limited as set forth below.

- (a) Alcoholic beverage licenses shall not be issued to the following:
 - 1. Any person or member or who has been convicted of driving under the influence of intoxicants or drugs or who has pleaded nolo contendere or forfeited bond in

connection with any such charge within the preceding two years; or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal.

2. Any person who has been convicted within 15 years immediately prior to the filing of the alcoholic beverage application with the city of any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal; Any person who has been convicted of a violation of law pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding five years;
3. Any licensee who has been convicted of three violations of the ordinances of the City of Brunswick alcoholic beverages licensed hereunder within the last five years immediately prior to the filing of the licensee's application with the city, except as specifically provided in paragraph (c) below, concerning revocation of alcohol license, or paragraph (d) below, concerning selling alcohol to underage persons. For the purposes of this code section, any employee of a licensee that is convicted of a violation of the ordinances of the City of Brunswick shall count as a conviction of the licensee. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal; or
4. Any partnership, unless all partners qualify and are not in violation of the preceding requirements;
5. Any corporation, unless all officers qualify who will be directly concerned in the management of the business;
6. Any person whose business will be managed or operated by a person who could not acquire a license under the terms of this chapter, except as to the citizenship requirement provided in this article;
7. Any person whose license to manufacture or sell alcoholic beverages has been revoked by any licensing authority during the preceding five years;
8. Any person who owes any debt or obligation to the City of Brunswick or Glynn County, including but not limited to excise taxes, occupational taxes, property taxes, or utility fees;

9. For purposes of this section, the period of time relating to a prior conviction, plea of nolo contendere, or forfeited bond shall be calculated from the date the offense occurred, not from the date of disposition.
- (b) For 12 consecutive months immediately following the date of the revocation, no person whose license was revoked shall be eligible for renewal of or issuance of a license at the same location for which the previously revoked license was issued. Furthermore, during said 12-month period, the person whose license was revoked shall not be eligible to apply for any additional licenses above the number of licenses held immediately prior to said revocation. In determining the number of licenses that may be renewed or issued to said person after revocation, the finance director shall not include the revoked license.
- (c) No person shall hold a license in any retail category hereunder and a license under any wholesale category at the same time.

Sec. 3-6. - Consideration for issuance.

In determining whether or not any alcoholic beverage license application should be granted, the following shall be considered in addition to other provisions of this chapter:

- (a) An applicant's character and mental capacity to conduct the business, his or her personal associations, record of arrest and reputation in any community in which he or she has resided and whether or not he appears likely to operate the business in conformity with federal, state and local laws;
- (b) If the applicant previously held a license to manufacture or sell alcoholic beverages, whether or not he has violated any law, regulation or ordinance relating to such business and the circumstances of any violation;
- (c) If the applicant previously held a license to sell alcoholic beverages, the manner in which he conducted such business so as to reduce or increase the necessity for police observation or intervention;
- (d) Whether the applicant previously had a similar license suspended or revoked and the reason therefor;
- (e) Other factors that may affect the general public health and welfare, including, without limitation, the number of existing active alcohol licenses in the area, the type of license applied for, the effect the license would have on schools, churches and public facilities in the area, the effect the license would have on existing land uses in the area, the character of the area and its suitability for the particular use sought, and the congestion of roads and streets.
- (f) The city commission may consider the history of operations of bars and other establishments at the site specifically applying for a license and the city commission may

consider the history of the businesses operated by the applicant among other factors the commission deems fit in its discretion to determine whether a license should be granted.

- (g) The city commission may require as a condition of issuance of a liquor license or a renewal of a particular license, or as a condition of probation that security guards be present on the premises in non-restaurant bars. If the city commission requires the use of security guards, terms of use shall be as set by the city commission (regarding, e.g., hours of security presence, location, level of training, and other terms as the city commission deems appropriate). Such officer could be retired or off-duty from the Brunswick Police Department, the Glynn County Police Department, or any other Georgia or Federal law enforcement department.
- (h) An applicant for a new license shall seek consideration from the appropriate Neighborhood Planning Association ("NPA") regarding the possible effects of the license on the surrounding areas. To initiate this process the applicant shall first contact the City of Brunswick Community Development Department to identify the appropriate NPA and submit a request for consideration by that NPA. The NPA may issue a letter to the applicant identifying what impacts, if any, the new license will have on the NPA's area of operation. If the applicant complies with the terms of this section but the NPA does not respond within three (3) weeks of receiving notice from the Applicant, the Applicant can apply to the City's Community Development Department for a letter certifying the Applicant's efforts to contact the NPA. The application can then proceed to be presented to the City Commission.
- (i) When any application is denied or any license is revoked because of a decision by the City of Brunswick that such license or application fails to meet any of the factors or requirements of subsection (e) of this section or in any case where such a decision was made because of the undesirability of the location itself, no application can be made until at least six months has elapsed from the date the previous application was denied or revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal.
- (j) When any application is denied or any license is revoked because of a decision by the City of Brunswick that such licensee or applicant fails to meet the requirements of subsections (a) through (d) of this section or in any case where such a decision was made because of the ineligibility of the applicant to receive or the licensee to retain an alcoholic beverage license, that applicant or former licensee may not apply for an alcoholic beverage license in the City Brunswick until at least six months has elapsed from the date the previous application was denied or revoked or, if that decision was appealed to any court, until one year after a final, unappealed or unappealable disposition was made of such appeal.
- (k) Council discretion. The granting of an alcohol license under the provisions of this chapter shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to obtain an alcohol license.

Sec. 3-7. General Regulations Pertaining to all Licenses.

(a) Location, Transfers.

1. *License not transferable to another location.* Each license is issued for a specific location only and may not be transferred to another location. A new application is required for each licensed premise. No license, except for a manufacturer license, may be issued to different licensees for the same location.
2. *Transfer of license to another person.* No license for the sale of alcoholic beverages shall be transferred or continued after a licensee dies or severs their ownership of the licensed establishment except as provided herein:
 - i. In the case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of ninety (90) days from the date of death of the licensee or any one of the licensees or until the expiration of the existing license or until the approval of a new license for the establishment, whichever occurs first.
 - ii. In the event that a licensee who holds a license with other licensees severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of thirty (30) days from the date of surrender or the date determined by the License Officer to be the date of severance based upon a reasonable interpretation of the information available to him. PROVIDED, HOWEVER, that no such continued sales shall be allowed until such time as an application for a transfer to the name(s) of the new owners shall have been filed with the City of Brunswick. Such application for transfer shall set forth the new ownership of the establishment or the licensed corporation, name the severed licensees and provide such information as the License Officer shall request to document the change of interest, control or ownership. For purposes of this ordinance, a severance shall have occurred when any partner or joint venturer or other holder of a license shall have sold his ownership interest in said licensed establishment except that no severance shall have occurred where the licensee is a corporation and less than 20% of any class of stock of the corporation shall be sold. A name change without any transfer of stock of any corporation or ownership of any partnership shall not be a severance.
 - iii. Except as provided herein, any change in the ownership of an entity holding a license shall cancel and revoke any alcoholic beverage license issued by the City of Brunswick for the establishment automatically, without the necessity for any hearing.
 - iv. A transfer fee of \$100.00 and an investigation fee of \$375.00 per license to be transferred shall accompany any application for transfer.

- v. No license shall be transferred if any prospective owner fails to meet the requirements of a licensee as set forth in this Code of Ordinances or in state law at the time of transfer.
 - vi. Any violation of this section shall result in revocation of the license for the establishment involved and a fine up to \$1,000.00 or up to sixty (60) days imprisonment or both for both the old and the new ownership.
- (b) *Interests of public employees; prohibited.* No license shall be granted to any City of Brunswick, state or federal employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.
- (c) *Inspection of books and accounts.* Upon demand by the Director of Finance, or his designated representative, any person holding a license from the City of Brunswick, Georgia, shall open to the Director of Finance, or his or her designated representative, his or her place or places of business for the purpose of enabling the director or his or her representative to ascertain and gain such information as may be necessary for determination of the proper classification of such license holder for license fee purposes and determination of the correct amount of license fee to which such person is subject. Upon demand by the Director of Finance, or his or her designated representative, any person holding a license from the City of Brunswick shall furnish the director or his representative, during normal business hours at such person's place of business, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sale receipts, inventory and other information, ascertained and from which the correct amount of the fee to which he or she is subject may be determined, including exhibition of bank deposit books, bank statements, and copies of sales tax reports, and any other such documents as the City of Brunswick may deem necessary. Any person holding a license from the City of Brunswick shall secure, preserve, maintain and keep for a period of three years the records and documents enumerated and referred to in this section.
- (d) *Failure to open.* All holders of licenses issued hereunder must within 45 days after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder. A holder of a license issued hereunder may apply for a one-time extension of forty-five (45) days upon approval of a hardship waiver by the City Commission.
- (e) *False representation of age.* It shall be unlawful for any person to falsely misrepresent his age in any manner whatsoever for the purposes of purchasing or otherwise acquiring any beverage licensed hereunder.
- (f) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a licensee hereunder, his employees, subcontractors or his agents, to add to the contents of

a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name of any beverage licensed hereunder.

(g) *Distance Requirements.*

1. The applicant shall list all churches, colleges, residences, schools, and alcoholic treatment centers within 750 feet of any portion of the proposed licensed premises and the distance between property lines of the proposed place of business and the property lines of schools, colleges, churches, alcoholic treatment centers and residences within 750 feet of the proposed place of business.
2. No license shall be issued for the retail sale of distilled spirits for off-premises consumption within 300 feet of any church building, educational building, school grounds of college campus.
3. No license shall be issued for the sale of distilled spirits, wine, or malt beverages within 300 feet of an alcohol treatment center owned and operated by the state, Glynn County or the City of Brunswick.
4. No license shall be issued for the retail sale of any wine or malt beverages for consumption off premises within 300 feet of any school building, school grounds, or college campus. Nothing in this subparagraph shall prohibit the issuance of a license to a grocery store for the retail sale of only wine and malt beverages for consumption off the premises within 300 feet of any school building, school grounds, or college campus.
5. No license shall be issued for the sale of any alcoholic beverages for consumption on premises within 300 feet of any housing authority property.
6. No new license shall be issued for retail sale of alcoholic beverages for off-premises consumption without consideration by the city commission of the proximity of the location proposed for the establishment to any property zoned for or used for residential purposes, any property with a valid license for sale of alcoholic beverages for off-premises consumption, or which is owned by the city or other government agency and planned for residential use. Where the applicant's proposed place of business is located within 1,500 feet of any property zoned for or used for residential purposes, any property with a valid license for sale of alcoholic beverages for off-premises consumption, or which is owned by the city or other government agency and planned for residential use, then any motion to approve the location must be accompanied by a statement substantially to the effect that such proximity has been considered and it is the commission's finding that the proximity does not cause the establishment of the licensed premises as proposed to be harmful to the welfare of the community or otherwise unsuitable for the location. For purposes of this subsection, the distance shall be measured from the main entrance of the proposed new licensed business to the nearest boundary of the residential

parcel in question using the most direct method of travel using public sidewalks, streets, and other public rights-of-way.

7. No new license shall issue, or new location be approved, for retail sale of any alcoholic beverage for consumption on premises without consideration by the city commission of the proximity of the location proposed for the establishment to any nearby school, college, church or residences. If any school, college, church or residence is located within 600 feet of the main entrance to the proposed licensed premises, then any motion to approve the location must be accompanied by a statement substantially to the effect that such proximity has been considered and it is the commission's finding that the proximity does not cause the establishment of the licensed premises as proposed to be harmful to the welfare of the community or otherwise unsuitable for the location.
8. The distance requirements found herein shall not apply to applications made on behalf of locations falling within the City's designated GC Core Zoning District.
9. A license shall not be considered a new license for purposes of this subsection, and thus the distance requirements set forth herein shall not apply, if:
 - i. it is a renewal of an existing license at an existing licensed location; or
 - ii. a change of owner at an existing licensed location; or
 - iii. the licensing of a business at a location if the sale of alcoholic beverages was lawful at such location at any time during the 12 months immediately preceding such application.

(h) *Registered Agent.* All licensed establishments must have and continuously maintain in the City a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of the City or a licensed attorney practicing law that maintains an office in the City. The licensee shall file the name of such agent, along with the written consent of such agent, with the code enforcement officer and shall be in such form as he may prescribe.

Sec. 3-8. - Sale for consumption on the premises.

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

- (a) Restaurants, other than fast food restaurants, serving prepared food which is offered to the general public. As used in this subsection, "fast food restaurant" means a restaurant that transacts more than 15 percent of its sales through a carry out window;

- (b) Hotels or motels kept, used, maintained, advertised and held out to the general public as places where sleeping accommodations are offered to guests, whether transient or permanent, and having a public dining room where at least two meals a day are served;
- (c) Lounges where seating accommodations are provided for not fewer than 12 persons;
- (d) Private clubs or bona fide associations of individuals organized for fraternal purposes, conducted solely for the use and benefit of their members and their beneficiaries.
- (e) Restaurants with a pouring license may sell wine or beer for consumption on certain city-owned premises in accordance with the provisions of article II of this chapter.
- (f) Brewpubs may be licensed for the sale for consumption on the premises by applying and obtaining a brewpub license in accordance with the provisions of this chapter. Brew pub license holders are subject to state law limitations set forth in O.C.G.A. § 3-5-36 and any other corresponding state or local regulations or requirements.
- (g) Farm Wineries shall be permitted to offer the sale of alcohol for consumption on the premises as provided by O.C.G.A. §§ 3-6-21.1, 3-6-21.2 and 3-6-21.3 as may be amended by the State from time to time.
- (h) A Brewery shall be permitted to offer the sale of alcohol for consumption on the premises as provided by O.C.G.A. § 3-5-24.1 as may be amended from time to time.
- (i) A Distillery shall be permitted to offer the sale of alcohol for consumption on the premises as authorized by O.C.G.A. § 3-5-24.2 as may be amended from time to time.
- (j) Certain businesses seeking amenity licenses, provided the following rules and regulations are followed:
 1. A non-eating establishment that offers beer and/or wine as an act of hospitality, where it is clearly a secondary function of the business, shall be eligible to apply for a beer and/or wine amenity permit. Eating establishments shall not be eligible for a beer and/or wine amenity permit.
 2. An amenity permit shall allow the permit holder to offer beer and/or wine as an act of hospitality and shall not be part of the core operations of such establishments.
 3. The amenity permit need only be applied for once and shall automatically renew when the occupational tax certificate is renewed, provided, however that the city may revoke or suspend such amenity permit and/or impose such conditions on its operation at the city's discretion for violations of this chapter or in furtherance of the health, safety, and welfare of the city's inhabitants.
 4. Only businesses located within the City's designated GC Core or MU/CC/H Zoning District shall be eligible for an Amenity License.

5. The license shall permit the service of amenity beer and/or wine in accordance with the limitations of this code section no more often than two days per calendar month and the business shall maintain a record of the day(s) upon which beer and/or wine are provided in accordance herewith and shall make same available to the city for inspection upon request.
 6. The license shall permit the service of no more than one six-ounce serving of wine or one twelve-ounce serving of beer to a person within a single business day.
 7. The provision of beer and/or wine shall be subject to this code and to all applicable state laws which address the use and serving of alcoholic beverages, and no one who is under twenty-one (21) years of age or intoxicated may consume wine or beer.
 8. The initial amenity permit application shall include a background check. A \$500.00 administrative fee shall be charged to cover this administrative process.
- (k) In wine specialty shops or beer specialty shops, provided the following rules and regulations are followed:
1. Alcoholic beverages may only be served Monday through Saturday between the hours of 11:00 a.m. and 11:00 p.m.;
 2. No alcoholic beverages for consumption on the premises may be sold or served on Sundays, except as set forth in section 3-13 when New Year's Eve falls on a Sunday;
- (l) At Special Event Venues that are located in a zoning district where Special Event Venues are duly authorized as a permitted use or an approved and permitted conditional use or special use.

Sec. 3-8.1. – Alcoholic Beverage Catering

- (a) Off-Premises License Issued by the City of Brunswick. Any person that holds a valid license issued by the City to sell alcoholic beverages for consumption on the premises (as provided for in this Ordinance) may apply for and be issued an off-premises catering license by the City that permits said person to sell and/or distribute alcoholic beverages by the drink off-premises at an Authorized Catered Function. Any person seeking an off-premises catering license shall make application therefore with the City, which shall be processed and decided according to the same guidelines set forth for other licenses under this Chapter, including payment of the application fee and annual license fee set forth in Ordinance Section 3-2. Upon issuance of an off-premises catering license by the City or the designated license officer, an Event Permit as set forth in this section shall be required for each Authorized Catered Function.

- (b) Off-Premises License Issued by Other Jurisdictions. If a person is licensed by a municipality or county of this State (other than the City of Brunswick) to sell alcoholic beverages by the drink for consumption on the premises and also holds a valid off-premises catering license issued by the same licensing authority, such person may sell and/or distribute alcoholic beverages by the drink at an Authorized Catered Function, provided that such person obtains an Event Permit for each function as set forth in this section.
- (c) Bona Fide Nonprofit Civic Organization. A Bona Fide Nonprofit Civic Organization (hereinafter referred to as “Nonprofit Civic Organization”) may distribute alcoholic beverages by the drink at an Authorized Catered Function without an alcoholic beverage license, provided that such Nonprofit Civic Organization first obtains an Event Permit for each function as set forth in this section. Nothing in this code section shall prohibit a Bona Fide Nonprofit Civic Organization from obtaining a Special Event Permit Issued by the Georgia Department of Revenue.
- (d) Event Permit Application. Any person authorized under paragraphs (a), (b), or (c) of this section to sell and/or distribute alcoholic beverages at an Authorized Catered Function shall apply for and obtain an Event Permit issued by the City Manager or Deputy Marshal prior to serving alcohol at such function. Applications should be submitted at least fifteen (15) calendar days prior to the event and shall include:
1. The name of the Alcoholic Beverage Caterer (including license number) or Nonprofit Civic Organization, and the name and phone number of the representative for same who will be at the event;
 2. A plan of the event, which includes: (a) the date, location and hours of the event; (b) the number of persons expected to be in attendance; (c) the location of guest parking; and (d) whether security, valet parking, or additional restroom facilities will be provided;
 3. The name and phone number of the host or sponsor of the event, including the name and telephone number of the representative of the host or sponsor who will be at the event;
 4. Whether food is being provided by the applicant, and if not, the name and phone number of the person providing food at the event;
 5. Any alcoholic beverage caterer not licensed by the City shall also be required to submit: (a) the name of the local jurisdiction issuing the off-premises catering license to the applicant; (b) a photocopy of the applicant’s off-premises catering license; and (c) payment of a non-refundable \$50 Event Permit fee; and
 6. A Nonprofit Civic Organization shall provide a copy of the Internal Revenue Service’s determination letter (or other official correspondence) recognizing the organization’s federal tax-exempt status under subsection (c) of 26 U.S.C. Section 501.

(e) Event Permit Application Review. Within ten (10) business days after receipt of an application for an Event Permit, the License Officer, in consultation with the Fire, Police, and Community Development Departments, shall either approve or deny the Event Permit and communicate same in writing to the Applicant. An Event Permit may be denied for any of the following reasons or combination of reasons:

1. The applicant, and/or event host or sponsor does not meet the requirements for an Event Permit or has on prior occasion(s) violated or failed to comply with this Ordinance or with any state rules or laws regarding alcoholic beverages;
2. The event location is a site where a violation of this Ordinance or the state laws or rules regarding alcohol has previously occurred;
3. The plan of the event as proposed is likely to restrict and/or congest traffic on any of the public roads, rights-of-way, or sidewalks in the immediate vicinity of the event, or is likely to present a danger to the health and safety of guests at the event or members of the public;
4. The plan of the event as proposed is likely to cause a disturbance of the peace at the time of the event, or is likely to intrude upon the privacy or property of citizens in the area of the event; and
5. The plan of the event as proposed is inconsistent with the uses of or is prohibited at the event location.

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

1. An Alcoholic Beverage Caterer may sell and/or distribute only those alcoholic beverages that are authorized by that person's alcoholic beverage license;
2. Alcoholic beverages may only be served at the location and on the date(s) specified in the Event Permit. Event Permits shall be valid for a period not to exceed three (3) consecutive calendar days;
3. Food, the total cost of which must exceed the total cost of the alcohol served, must be served at the event;
4. Copies of Event Permits shall be posted and/or maintained at the front door or entrance of the event location at all times during the event. Alcoholic Beverage Caterers must also carry a copy of the caterer's off-premises catering license, copy of the Event Permit, and any necessary state documents and permits in the vehicle transporting the alcoholic beverages to the event;

5. Alcoholic beverages may only be served between the hours of 11:00 a.m. and 2:00 a.m. (until 1:45 a.m. on Sundays), except for events held on sites zoned for residential uses where only four (4) events may be held per calendar year per site, and alcoholic beverages may only be served between the hours of 11:00 a.m. and 10:00 p.m.;
6. No Event Permit will be issued for an event on Sunday, except to an Alcoholic Beverage Caterer who possesses a valid Sunday sales license and complies with all requirements of state law with respect to service of alcohol on Sunday. Such service shall be permitted from 11:00 a.m. to 11:00 p.m. Service until 1:45 a.m. on Sundays as referenced in paragraph (f)(5) of this section shall not constitute a Sunday event;
7. The service of alcoholic beverages is subject to compliance with state laws and regulations regarding service of alcoholic beverages at such an event, including the receipt of any necessary state permits and filing of reports with the state revenue commissioner; and
8. Alcoholic Beverage Caterers licensed by the City shall pay excise taxes on the sale of alcoholic beverages, as calculated under Section 3-12 of this Ordinance and provide a report to the City of Brunswick Finance Department on or before the time when other excise taxes are due for such licensee, while alcoholic beverage caterers not licensed by the City shall pay excise taxes on the total quantity of alcoholic beverages brought into the City, as calculated under this Ordinance, and provide a report to the Finance Director within fifteen (15) days of the conclusion of the event. In addition to information required to determine the amount of tax due, the report shall state the quantity and type of alcoholic beverages transported from the licensee's primary premises to the location of the event.

(g) Violations.

1. It shall be unlawful for any person licensed to sell alcoholic beverages to sell or distribute alcoholic beverages off the premises of such person's business without an off-premises catering license and Event Permit as set forth in this section.
2. It shall be unlawful for any person holding an Off-Premises Catering license and/or Event Permit to sell or distribute alcoholic beverages in a manner inconsistent with such license, permit, or the requirements or conditions for Authorized Catered Functions set forth in this section.
3. It shall be unlawful for any person to serve, distribute, or sell alcoholic beverages in violation of this Section 3-8.1 or any other provision of this Ordinance regarding alcoholic beverages.
4. Nothing contained in this section is intended to prohibit anyone from hosting a private function at his or her personal residence where the host provides alcohol to

guests free of charge or permits the otherwise legal consumption of alcoholic beverages.

Sec. 3-8.2. – Home Delivery of Alcohol.

- (a) Home Delivery of Alcohol is authorized pursuant to the rules and regulations found in this Ordinance and as set forth by O.C.G.A. §§ 3-3-10 and 3-3-11.
- (b) Package Goods Retailers shall be authorized to sell and deliver malt beverages and wine in unbroken packages to an individual for personal use.
- (c) Retail package liquor stores that meet the definition of a Package Goods Retailer provided herein, shall be authorized to sell and deliver distilled spirits in unbroken packages to an individual for personal use.
- (d) Licensed restaurants shall be authorized to sell mixed drinks as provided in O.C.G.A. § 3-3-11.
- (e) Any licensee seeking to provide delivery services as provided by this code section, shall, at a minimum, complete the training required by the state law and provide proof of such training to the City.
- (f) No licensee seeking to delivery alcohol in accordance with this Ordinance shall be authorized to do so without first obtaining an appropriate alcohol license as provided for in this Ordinance.

Sec. 3-18. - Consumption of alcohol on city streets prohibited; limited in certain area.

- (a) Except as provided in subsections (b) and (c) below, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, within the corporate limits of the city.
- (b) Open containers of alcoholic beverages shall be permitted on its sidewalks within the area of the city bounded on the north by “G” Street, and on the south by George Street, and on the West by the Eastern Sidewalk of Bay Street, and on the East by Union Street and to include the entirety of East and West Jekyll Square, East and West Machen Square, Queen Square and that portion of Newcastle Street from G Street north to Bay; provided however, the following regulations shall apply:
 - 1. Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a plastic cup, for removal from the premises; provided, however, that no

establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than two (2) such alcoholic beverages from the licensed premises.

2. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.
3. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
4. Open containers are allowed as provided herein between the hours of 12:30 p.m. until 12:30 a.m.

(c) Open containers may be permitted in other areas of the city in connection with an approved Brunswick City Event Permit. The following rules shall apply:

1. The applicant must submit a special event permit application to the City Manager for review and consideration.
2. The applicant must indicate in application that alcohol will be dispensed at the event in an area in which open containers are not otherwise by this ordinance.
3. The special event permit application identified above, shall be subject to such terms and conditions as the City Manager may from time to time promulgate in writing, which may include terms as to insurance, clean-up fees, deposits, security personnel, limits on the number of guests and other matters as the City Manager may require. The city manager shall process the application in the same manner as set forth in subsection (a) above and shall have sole discretion to approve or deny said application.
4. The applicant must clearly identify the area in which open containers are requested to be allowed in accordance with this Ordinance.
5. Any alcoholic beverage sold at an event authorized by this Section shall be sold by a beverage caterer who must be approved by the City Manager and must be the holder of a pouring license in good standing issued by the city, State of Georgia or the County of Glynn, State of Georgia.
6. The applicant shall ensure that the event complies with all regulations set forth in subparagraphs 1 through 4 of Section 3-18(b).

- (d) It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alley, way or parking lot.
- (e) It shall be unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle in the city or while a passenger in or on a vehicle being operated in the city.
 - 1. As used in this article, "open container" means any container which is immediately capable of being consumed from, or the seal of which has been broken.
 - 2. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger and is not located in a locked glove compartment, locked trunk, or other locked non-passenger area of the vehicle.
 - 3. An open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.
 - 4. Exceptions:
 - i. A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid chauffeur's license pursuant to Georgia law or any other state;
 - ii. A passenger of a bus in which the driver holds a valid chauffeur's license pursuant to Georgia law or any other state; or
 - iii. A passenger of a self-contained motor home which is in excess of 21 feet in length.

Sec. 3-25. - Supervision, revocation, non-renewal or probation.

- (a) The city commission may suspend, revoke, refuse to renew, or impose conditions of probation upon any license required under this chapter if:
 - 1. The license application is not filed in good faith or is filed by some person as subterfuge for any other person;
 - 2. Any applicant for a license or any licensee under this chapter willfully fails to comply with any provision of this chapter or with rules and regulations adopted by the city commission, or the Georgia Alcoholic Beverage Code;

3. Any person to whom a license has been issued is no longer engaged in the sale of alcoholic beverages, malt beverages or wine or no longer qualifies as a licensee under this chapter;
 4. A licensee permits the licensed premises to be operated in a disorderly manner so as to constitute a public nuisance after:
 - i. The licensee has been advised in writing by the chief of police of the unsatisfactory manner in which business is being operated; and
 - ii. The licensee has been given a reasonable opportunity to cure such deficiencies.
- (b) Conditions of probation may include such conditions of operation as the city commission determines to be in the best interest of the public including, but not limited to, any of the following:
1. Limitation on days or hours of operation;
 2. Limitation on number of persons allowed in licensed premises;
 3. Limitation on manner of service, e.g., use of glass containers;
 4. Requirements as to security personnel or other personnel;
 5. Requirements as to lighting, parking, means of egress and similar matters;
 6. Requirements for employee training in addition to the training set forth in Section 3-28;
 7. Requirements that the establishment obtain a scanner or other like technology used to scan and verify acceptable forms of identification;
 8. Requirements as to litter or trash pickup, reduction of noise levels and similar matters; or
 9. In addition to the imposition of the requirements or limitation above, in the event a Licensee, or their agents, employees, or designees are found to be in violation of the sale of alcohol to a minor, the City Commission may impose the following fines on the Licensee:
 - i. For a first offense, the Licensee shall be assessed a \$500.00 fine and receive a period of six (6) months on probation;
 - ii. For a second offense, the Licensee shall be assessed a \$750.00 fine and receive a period of six (6) months on probation;

iii. For a third offense, the Licensee shall be assessed a \$1000.00 fine and receive a period of twelve (12) months on probation.

(c) If a firearm is discharged, or any other weapon, such as, but not limited to, a knife, brass knuckles, a blade etc., are used around a bar, restaurant, or retail liquor store, on its grounds or approaches, including parking areas, or by any customer or employee upon leaving the establishment while within 300 feet of the entrance to the establishment, the police chief or his/her designee may place on suspension the liquor license of any establishment for a period of three days; provided however, that if a firearm is discharged, or any person attempts to discharge a firearm, or any other weapon, such as, but not limited to, a knife, brass knuckles, a blade etc., is used within a establishment's building premises the liquor license of such establishment shall be automatically placed on suspension for a three-day period and such period may be extended by the city commission as it sees fit for the process of a thorough investigation. Any such suspension of a liquor license for the discharge of a firearm, or other use or attempted use of a weapon, shall be accomplished by written notice to the licensee from the chief of police or his/her designee of such suspension and the length of such suspension.

(d) If a citation is issued for the sale of alcohol to underage persons within a licensed premise, such license shall be placed on probation in accordance with paragraph 9 above. During the probationary period, the licensee shall be subject to random periodic testing for sales to underage persons. The licensee shall be given notice of the commencement of the probationary period via certified mail or personal service within thirty (30) days of the issuance of the citation. If, during the probationary period, the Licensee is found to be in violation any state law or provision of this chapter related to the sale of alcohol, the City Commission may immediately revoke said license and provide notice in the same manner set forth in Section 3-26.

SECTION TWO:

The following section titled shall be amended to read as follows:

Sec. 3-12. - Excise tax on alcoholic beverages.

SECTION THREE:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

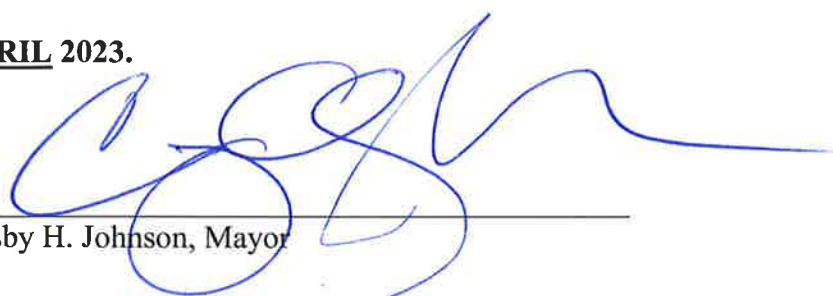
SECTION THREE:

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

SECTION FOUR:

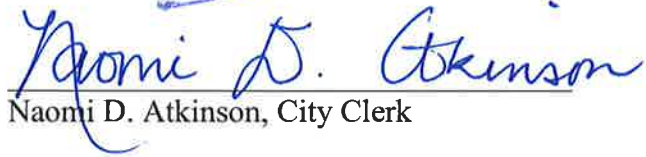
This Ordinance shall be effective immediately upon its adoption by the City Commission.

SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS 19th DAY OF APRIL 2023.



Cosby H. Johnson, Mayor

ATTEST:


Naomi D. Atkinson, City Clerk