

CHAPTER 32: LICENSING AND BUSINESS REGULATION

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Section

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32-100 Regulation & Licensing of Businesses (Revised 3/2015)

Sec. 32-100.1 - Repeal of previous ordinance and title.

- (a) Section 32.100 Regulation & Licensing of Businesses of the Licensing & Business Regulation Ordinance of the City of Danielsville, Georgia, is being added to Chapter 32 in an effort to provide clarification and guidelines to the enforcement of business regulation and licensing, effective immediately upon being approved by the city council and successive years thereafter as follows:
- (b) The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed.
- (c) This section shall be known as the "City of Danielsville Regulation and Licensing of Businesses Ordinance."

Sec. 32-100.2 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed in this section, except if the context clearly indicates a different meaning:

Administrative fee means a component of an occupation tax, which approximates the reasonable cost of processing and handling the occupation tax and associated documents.

Business means any person who, within the corporate limits of the city, engages in, causes to be engaged in, and/or represents himself to be engaged in, any occupation, practice of a profession, or activity with the object of gain, benefit or advantage either directly or indirectly.

City, as used in this article, means the City of Danielsville, a political subdivision of the State of Georgia.

City clerk means that officer of the city appointed by the city and his/her designee charged with the administration and enforcement of this article.

Date of commencing business means the date on which a person not engaged in an occupation, profession, or business within the city becomes substantially engaged in an occupation, profession, or business.

Dominant line of business means the dominant service or product within a multiple-line business.

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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. An employee is also 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.

Location of office means 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.

Occupation tax means a tax levied on persons, partnerships, corporations, or other entities for substantially engaging in an occupation, profession, or business.

Ordinance means the Licensing & Business Regulation Ordinance of the City of Danielsville.

Person means sole proprietors, corporations, partnerships, non-profit organizations or any other form of business organization or entity.

Professional means a practitioner of a profession who by state law requires state licensure regulating such profession or occupation as designated by O.C.G.A. § 48-13-9(c), but does 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, required by the city as an exercise of its police power and as a part of or aid to the regulation of an occupation, profession or business. A regulatory fee does not include an administrative fee or registration fee. Development impact fees, as defined by O.C.G.A. § 36-71-2(8) or other costs or conditions of zoning or land development are not regulatory fees.

Sec. 32-100.3 – Registration of Business.

Each person engaged in any business, trade, profession, or occupation in Danielsville, GA, whether with a location in Danielsville 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 register said business, trade, profession, or occupation. The registration shall be displayed in a conspicuous place in the place of business, if the taxpayer has a permanent business location in Danielsville, Georgia. If the taxpayer has no permanent business location in Danielsville, Georgia, such business tax registration shall be shown to the City Clerk or his/her designee or to any police officer of said, Danielsville, Georgia, upon request.

The registration herein provided for shall be issued by the Danielsville City Clerk. Registration shall be for the calendar year in which the registration was obtained unless otherwise specifically provided. Each business is required to apply for and obtain an appropriate business registration and pay all tax and fees as provided herein on or before February 28 of each year, and on or before February 28 each year hereafter. Every person commencing business in Danielsville after January 1 of each year shall obtain the registration required before commencing such business.

As to the practice of law, attorneys engaged in such practice in the City of Danielsville shall obtain registration and pay an Occupation Tax for said profession. Said Registration shall not serve as a precondition to the practice of law.

1. Each Line of Business to Be Identified on Business Registration. The business registration of each business operated in the City shall identify the dominant lines of business that the business conducts.
2. The Number of Businesses Considered to Be Operating In Danielsville. Where a person conducts business at more than one (1) fixed location, each location or place shall be considered a separate business for the

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purpose of registration and occupation tax.

3. “Seasonal” Businesses Wishing to Operate From Location of Another Property Owner. Where a person *temporarily* conducts business from the property of another, and who does not operate said business from a permanent structure, but by way of parked vehicle, or movable cart or stand, such person must file with the city clerk, a letter of permission signed by the property owner and shall comply with all regulations and requirements of business operation as shown in Section 32-100.5.
4. Businesses Wishing to Operate From A Residence. A person wishing to conduct business from their residence is required to obtain prior approval from the Danielsville City Council. See Section 32-100.5 for details.

Sec. 32-100.4 – Businesses Not Covered By This Article.

The following businesses are not covered by this article but may be subject to the provisions of other general laws of the State of Georgia or local law. The exemptions and limitation contained in this article shall not be construed to repeal or otherwise affect any franchise fee, business tax or other fees or taxes otherwise allowed by law:

- (1) Those businesses regulated by the Georgia Public Service Commission;
- (2) Those electrical service businesses organized under O.C.G.A. tit. 46, Ch. 3;
- (3) Any farm operation for the production from or on the land of agricultural products, but not including any agribusiness;
- (4) Cooperative marketing associations governed by O.C.G.A. § 2-10-105;
- (5) Motor common carriers governed by O.C.G.A. § 46-7-15 or motor vehicles required to be registered with the public service commission;
- (6) Those businesses governed by O.C.G.A. § 48-5-355 (businesses purchasing guano, meats, meal, flour, bran, cottonseed, or cottonseed meal and hulls in carload lots for distribution among the purchasers for use and not sale);
- (7) Any persons selling or introducing into the city agricultural products and livestock, including animal products, raised in the State of Georgia when the sale and introduction are made by the producer of the product and the sale is made within 90 days of the introduction of the product into the city, pursuant to O.C.G.A. § 48-5-356;
NOTE: Person must have grown products on their property.
- (8) Any state or local authority, non-profit organization, or vendor acting pursuant to a contract with a tax-exempt agricultural fair;
- (9) Any non-profit, tax-exempt organization operated by a charitable trust governed by O.C.G.A. §48-013-55.
- (10) Any practitioner whose office is maintained by the United States, the State of Georgia, a municipality or county of the state, or instrumentality of the United States, the State of Georgia or a municipality or county of the state;
- (11) Non-profit, agricultural product cooperative marketing associations pursuant to O.C.G.A. § 2-10-105;
- (12) Insurance companies governed by O.C.G.A. § 33-8-8 et seq.;
- (13) Other businesses or any part of a business where such levy is prohibited or exempted by the laws of the State of Georgia or the United States.
- (14) On any state or local authority or nonprofit organization, pursuant to O.C.G.A. § 48-13-13(5).
- (15) Depository financial institutions governed by O.C.G.A. §48-6-93.

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Sec. 32-100.5 – Regulation & Requirements of Business Operation.

Business regulatory and/or occupation tax fees shall be levied, assessed, collected and paid on and by those individuals, firms, or corporations doing business or practicing a trade in the City of Danielsville.

Basic requirements to obtain a Business License (also called Occupational Tax).

- (1) The applicant must be 18 years of age and be a U.S. citizen or legal permanent resident or otherwise qualified alien or non-immigrant under the Federal Immigration and Nationality Act.
- (2) Trade Name Registration. If you plan to operate a business in the state of Georgia, every person, firm, or partnership that conducts business must register a trade name. Businesses have 2 options regarding trade name registration: 1) The business name must include the full legal name of the individual owner of the business (trade name registration not necessary when this option is used) . 2) If using a fictitious name (one not including the full legal name of the individual owner), the fictitious name must be registered in the Office of the Clerk of the Superior Court of the county where the business is located. A corporation or limited liability company will not need to file this registration, if they are operating under the corporation or limited liability name, as it will already be registered with the office of the Secretary of State.
- (3) State licensure.
 - (a) Each person who is licensed by the secretary of state pursuant to O.C.G.A. tit. 43 shall provide evidence of proper and current and valid state licensure to the city clerk before a certificate of registration may be issued.
 - (b) Each person who is licensed by the state shall post the proper state license in a conspicuous place in the licensee's place of business and shall keep the license permanently displayed while the license remains valid.
 - (c) You can find a complete list of occupations requiring state licenses at the end of this chapter under Appendix 1 located at the end of this Chapter.
- (4) Zoning. The issuance of a license is contingent on the location, type, and size. Even if another business has been located in this area previously, verification for zoning compliance is required. Details of the business should be discussed with the city clerk's office. Applicants are required to submit their business plans to the city clerk's office to determine:
 - Current zoning classification
 - Building setbacks
 - Off-street parking availability and service entrance requirements
 - Buffer yards or required screening
 - Lot area minimum
 - Tree Ordinance Regulations
 - Service Utilities Availability and Account Required
 - Grease Trap Requirements
- (5) Building Construction/Renovations/Occupancy. A building permit must be obtained for both new construction and renovations or additions to existing structures. Before construction of a new facility or renovation of an existing one, a building permit is required. Contact the city clerk for information. Once the applicant has obtained a building permit, complied with regulation pertaining to the area they are located in, and passed all necessary

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inspections and construction is complete they will then obtain a Certificate of Occupancy (sometimes called a "CO") Without this certificate, it is illegal for the business to reside in the facility.

- (6) Home Occupations. Applicant's wishing to operate a business from their home, must obtain prior approval from the Danielsville City Council. A "Home Occupation Approval" Form must be submitted to the city clerk to begin this process.
- (7) Safety and Health Inspection. All businesses applying as a "New" Registration shall be required to obtain a Safety and Health Inspection prior to occupying the establishment. This service is provided by the Madison County Building Inspectors Office. NOTE: If item 5 "Building Construction/Renovations/Occupancy" relates to the applicant, the safety and health inspection will have been satisfied.
- (8) Sign Permit. All business owners who wish to place signage for their business must apply for a sign permit. The application for a sign permit may be obtained from the city clerk's office. Sign design including type, size, and placement must be included when completing the application.
- (9) Health Permits and Other Certificates. If the business is involved in food processing, handling, storage, or distribution you must obtain proper permits from the Department of Agriculture and/or the Madison County Environmental Health Department, which handles the permits for the entire county and city. Other situations where you may need a permit from the health department, if the business location has a septic system instead of city sewer.

Any business required to obtain health permits, bonds, certificates of qualification, certificates of competency or any other regulatory matter shall show evidence to the city clerk that such requirements have been met before a certificate of registration may be issued.

- (10) Federal Licensing. Most small businesses will not require any type of federal licensing to conduct business, unless they will be engaged in one of the following activities:
 - Rendering investment advice
 - Making alcohol products
 - Making tobacco products
 - Preparing meat products
 - Making or Dealing in firearms

A Federal permit would also be needed to start large operations such as a television station, radio station, common carrier, or producer of drugs or biological products. The aforementioned businesses are all heavily governmentally regulated. (For information on federal licensing, contact the US Department of Alcohol, Tobacco, & Firearms, the US Federal Drug Administration, or the US Federal Communications Commission.)

- (11) Real and Personal Property Tax Obligations. All city and county real and personal property taxes owned by the applicant and/or the business must be current before a certificate of registration (business license) may be issued. This applies to "New" and "Renewal" applications.
- (12) Business Phone Line. For security of the business establishment and safety of its employees, all businesses operating within the corporate limits shall maintain a valid and operational **primary** phone line from the establishment. There are several options available to businesses now; however, the business owner must ensure that employees working on the premises are able to reach 911 in an emergency and that the 911 operator is able to locate the address the call is coming from.

Sec. 32-100.6 – Applicant's Information Confidential.

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Except in the case of judicial proceedings or other proceedings necessary to collect the occupation tax hereby levied per Section 4-111.5, it shall be unlawful for any officer, employee, agent, or clerk of Danielsville, or any other person, to divulge or make known in any manner the amount of gross receipts or any particulars set forth or disclosed in any occupation tax application required under this Section. All contents of said application shall be confidential and open only to the officials, employees, agents, or clerks of the city using said applications for the purpose of issuing the registration, occupation tax levy, and the collection of the tax. For the purposes of this section, independent auditor or bookkeeper employed by the city shall be classed as "employees". Nothing herein shall be construed to prohibit the publication by Danielsville officials of statistics, so classified as to prevent the identification of particular reports or applications and items thereof; or the inspection of the records by duly qualified employees of the tax departments of the State of Georgia, the United States, and other local governments.

Sec. 32-100.7 – Inspections of Books and Records.

In any case, the mayor, through his/her officers, employees, agents or representatives, shall have the right to inspect the books or records for the business of which the application was made in Danielsville, Georgia, and upon demand of the city officer, such books or records shall be submitted for inspection by a representative of the city within thirty (30) days. Said inspection shall include the right to require information from businesses and practitioners of professions and occupations doing business within the corporate limits regarding the site of any location or office and payment of occupation taxes or regulatory fees to other local governments. Failure of submission of such information, books or records within thirty (30) days shall be grounds for revocation of the tax registration currently existing to do business in the city. Adequate records shall be kept in Danielsville, Georgia, for examination by the city officer at the officer's discretion. If after examination of the books or records, it is determined that a deficiency exists due to false reporting of any information pertaining to said business, a penalty may be assessed and /or registration revoked. (See Section 32-100.11)

Sec. 32-100.8 – Failure to Obtain Registration.

All persons subject to the occupation tax levy pursuant to Section 4-111 shall be required to obtain the necessary registration for said business as described in this Section, 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 registration. Every person commencing business in the city after January 1 of each year shall likewise obtain the registration herein provided for before commencing the same; and any person transacting, or offering to transact in Danielsville, any of the kinds of business, trade, profession, or occupation without first having so obtained said registration, shall be subject to penalties provided thereof. 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 on or before February 28 of each year, and on or before February 28 each year hereafter. Any person transacting or offering to transact in Danielsville any business, trade, profession, or occupation without first having obtained said registration shall be subject to the penalties provided in Section 32-100.9. Said penalties shall be in addition to all other penalties, civil and criminal herein provided in Section 4-111.7; 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. 32-100.9 – Penalty of Ordinance Violation - Failure to Obtain Registration.

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 Danielsville, any kind of business, trade, profession, calling, or occupation subject to this Section without having first obtained said registration, such offender shall, upon conviction before the Municipal Court Judge, be fined in an amount not exceeding Two Hundred Dollars (\$200.00) in the discretion of a court of competent jurisdiction that enforces the city ordinances.

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Sec. 32-100.10 – Revocation of Registration.

Upon the failure of any business to pay said occupation tax or any part thereof before it becomes delinquent, or upon failure to make any of said applications within the time required herein, or upon failure to permit inspection of its books or records as above provided, or upon inspection of the books or records it is determined that a deficiency exists due to false reporting of any information pertaining to said business, any business tax registration granted by the city under this Section permitting the owner of said business to do business for the current year shall be, ipso facto, revoked. No new business tax registration 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 an individual, firm, or corporation who has failed to submit adequate records as requested by the financial officer in accordance with provisions found in Section 32-100.7.

The Mayor and Council of the City of Danielsville shall have the right, after notice and a hearing, to revoke any business license issued under this article for:

- (1) The violation of any state law or the laws and regulations of the City of Danielsville, which affect the public health, safety and welfare and which occurred as a part of the main business activity licensed and not merely incidental thereto; or
- (2) Upon the finding that the revocation of a business license is necessary for the protection of the public health, safety and welfare.

Sec. 32-100.11 – Penalty of Ordinance Violation - Revocation of Registration.

Any persons, their managers, agents, or employees, who do business in Danielsville after the registration for their business has been revoked under this section, shall be subject to penalties provided herein.

Any individual, business or practitioner who fails or refuses to make a timely or truthful tax application or make available truthful and accurate information to the city, as may be required to administer and enforce this article, shall be subject to a fine of an amount not to exceed \$1,000.00 or imprisonment of a term not to exceed six months, pursuant to O.C.G.A. § 36-35-6, either or both; provided, however, that no criminal penalties contemplated by this section shall be imposed upon any person who is licensed by the State of Georgia pursuant to O.C.G.A. tit. 43 or otherwise defined by law as a practitioner of a profession.

In the case of those practitioners where the local government cannot suspend the right of the practitioner to conduct business, the imposition of civil penalties shall be permitted and pursued by the local government. A civil fine not to exceed \$1,000 shall be imposed upon those practitioners who do business in Danielsville after the registration for their business has been revoked. This shall be enforced by a court of competent jurisdiction that enforces the city ordinances.

Sec. 32-100.12 – Danielsville Police Chief; Subpoena and Arrest Powers.

The Danielsville Police Chief and his duly designated officers and inspectors or their successors shall be classified as Deputy Marshall-Business Inspector with full subpoena and arrest powers in conjunction with any violation pertaining to the Business Registration and Tax Ordinance for 1996 and succeeding years.

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Enforcement of Provisions. It is the duty of the Danielsville Police Department to see that the provisions of this Section relating to business regulation are observed; and to summon all violators of the same to appear before the court. It is hereby made the further duty of the Danielsville Chief of Police, members of the Danielsville Police Department, and their assistants, to inspect all registrations issued by Danielsville as often as in their judgment it may seem necessary to determine whether the registration held is the proper one for the business sought to be transacted thereunder.

Sec. 32-100.13 – Amendment Repeal Provision

This Section 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 the Council to access and collect any of the taxes or other charges prescribed. Said amendment may increase or lower the amount of 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 jurisdiction of additional occupation taxes upon the same person, property, or business.

Sec. 32-100.14 – Applications of Provisions to Prior Ordinance

This Section does not repeal or affect the force of any part of any ordinance previously 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 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. 32-100.15 – Provisions to Remain in Full Force and Effect Until Changed by the Governing Body

These sections shall remain in full force and effect until changed by amendment adopted by the Mayor and Council. All provisions relating to any form of tax herein levied shall remain in full force and effect until such taxes have been paid in full.

Sec. 32-100.16 – 32-100.20 Reserved.

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32-101 Alcohol Beverage Ordinance (Revised 3/2015)

ARTICLE I. - IN GENERAL

Sec. 32-101.1 - Repeal of previous ordinance and title.

- (a) Section 32-101 Beer and Wine Ordinance of the City of Danielsville, Georgia, along with all amendments thereto, are deleted in entirety, except as provided for herein, and the following is substituted in place thereof, effective immediately upon being approved by the city council and successive years thereafter as follows:
- (b) The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed.
- (c) This section shall be known as the "City of Danielsville Alcohol Ordinance."

Sec. 32-101.2 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed in this section, except if the context clearly indicates a different meaning:

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

Alcohol treatment facility shall include any alcohol treatment facility operated or licensed by the state or the county government.

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

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or concoction of barley, malt, hops, or any other grain product, or any combination of such products in water containing not more than 21 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. Also included are beverages known as "non-alcoholic" beer, which is made by fermentation of any infusion or decoction of barley, malt, hops or other products, and containing less than three percent, but more than 0.1 percent alcohol by volume.

Brew pub means an eating establishment in which malt beverages are manufactured or brewed for retail consumption on the premises and solely in draft form.

Church building as used in this section shall mean the main structure used by any religious organization for purposes of worship.

City council means the mayor and members of city council of City of Danielsville, Georgia.

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

Domiciled means having a City of Danielsville license for the service of malt beverages, wine, or distilled spirits, as the context so requires.

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen. An eating establishment shall be prepared to serve food every hour the establishment is open and shall derive at least 70 percent of the gross receipts annually from the sale of prepared meals or food.

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. Fortified wine includes, but is not limited to, brandy.

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Full-service kitchen means a kitchen that consists of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments.

Governing authority means the mayor and members of the city council of the City of DANIELSVILLE, Georgia.

Indoor commercial recreational establishment means and is limited to an establishment that regularly serves prepared food with a full-service kitchen and is prepared to serve food every hour the establishment is open and deriving at least 50 percent of its total annual gross sales from the sale of prepared meals or food and recreation activities; and the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises. The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use that attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Outdoor commercial recreation facilities, bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, adult entertainment and/or sexually-related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments.

Licensee means the individual to whom a license for the sale or distribution of distilled spirits, malt beverages, or wine under this chapter is issued. In the case of a partnership or corporation, all partners, officers, and directors of the partnership or corporation are licensees.

Licensed premises means any premises which are required by law to be licensed to sell or dispense alcoholic beverages.

Minor means any person or persons under the legal age for consumption or possession of alcoholic beverages as defined in O.C.G.A. § 3-3-23, and any subsequent amendments thereto.

Non-domiciled means having an alcohol license for the service of malt beverages, wine, or distilled spirits, as the context requires, from another jurisdiction, but not having an alcohol license issued by the City of Danielsville.

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

Person means any individual, firm, partnership, cooperative, nonprofit 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.

Pouring / handling permit means an authorization granted by the Danielsville Police Department to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer.

Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises, at retail, only to consumers and not for resale.

Retail dealer means any person who sells alcoholic beverages in unbroken packages at retail only to consumers and not as a wholesaler, or for the consumption off the premises.

School buildings referred to in this chapter shall apply only to state, county, church school building, or private educational institution in which are taught subjects commonly taught in the schools and colleges of this state. The term "school building" includes only those structures in which instruction is offered.

Wholesaler shall mean any person who sells malt beverages, wine and/or distilled spirits to other wholesalers, retail dealers, or to retail consumption dealers.

Wine means any alcoholic beverage, excluding beer or malt beverages, containing not more than 21 percent alcohol made from fruits, berries, grapes or other agricultural products either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, sake or rice wines, special natural wines, rectified wines, ciders, and like products. The term "wine" 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 the point in the manufacturing process when it conforms to the definition of wine contained in this section.

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Sec. 32-101.3 - Penalties for violation of ordinance.

Violation of any provision of this Ordinance for failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned for not more than twelve (12) months, or both, and in addition may be liable to pay all costs and expenses involved in such case. Each day any violation continues shall be considered a separate offense.

In addition thereto and totally and separately distinct therefrom, any violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall be grounds for immediate suspension or revocation of any and all licenses, regardless of the number of locations involved, and regardless of whether or not the holder of the license knew of or contributed to such violation. It is the intent of this subsection, without limiting the generality of the foregoing, to grant to the city the right to suspend or revoke any or all licenses held by a licensee when violation of this Ordinance occurs at any place of business where alcoholic beverages are sold pursuant to a license issued hereunder. Any violation of the general statute law of Georgia pertaining to alcoholic beverages shall constitute a violation of this Ordinance.

Sec. 32-101.4. – Severability.

If any section, provision or clause of any part of this chapter shall be declared invalid or unconstitutional, or if the provisions of any part of this chapter 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 portions of this chapter not so held to be invalid, or the application of this chapter to other circumstances not so held to be invalid. It is hereby declared as the intent that this chapter would have been adopted had such invalid portion not been included herein.

Secs. 32-101.5—32-101.9 - Reserved.

ARTICLE II. - LICENSING

Sec. 32-101.10 - License is a privilege.

- (a) Alcoholic beverages may be sold in the City of Danielsville under a license granted by the governing authority upon the terms and conditions provided in this chapter.
- (b) Alcoholic beverages may be manufactured, subject to state and federal regulations, in the City of Danielsville under a license granted by the governing authority upon the terms and conditions provided in this chapter.
- (c) It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage if the person does not have a license granted by the city to sell or possess for sale the alcoholic beverages or to sell or make deliveries beyond the boundaries of the premises covered by the license.
- (d) All licenses issued pursuant to this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this chapter and state law.
- (e) All licenses granted pursuant to this chapter shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled and is subject to the terms of the DANIELSVILLE Alcohol Ordinance, as the same may be amended from time to time."
- (f) Any holder of a license issued in accord with this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable state regulations and laws.

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Sec. 32-101.11 - Licenses, generally.

All licenses issued under this chapter shall:

- (1) Permit the licensees to sell, distribute, or manufacture the beverage or beverages for which the license is issued inside the corporate limits of the City of Danielsville, Georgia, pursuant to the terms of this chapter and consistent with the laws of the State of Georgia and the United States;
- (2) Not be transferred from one person to another or from one location to to; and
- (3) Permit the licensee to sell or manufacture distilled spirits, malt beverages, wines, or any combination thereof, depending upon the license issued, for consumption on the premises where sold or for retail package sales.

Sec. 32-101.12 - Licenses, permits and fees.

License, permit and administrative fees applicable to this chapter are set out as follows:

License Classes & Fees

Class A License - Allow the retail package sales of malt beverages and wine off premise consumption only, and the annual fee shall be *One Thousand Dollars (\$1,000.00). * (Amended Oct. 29, 2012)

Class B License - Allow the retail sales of distilled spirits by the drink for on premise consumption at eating establishments only and the annual fee shall be *One Thousand, Two Hundred Dollars (\$1,200.00). * (Amended Jan 8, 2015)

Class C License - Allow the retail sales of malt beverages and wine for on premise consumption at eating establishments only and the annual fee shall be *One Thousand Dollars (\$1,000.00). * (Amended Oct. 9, 2013)

Class D License - Allow wholesalers of distilled spirits for resale by retail dealers and whose principal place of business is Danielsville, Georgia. The Annual fee shall be * One Thousand, Two Hundred Dollars (\$1,200.00).

Class E License - Allow wholesalers of malt beverages and wine for resale by retail dealers and whose principal place of business is Danielsville, Georgia. The Annual fee shall be * One Thousand Dollars (\$1,000.00).

Class F License - Allow hotel/motel in-room service of beer and wine only and whose principal place of business is Danielsville, Georgia. The Annual fee shall be * Two Hundred Fifty Dollars (\$ 250.00).

Class G License - Allow the alcohol manufacturer or distiller whose principal place of business is Danielsville, Georgia. The Annual fee shall be * One Thousand Dollars (\$1,000.00). * (Amended April 2, 2001)

Class H License - Allows for catering of no more than 100 event days/year of beer and wine only inside of the city limits of Danielsville, Georgia. The Annual fee shall be * Two Hundred Fifty Dollars (\$ 250.00).

Class I License - Allows for catering of no more than 100 event days/year of distilled spirits only inside of the city limits of Danielsville, Georgia. The Annual fee shall be * Three Hundred Dollars (\$ 300.00).

Permit Fees:

Catering Event Permit – (If caterer is domiciled) \$25.00 per event.

Catering Event Permit – (If caterer is non-domiciled) \$50.00 per event.

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Pouring / handling Permit – required for every employee who will dispense, sell, serve, take orders, mix alcoholic beverages or serve in any managerial position. \$10.00

Administrative Fees

Application Fee – \$100.00 Each applicant for a “New” license shall pay an application fee

Transfer Fee - \$250.00 Personnel Change in Store Managers* (Publicly Owned Corporations)

Sec. 32-101.13 - Fee payment.

- (a) Before a license or permit shall be granted, the applicant therefore shall comply with all provisions of this chapter and each applicant shall pay the license, permit or administrative/application and investigatory fees in accordance with this chapter.
- (b) Each application for a license shall be accompanied by the full amount of the license fee, together with the administrative/application fee (if applicable, see item C). All fees are payable by check or cash. Any check returned as insufficient funds will result in the suspension of license.
- (c) Renewal applications shall pay no administrative/application fee.
- (d) If the application is denied, the funds submitted, less the administrative/application fee will be refunded. If the applicant is denied a state license, the deposit representing the license fee shall be refunded, but the administrative/application fee shall be retained. However, once a license has been issued, no portion of the fees shall be refunded if the license is revoked, suspended, or surrendered.
- (e) Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, the funds submitted, less the administrative/application fee will be refunded.

Sec. 32-101.14 - Application forms.

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the city council. All questions and information requested on the application form shall be filled in and subscribed to by all applicants under oath.
- (b) All applications must be filed at least thirty (30) days prior to the date considered by the Council.
- (c) Application will be considered and license granted only at a regular meeting of the Council.
- (d) No license shall be granted to any corporation that is not duly registered and in good standing with the Secretary of State of Georgia.
- (e) No license shall be granted to any person who is less than twenty-one (21) years of age.
- (f) No license shall be granted to any person who is serving as a Member of the City Council or Mayor for the City of Danielsville; nor shall any license be granted to any business in which a Council Member or Mayor holds any interest.
- (g) The application shall include, but shall not be limited to:

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Individual/Sole Proprietor –the name, residential address, phone number, date of birth, social security number, and driver’s license number of the applicant; the proposed business to be carried on; physical address of business, property owner’s name, address, and phone number.

Partnership - the names, residential address, phone number, date of birth, social security number, and driver’s license number of each partner; the proposed business to be carried on; physical address of business, property owner’s name, address, and phone number.

Corporation/LLC - the names of the officers; the name, residential address, phone number, date of birth, social security number, and driver’s license number of the registered agent for service of process or manager; and the name of all shareholders holding more than 20 percent of any class of corporate stock, or any other entity having a financial interest in each entity that owns or operates the establishment for which a license is sought. If the registered agent and/or the manager changes during the license period, the applicant must furnish the City Clerk with the name and address of the new manager and other information as requested within ten days of such change.

In the event that a firm, partnership or corporation owns or operates more than one place of business in the city, all applications for licenses for each place of business made pursuant to this Chapter shall be made by the same person.

- (h) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the application form to insure compliance with the provisions of this chapter. The failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (i) The fingerprints provided shall be forwarded to the city police department and/or the Georgia Bureau of Investigation, or the Federal Bureau of Investigation, to search for any instance of criminal activity during the two years immediately preceding the date of the application.
- (j) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (k) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the final date of such denial.
- (l) The city council or its designee shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.

Sec. 32-101.15 - Advertising.

All persons desiring to engage in the sale of malt beverages or wine shall give notice of their intention to make such application by advertisement in the form prescribed by the Council. Advertising by an applicant for original license shall mean that there shall be a sign posted at least thirty (30) days prior to consideration of the application by the Council in prominent position on the building, if there is one. In the event there is no building on the premises, the notice shall be posted in the lot so as to be easily read from the nearest road and no more than 25 feet from the shoulder thereof and the applicant must submit a building plan and front elevation of the proposed building.

- A. The following is the wording and specifications for the sign which must be posted at the business establishment when applying for a new alcoholic beverage license:

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"NOTICE IS HEREBY GIVEN THAT THE OWNER OF THIS ESTABLISHMENT HAS MADE APPLICATION TO THE CITY OF DANIELSVILLE FOR A MALT BEVERAGE AND WINE LICENSE. THE HEARING ON SUCH APPLICATION WILL BE HELD AT THE NEXT REGULAR MEETING OF THE COUNCIL MORE THAN THIRTY (30) DAYS AFTER THE POSTING OF THIS NOTICE. THIS NOTICE POSTED ON THIS _____ DAY OF _____, 20____.

DATE _____ (Applicant's Signature)

The sign must be a minimum size of four and one-half (4 1/2) square feet and letters must be minimum of four (4) inches.

- B. The following is the wording and specification of the newspaper advertisement which must be published two (2) times in the legal organ of Madison County, Georgia, during the thirty (30) day period immediately prior to the hearing of the application by the Council.

"NOTICE IS HEREBY GIVEN THAT THE OWNER OF _____ LOCATED AT _____ HAS MADE APPLICATION TO THE CITY OF DANIELSVILLE FOR A MALT BEVERAGE AND WINE LICENSE. THE HEARING ON SUCH APPLICATION WILL BE HELD AT THE NEXT REGULAR MEETING OF THE COUNCIL MORE THAN THIRTY (30) DAYS AFTER THE FIRST PUBLIC NOTICE DATED _____.

Applicant is required to show proof of two (2) newspaper advertisements by affidavit of publisher or his designee and is responsible for expenses incurred for such advertising.

- C. No application will be considered until proof of full compliance with the requirements of this section has been shown to the Council.

Sec. 32-101.16. - Separate application and separate license for each location of sale.

Separate applications must be made for each location and separate licenses must be issued unless covered by an off-premises license and an event permit as set forth in this chapter.

Sec. 32-101.17 - Qualifications of licensee.

- (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence. The applicant must not be less than 21 years of age.
- (b) No person shall be granted any alcoholic beverage license unless proper information establishes to the satisfaction of the city council or its designee that such person, partners in the firm, officers and directors of the corporation have not been convicted or pled guilty or entered a plea of nolo contendere, and have been released from parole or probation, to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution,

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solicitation of sodomy, or any sexually-related crime within a period of two years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment, has been so convicted in the two years preceding the filing of the application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a city ordinance shall not, by itself, make an applicant ineligible for an alcohol license. If any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime, then the license shall be immediately revoked and canceled.

- (c) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within five years prior to the filing of application for such license.
- (d) It shall be unlawful for any city employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.
- (e) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the city previously revoked within two years prior to the filing of the application.
- (f) The city council may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same requirements as set forth in this section for the licensee.
- (g) A license application may be denied to any applicant for any alcoholic beverage license if the applicant lacks adequate participation in the proposed business to direct and manage its affairs, or if the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever. Each person signing an application for a license under this chapter must file concurrently with the application a sworn affirmation as to his interest and/or involvement with the entity seeking the license.
- (h) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which a defendant was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored if the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

Sec. 32-101.18 - License issuance.

(a) **Individual/Sole Proprietor** - If the applicant is an individual and the license is granted, then the license shall be issued in the name of the individual.

(b) **Partnership** - If the applicant is a partnership and the license is granted, then the license shall be issued in the name of a partner who is actively engaged in the management of the business and owner of at least 25% of the partnership.

(c) **Corporation/LLC** - If the applicant is a corporation and the license is granted, then the license shall be issued in the name of an officer who is actively engaged in the management of the business and owner of at least 25% of the corporation.

If the corporation is publically owned, the license will be issued to the corporation in the store manager's name. If the store manager of the corporation changes during the year, the corporation must notify the city clerk immediately and provide the new store manager's information and pay a transfer fee.

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Sec. 32-101.19 - Transferability of license/change in ownership.

- (a) *Individuals/ Sole Proprietor.* In the event of a change of ownership of a business for which an individual has been issued a license, the new owner, if desiring a license, must meet the qualifications, file an application, and tender with the application all administrative/application and investigatory fees as provided in this chapter and any license fee that may be due. Not transferrable except as defined in sub-paragraph (e) of this section.
- (b) *Partnerships or Corporations.* In the event of a change of any ownership interest in a business that is owned or operated by a partnership or corporation and for which a license has been issued, the licensee shall report such change to the City Clerk in writing within five days. "Change of ownership interest" as used herein includes, but is not limited to, any change in:
 - (1) Division of profits and/or losses;
 - (2) Division of net gross or sales;
 - (3) Members of a partnership or LLC;
 - (4) Stockholders of corporate stock; and,
 - (5) Senior management.
- (c) *[Revocation of license.]* If, as a result of any change of ownership interest, the licensee would not qualify under other provisions of this chapter for the issuance of a license, then the license issued to the licensee shall be subject to revocation and shall not be subject to renewal.
- (d) *[Transfer of license.]* Each application for transfer of a license shall have attached thereto a completed copy of the notice of change of interest required by the state revenue commissioner. After receipt of such application, the city council shall notify the applicant within 30 days of any objection to the transfer. The license shall remain in effect pending approval or disapproval of the transfer. If the transfer is approved, the city council shall permit the license to be transferred upon payment of a transfer fee established in this chapter. All applications for transfer of a license shall be accompanied by the aforesaid transfer fee, together with an administrative/application as provided in this chapter. If the transfer is not approved, then the transfer fee will be refunded, but the administrative and investigatory fee will not be refunded.
- (e) *[Death of a licensee.]* Upon the death of a licensee, the executor or administrator of the licensee's estate, upon written notice to the city notifying the city of the licensee's death, may continue to operate under the license for the balance of the calendar year without payment of any additional fee or may delegate the operation of the business to another person if the person operating under the license, whether the executor, administrator, or delegatee, would otherwise be qualified as a licensee under the provisions of this chapter.

Sec. 32-101.20 - Display of license and ordinance at place of business.

- (a) The city alcoholic beverage license shall at all times be kept plainly exposed to view to the public at the place of the business of the licensee.
- (b) Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter upon the licensed premises and shall instruct any person working there with respect to the terms of this chapter; and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms of this chapter. The licensee shall in all respects be the responsible party for violations of this chapter.

Sec. 32-101.21 - Expiration; renewal of license.

- (a) All licenses granted under this chapter shall expire on December 31 of each year. Licensees who desire to renew the license shall file applications, with the requisite license fee, with the city clerk on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before November 15 of each year. Any renewal

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applications received after November 15 shall pay in addition to the annual fee, a late charge of 20 percent. If license application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after January 1 the administrative/application fee will be assessed.

- (b) Any licensee must annually meet the requirements set forth by the city council in order to obtain a renewal of any license. Any licensee making proper application with supporting documents for a renewal license to operate during the following calendar year, and having filed such application before November 15, shall be permitted to continue to operate pending final approval of the licensee's application for the following year if final approval is not granted before January 1.
- (c) All licenses granted under this chapter shall be for the calendar year, and the full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a license fee shall be paid for a license application filed after July 1 of the license year, except for applications for a temporary special event permit which shall not be halved.

Sec. 32-101.22 - Automatic license forfeiture for non-use.

A license issued pursuant to this chapter shall be valid only so long as the licensee is actually engaged in the business of sale of alcoholic beverages in accordance with the specific terms or conditions for which the granting of the license was approved. Any holder of any license under this chapter who shall for a period of 30 days after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the 30-day period, automatically forfeit the license without the necessity of any further action, and shall not be entitled to a refund of any monies paid or deposited under this chapter.

Sec. 32-101.23 - Suspension of license.

- (a) The following shall be grounds for the suspension of a license issued under this chapter for such period of time as the city council shall, in its sole discretion, determine appropriate:
 - (1) A violation by the licensee of any state or federal law or regulation, or any provision of this chapter or the regulations promulgated (enacted) under its authority;
 - (2) The failure of the licensee and employees or agents of the licensee to promptly report to law enforcement any violation of law/breach of peace, disturbance or altercation occurring on or at the licensee's premises;
 - (3) The violation of any law, regulation or ordinance pertaining to alcoholic beverages, distilled spirits, malt beverages and wines, by any employee or agent of the licensee in connection with the operation of the business of the licensee;
 - (4) Operation of the business of the licensee in such a manner as to create a public nuisance, or in a manner contrary to public welfare, health or morals;
 - (5) Failure to furnish the city council on request any information or records that would be necessary or needed for use in determining the licensee's compliance and qualifications under this chapter; or
 - (6) Selling alcoholic beverages to a minor or any person while such person is in an intoxicated condition.
- (b) Wherever this chapter permits the city council to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised under the guidelines of this subsection.
 - (1) No suspension shall be for a period of time longer than the time remaining on such license; however, said suspension and the basis therefore may be considered in any request for a renewal of said license.
 - (2) The following factors shall be considered on any suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the city council.

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- b. Likelihood of deterring future wrongdoing.
- c. Impact of the offense on the community.
- d. Any mitigating circumstances, remedial, or corrective steps taken by licensee.
- e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

Sec. 32-101.24 - Revocation or nonrenewal of license.

- (a) The city council may revoke any license issued under this chapter, or refuse to issue the same, if the licensee or applicant for renewal:
 - (1) Is convicted of a felony or any crime involving moral turpitude;
 - (2) Makes any false statement of a material fact on the application for license or renewal thereof, or on any document required to be filed with the city council;
 - (3) Fails to timely give written notice of any change of ownership interest as required in this chapter;
 - (4) Violates any rules or regulations promulgated (enacted) by the mayor and members of city council under this chapter, of which the licensee has reasonable notice; or
 - (5) Becomes disqualified under this chapter to hold a license.
- (b) The city council may revoke the license for any reason specified by the suspension section of this chapter.
- (c) The city council shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.
- (d) The city council shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (e) Whenever it can be shown that a licensee under this chapter no longer maintains adequate responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the city, the city council may revoke the license.

Sec. 32-101.25 - Hearings.

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing, other than in an emergency situation as set forth in subsection (c) below.
- (b) The city council or its designee shall provide written notice to the applicant or licensee of its intent to deny, suspend or revoke the license. Such written notification shall be hand delivered or sent certified mail to the applicant at the address shown on the application, and the applicant shall be directed to show cause, if any there be, why the proposed action should not be taken by the city council. The notice shall:
 - (1) Advise of the time and place specified for the hearing, which hearing shall be held in not less than ten days, but not more than 30 days from the date of the service of the notice.
 - (2) Set forth in reasonable detail the grounds for such action and the factual basis supporting those grounds;
 - (3) Advise the applicant or licensee of the right to present evidence, witnesses or arguments and to be represented by counsel at the hearing; and
 - (4) Be deemed delivered when personally served or when served by certified mail, within three days after the date of deposit in the United States mail.
- (c) In the event that an emergency situation is presented where there is a danger to human life, imminent criminal activity or other imminent danger to the peace, prosperity and welfare of the citizens of Danielsville, the city council

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may immediately suspend or revoke a license so long as a hearing thereon as specified in subsection (b) above is held within ten days of the emergency situation or revocation.

Sec. 32-101.26 - Audits of licensees.

- (a) If the city council or its designee deems it necessary to conduct an audit of the records and books of the licensee, it shall notify the licensee of the date, time and place of the audit. The licensee shall cooperate with the audit or forfeit any license(s) issued under this chapter.
- (b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:
 - (1) Monthly income or operating statements.
 - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer, wine and distilled spirits licensees).
 - (3) Daily cash register receipts such as Z tapes or guest tickets.
 - (4) Monthly state sales and use tax reports.
 - (5) Federal income tax return with all form 1099's.

The city council may waive all or some of the requirements of the foregoing sentence if it finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.

Sec. 32-101.27 - Inspection of licensed establishments by the city police department.

Sworn officers of the police department shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any other city employee to conduct inspections authorized by other provisions of this chapter.

Sec. 32-101.28 - Establishment can be temporarily closed by law enforcement in cases of emergency.

The chief, sheriff or his designee may immediately close an establishment licensed under this chapter in case of emergency for the safety of the public or to investigate a crime for a period of time not to exceed 24 hours.

Sec. 32-101.29 – Disciplinary Action Department of Revenue Reporting

As used in this ordinance, the following terms shall be defined in the same manner and in accordance with the provisions of O.C.G.A. § 3-3-2.1 as follows:

- (1) "Disciplinary action" means any citation or arrest arising out of the violation of any law, rule, regulation, resolution, or ordinance of a governmental entity relating to the manufacture, distribution, sale, or possession of alcoholic beverages

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against a licensee, an employee of a licensee, or any person holding a financial interest in the license of the licensee on the premises or place of business of any licensee.

(2) "Governmental entity" means the United States government, any state governmental, any local government, and any department, agency, or instrumentality thereof.

(3) "Licensee" means any person issued a license pursuant to this title by a governmental entity to operate a bar.

(a)(1) Pursuant to O.C.G.A. § 3-3-2.1(b)(1), a licensee in the City of Danielsville shall be required to notify the Georgia Department of Revenue of the details of any disciplinary action taken against such licensee, including the date such action was taken, the nature of such action, and any other information required by the Georgia Department of Revenue. Such notification shall be reported within 45 days of any officer, department, agency, or instrumentality of the county taking such disciplinary action.

(2) Pursuant to O.C.G.A. § 3-3-2.1(b)(2), the first violation of paragraph (1) of subsection (a) of this section shall be subject to a fine by the state revenue commissioner and a second or subsequent violation within a 3 year period may constitute grounds for suspension, revocation, or cancellation of the license of the licensee.

(b) Pursuant to O.C.G.A. § 3-3-2.1(c), the Police Chief or his designee will report to the Georgia Department of Revenue any disciplinary action taken against a licensee. Such action will be reported within 45 days of any officer, department, agency, or instrumentality of the county taking such disciplinary action.

(c) All notification and reporting of disciplinary actions under subsections (a) and (b) of this section shall be made by utilizing the reporting method implemented by rule and regulations of the Georgia Department of Revenue.

Reference: Ordinance #235 of 9/12/2016

ARTICLE III. - POURING / HANDLING PERMITS

Sec. 32-101.31 - Regulations as to employees and manager of licensed establishments.

The following regulations shall apply to all establishments holding a license for consumption of alcoholic beverages on the premises:

- (1) No person shall be employed to dispense, sell, serve, take orders, mix alcoholic beverages or serve in any managerial position by an establishment holding a license under this chapter until such person has been

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fingerprinted and approved by the police chief or the chief's designee indicating that the person is eligible for such employment and has been issued a pouring / handling permit.

- (2) This section shall not be construed to include employees whose duties are limited solely to those of busboy(s), cook(s), or dishwasher(s).
- (3) No pouring / handling permit shall be issued until such time as a signed application has been filed with the city clerk's office or such department's designee, the pouring / handling permit fee paid, and a search of the criminal record of the applicant completed. The application shall include, but shall not be limited to, the name, date of birth and prior arrest record of the person, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt.
- (4) The police chief or his designee shall have a complete and exhaustive search made relative to any criminal record of the pouring / handling permit applicant. If the applicant complies with all applicable provisions of this chapter, the chief or his designee shall issue a pouring / handling permit to the person stating that the person is eligible for employment. If it is found that the person is not eligible for employment, the chief or his designee shall notify the person, in writing, that they are not eligible for employment, the cause of such denial and their right to appeal.
- (5) No person shall be granted a pouring / handling permit unless it appears to the satisfaction of the police chief or his designee that such person has not been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the felony or repeated misdemeanor illegal sale or possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, solicitation of sodomy or any sexually related crime within a period of five years of the date of conviction and has been released from parole or probation. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a city ordinance shall not, by itself, make a person ineligible for a pouring / handling permit. No person shall be granted a pouring / handling permit who has been convicted, pled guilty or entered a plea of nolo contendere to any federal, state or local law for any felony within five years of the date of conviction and has not been released from parole or probation prior to the filing for application for such permit. For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which a defendant was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored if the person violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the person had previously been sentenced as a first offender.
- (6) A pouring / handling permit shall be issued for a period of one calendar year from the date of the original application. The pouring / handling permit must be in the possession of the employee while the employee is working at the licensed establishment and available for inspection by members of law enforcement or a designee of the city.
- (7) No person shall be issued a pouring / handling permit if it is determined that the person falsified, concealed or covered up any material fact by any device, trick or scheme while making application to the police department for a pouring / handling permit under this section. If it is determined that a person is in violation of this subsection and a permit is denied for this reason, then 30 calendar days must elapse from the date of notification before a new application and fee may be resubmitted.
- (8) All pouring / handling permits issued through administrative error can be terminated and seized by the police chief or his designee or the city council or its designee.
- (9) Replacement pouring / handling permits will be issued within 30 days of original date, upon paying one-half of the fee charged for a pouring / handling permit. After 30 days of original application date, a new application and fee must be submitted.
- (10) All pouring / handling permits issued under this chapter remain the property of the police department and shall be produced for inspection upon the demand of any sworn officer or designee of the police department or employee of the business license department.

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- (11) No licensee shall allow any employee or manager required to hold a pouring / handling permit to work on the premises unless the employee or manager has in their possession a valid pouring / handling permit. For new employees, a receipt issued by the city may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee required to do so has in their possession a valid pouring / handling permit.

Secs. 32-101.32—32-101.35 - Reserved.

ARTICLE IV. - PREMISES, LOCATION AND HOURS OF SALE

Sec. 32-101.36 - Specification of premises.

No alcoholic beverage license shall be issued to any person unless property is zoned for commercial business

- (a) No alcoholic beverage license shall be issued to any person unless a certificate of occupancy has been issued for the building in which the business will be located.
- (b) If the building is to be used as a retail package store, it shall have at least 1,000 square feet of heated floor space for retail sales and one parking space for each 200 square feet of retail sales space. All retail package stores shall have ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building in which the facility is located.
- (c) In deciding whether or not an application will be granted or denied, the local government may consider not only the qualifications of the applicant, the location of the business and its proximity to other enterprises, but also shall be authorized to consider and shall consider the following: (i) the effect that the establishment would have on the area surrounding the establishment in terms of traffic congestion and the general character of the area, as well as the effect the establishment would have on the value of properties surrounding the site; and (ii) the number of alcoholic beverage licenses already granted in the neighborhood, and whether granting the application would be contrary to the public interest or welfare.

Sec. 32-101.37 - Locations where permitted: On-premises consumption and retail package sales of beer and wine.

- (a) Licenses shall be issued only for locations in areas with commercial zoning.
- (b) No person may sell or offer to sell wine or malt beverages in or within 100 yards of any school building, housing authority property or alcohol treatment facility.
- (c) No person may sell or offer to sell distilled spirits in or within 100 yards of a church, housing authority property or alcohol treatment facility or within 200 yards of any school building.
- (d) For purposes of this section, distance shall be measured distances shall be measured by the most direct route of travel on the ground from closest building corner to closest building corner.
- (e) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school or housing authority property or alcohol treatment facility within the distance prohibited in this section shall not prevent the continuance of an existing license

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or the renewal thereof or the issuance of a new license to any subsequent owner of such property as long as the property remains continuously licensed to sell alcoholic beverages.

Sec. 32-101.38 - Locations where permitted: Retail package stores.

- (a) Retail licenses for the sale of beer, wine and/or malt beverages shall be issued or renewed by persons operating retail package stores. No distilled spirits by the package shall be sold at retail.
- (b) All retail package stores shall be located only in a commercial zoning classification.
- (c) No retail package stores shall be located within 100 yards of a church, housing authority property or alcohol treatment facility or within 200 yards of any school building.
 - (1) For purposes of this section, distances shall be measured by the most direct route of travel on the ground from closest building corner to closest building corner.
 - (2) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church, school, housing authority property or alcohol treatment facility within the distance prohibited in this section shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property as long as the property remains continuously licensed to sell alcohol.
- (d) No establishments shall be permitted to sell distilled spirits by the package.

Sec. 32-101.39 - Hours of sale: Consumption on the premises.

- (a) Alcoholic drinks shall not be sold or distributed for consumption on the premises except between the hours of 10:00 a.m. until 12:00 midnight Monday through Saturday.
- (b) Alcoholic drinks for consumption on the premises is permitted on Sundays from 12:30 p.m. until 11:30 p.m. in any licensed establishment.
- (c) No alcoholic drinks shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

Sec. 32-101.40 - Hours of sale: Retail package sales.

- (a) Retail package sales of malt beverages, beer and wine shall not be sold except in licensed stores between the hours of 6:00 a.m. until 12:00 midnight, Monday through Saturday and between the hours of 12:30 p.m. until 11:30 p.m. Sunday.

Secs. 32-101.41—32-101.44 - Reserved.

ARTICLE V. - EXCISE TAXES

Sec. 32-101.45 – Distilled spirits per-drink excise tax.

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- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee licensed under this article, and such licensee shall remit the same to the city on or before the tenth day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink. Gross sales shall include all credit card sales and shall be reported and taxes collected thereon shall be submitted to the city council to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from state tax under part V of the Georgia Retailer's and Consumer's Sales and Use Tax Act, O.C.G.A. § 48-8-50, as now written or hereafter amended provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.
- (b) Excise taxes received by the city after the 20th day of the month shall be charged a ten percent penalty.
- (c) If the city council deems it necessary to conduct an audit of the records and books of the licensee, the city will notify the licensee in writing of the date, time and place of the audit.

Sec. 32-101.46 - Excise tax and bond requirement on wholesalers.

- (a) There is an excise tax hereby imposed on malt beverages and wines in the maximum amount allowed by law, as now exists or hereafter amended.
- (b) Said tax shall be paid to the city by each wholesale retailer on all malt beverages and wine sold within the corporate limits of the City of Danielsville, Georgia, not later than the 10th day of each month, based upon the units of beer and wine sold during the previous calendar month by said wholesale dealers to retailers in said city.
- (c) The wholesale dealer shall keep true and correct records of all sales and shipments and shall render a sworn statement of the same accompanying the monthly report to the city and said report shall show the exact quantities of malt beverages or wine, by size and type of container, and the amount of the excise tax collected.
- (d) The city shall have the right to audit, and to require production of records from each wholesale dealer supplying retailers in the City of Danielsville, Georgia, and also from each retailer so supplied.
- (e) Failure to make a timely report and remittance of the aforesaid taxes shall render a wholesale dealer liable for a penalty equal to fifty percent (50%) of the total amount due in addition to the amount due; and additionally, if said report is not filed or if said taxes are not remitted and paid within thirty (30) days from the date that the same are due, the city shall have the right to suspend and/or revoke any wholesale license, and further to prohibit said wholesale dealer from making any deliveries of any type whatsoever within the City of Danielsville, Georgia.
- (f) Failure to file a timely report and remittance of the aforesaid taxes shall render a wholesale dealer liable for interest on the unpaid tax at the rate of one percent (1%) per month from the time the tax became due until paid or at the rate specified in O.C.G.A. § 48-2-40, he shall be computed on a monthly basis for any portion of a month during which payment is delinquent.
- (g) It shall be unlawful for any person to sell at retail or otherwise within the City of Danielsville, Georgia any malt beverage or wine on which the tax required in this ordinance has not been paid to the wholesale dealer or distributor or to the City of Danielsville, Georgia.

All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

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Secs. 32-101.47—32-101.50 - Reserved.

ARTICLE VI. - CONSUMPTION ON THE PREMISES

Sec. 32-101.51 - Consumption sales only.

Persons holding a license to sell alcohol for consumption on the premises shall not be permitted to sell or distribute any alcoholic beverage by the package or bottle.

Sec. 32-101.52 - Establishments where permitted.

No alcoholic beverage may be sold by the drink for consumption on the premises where sold except:

- (1) Eating establishments;
- (2) Indoor commercial recreation establishments;
- (3) Indoor publicly owned civic and cultural centers capable of serving prepared food, with a full-service kitchen; prepared to serve food every hour it is open and deriving at least 50 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels, motels, every entrance to the establishment shall be from a public lobby hallway, mall or other publicly used interior portion of the primary use structure.
- (4) Golf clubs owned by a golf club association or golf club corporation, or a public golf course operated by a county or municipality where the selling or the serving of alcoholic beverages is to take place on the golf course premises and the sale of alcoholic beverages is incidental to its primary enterprise and activity on the premises.
- (5) Publicly or privately owned establishments or locations that are the site of an authorized catered event or an authorized nonprofit event properly permitted in accordance with this chapter. Any such event must be held in a separate room of the establishment, separating it from the regular patrons, with access controlled ingress and egress to a list of invitees. Any such event that is not totally enclosed within a building must be properly cordoned off as set forth in section 32-101.55.

Sec. 32-101.53 - Poured alcohol to be transported by employees: Pouring licenses.

Poured alcoholic beverages shall be transported from point of dispensing to the customer by employees with a valid pouring permit.

Sec. 32-101.54 - Employment of underage persons prohibited: Exceptions.

- (a) No person shall allow or require a person in his/her employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) It is unlawful for any person under the age of 18 years to work as an entertainer in any establishment licensed under this chapter without written consent from parent(s) or guardian(s).

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Sec. 32-101.55 - Patio sales and outdoor special events.

- (a) Alcohol beverage sales can be made by a licensed consumption on-premises establishment in a patio/open area type environment or by a licensed caterer with a catering off-premises license at an outdoor special event if the establishment or event has been approved by the city council or by a nonprofit organization at a nonprofit event properly permitted as set forth in section 32-101.61.
- (b) The requirement for approval for a patio/open area is that the area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
 - (1) The height of such structure shall be a minimum of three and one-half feet above the patio floor, but the structure does not have to be solid or restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the city's building inspection department and the fire department as required by governing regulations or codes.
 - (2) The only exit from this area is to be through the licensed establishment's main premises and through a fire exit that complies with the fire code of the City of Danielsville, Georgia.
 - (3) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved by the planning director or its designee. Interior type patio/open sales areas must also meet the requirements of the city's development and fire codes.
- (c) The requirement for approval for an outdoor special event is that the area in which alcoholic beverages are sold and consumed must be roped off or enclosed by some structure or fencing providing for public ingress/egress only through designated entrances and exits. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
 - (1) The special event must receive approval from the Danielsville Police Department on crowd control, traffic, and security measures.
 - (2) The location at which the outdoor special event is to take place must be properly zoned and approved by the city council.
- (d) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas", as that term is used in this subsection, do not have to conform to the standards in this section.

Sec. 32-101.56 - Retail consumption dealers to store inventory only on premises.

No retail consumption dealer licensed under this chapter shall keep any beer, wine, distilled spirits or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

Sec. 32-101.57 - Solicitation prohibited.

No retail consumption dealers licensed under this chapter shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for herself/himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the beverage; nor shall any licensee pay a commission or any other compensation to any person frequenting the establishment or to an agent or manager to solicit for herself/himself or for the others, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage, or money with which to purchase the beverage.

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Sec. 32-101.58 - Promotions and sales.

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
 - (1) Offer or deliver any free alcoholic beverage to any person or group of persons; however nothing herein shall prohibit a brewery, winery, or distillery from distributing free samples in accordance with state law provisions;
 - (2) Deliver more than one alcoholic beverage to one person at a time; however, nothing herein shall prohibit a brew pub from offering a sampler of malt beverages in containers not exceeding four ounces. Each sampler shall not exceed four different types of malt beverages;
 - (3) Sell, 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 day, except at private functions not opened to the public;
 - (4) Sell, 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, except at private functions not open to the public;
 - (5) Sell, 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 at private functions not opened to the public;
 - (6) Sell, offer to sell, deliver alcoholic beverages, including malt beverages, in any container which holds more than 32 fluid ounces (.947 liters), except to two or more persons at any one time;
 - (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; or
 - (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
- (b) Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from hour to hour within a single day. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public, and the schedule shall be effective for not less than one calendar week.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, to prohibit licensees from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.
- (e) It is the intent of this section to prohibit activities typically associated with promotions referred to as happy hour oriented to an hour or limited number of hours within the business day. However, this section shall not prohibit a day long promotion.
- (f) The police department shall have responsibility for the enforcement of this article.
- (g) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcoholic beverages must be priced separately and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.

Secs. 32-101.59, 32-101.60 - Reserved.

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ARTICLE VII. - SPECIAL CIRCUMSTANCES

Sec. 32-101.61 - License for caterers to serve alcoholic beverages.

- (a) *Catering license.* Caterers desiring to serve alcoholic beverages at catered events shall obtain catering licenses annually, which shall be renewed in accordance with terms of this chapter. A catering license shall allow no more than 100 catered events per year. Caterers may not sell alcoholic beverages by the drink; rather, they may only sell by the bottle to be included along with the food cost billed to their customer. All alcoholic beverages served by a caterer must be served by an individual holding a valid pouring / handling permit as set forth in section 32-101.31. In the event a caterer desires to cater more than 100 events per year, the caterer must obtain a "by the drink for consumption on the premises license" in the amount set forth in section 32-101.12.
- (b) *Catered event permit.* Catered events serving alcohol may be held on the caterer's site or off-site within the city, but all catered events serving alcoholic beverages must be permitted as set forth in this section. Other than as set forth hereinbefore, all catered events where alcoholic beverages are sold by the bottle to the host for provision to the guests without charge must obtain a catered event permit. [A private party for noncommercial purposes where alcoholic beverages are purchased directly by the host, served for no charge to the attendees and that does not involve the provision of food or beverages by a caterer, restaurant or other commercial food/beverage establishment is not considered a catered event and does not require a catered event permit.] All caterers or any establishments or persons holding licenses for alcohol consumption on the premises, issued by Danielsville or another jurisdiction, desiring to sell alcoholic beverages to the host of a catered event, must apply to the city clerk on such forms as provided by the city clerk for a catering event permit for each catered event within the city. The application for a catered event permit shall include:
- (1) The date, address, and time of the event;
 - (2) The licensed alcoholic beverage caterer's license number, a sworn statement that a caterer's license is not necessary because the alcoholic beverages are being purchased from a licensed establishment located in the city or the on-premises consumption license number; and
- If the event does not conflict with any other provision of the chapter and the application complies with this chapter, the city clerk will issue a catering event permit authorizing the serving of alcohol at the catered event. The permit shall be prominently displayed at the authorized catered event.
- (c) *Taxes.* All applicable local excise taxes on alcoholic beverages brought into the City of Danielsville shall also be assessed in accordance with this chapter.

Sec. 32-101.62 - Hotel in-room service.

- (a) In-room service means the provision of a cabinet or other facility located in a hotel-motel guestroom that contains beer and/or wine only and which is accessible by lock and key only to the guest and for which the sale of the beer and/or wine contained therein is final on each container at the time it is selected and opened by the guest.
- (b) No hotel-motel shall be authorized to provide in-room service until it has been issued a hotel in-room service license.
- (c) Any hotel-motel that acquires this in-room service shall also be required to obtain a consumption on-the-premises license for beer and/or wine and meet all of the requirements of this chapter.
- (d) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.

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Sec. 32-101.63 - Bona fide nonprofit civic organizations.

- (a) A bona fide nonprofit civic organization is one which is exempt from federal income tax pursuant to the provisions of subsections (c), (d) or (e) of 26 USC section 501.
- (b) Upon the filing of an application and payment of a fee equal to the catering event permit application fee, a bona fide nonprofit civic organization may obtain a permit authorizing the organization to sell or distribute alcoholic beverages for consumption on the premises for a period not to exceed three days, subject to any law regulating the time for selling such beverages.
- (c) No more than six permits may be issued to an organization in any one calendar year. All permits shall be approved in advance by the city council.
- (d) Permits are valid only for the location specified in the permit. No permit may be issued unless the sale of alcoholic beverages is lawful in the place for which the permit is issued.
- (e) Said applicant shall comply with all general provisions of this chapter and all regulations for consumption on the premises.
- (f) Any permitted organization shall provide at its expense the necessary security services and emergency services availability for the permitted event as approved in advance by the city council.
- (g) Any employee or volunteer of the nonprofit event permit holder working the event in any position dispensing, selling, serving, taking orders, or mixing alcoholic beverages must be at least 18 years of age and hold a pouring / handling permit as required by section 32-101.41.
- (h) As a condition of issuance of a nonprofit event permit, the permit holder shall indemnify and hold the City of Danielsville harmless from claims, demands, or causes of action that may arise from activities associated with the nonprofit event.

Secs. 32-101.64—32-101.70 - Reserved.

ARTICLE VIII. - PROHIBITED ACTS

Sec. 32-101.71. - Sale on election days.

Pursuant to the delegation of authority granted to this governing authority by Act No. 750 (House Bill No. 247) approved April 10, 1985, amending O.C.G.A. § 3-3-20 (b)(2)(B),, the sale of wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

Sec. 32-101.72 – Sale on Christmas Day.

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Pursuant to the delegation of authority granted to this governing authority by Act No. 750 (House Bill No. 247) approved April 10, 1985, amending O.C.G.A. § 3-3-20 (3)(c), the sale of wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be unlawful on Christmas Day.

Sec. 32-101.73 - Bring your own bottle (brown bagging) prohibited.

It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages.

Sec. 32-101.74 - No consumption outside premises.

- (a) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However, nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption on a golf course or the sale of wine or malt beverages outside on a golf course to golfers.
- (b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (d) It is prohibited for any individual to carry, consume or possess an open container of any alcoholic beverage while walking, riding, driving or otherwise using the streets, highways or public right-of-ways of the city.

Sec. 32-101.75. - Prohibited noise from establishments.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the city and that is audible to a person of normal hearing ability from the nearest property line of the business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise be made by an establishment licensed under this chapter after the hours of 11:00 p.m.

Sec. 32-101.76 - Types of entertainment, attire and conduct prohibited.

- (a) *Preamble and purpose:*
 - (1) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the city council believes are relevant to the problems faced by this city, the city council takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.

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- (2) Moreover, it is the finding of the city council that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment", begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein described, and acceleration of community blight by the concentration of such establishments in particular areas.

Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare, and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments that serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) *Prohibited activities:*

Any establishment licensed under the provisions of this chapter is prohibited from permitting or engaging in the following activities:

- (1) The employment or use of any person in any capacity in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
 - (2) Live entertainment that provides or features nude or semi-nude or erotic dancing or the performance of obscene acts that simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or;
 - c. The displaying of the pubic hair, anus, vulva or genitals.
 - (3) The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (2), above or which are obscene under state law.
 - (4) The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct. This shall include, but not be limited to, any contest, promotion, or any other activity where participants increase the transparency of their clothing by wetting or otherwise causing the clothing to become transparent or semi-transparent.
 - (5) Knowingly permitting of any person in the licensed premises to view from the licensed premises, by glass partition or other artifice, any of the above-prohibited conduct performed on premises other than the licensed premises.
 - (6) Knowingly permitting any person to remove any alcoholic beverage sold or dispensed on the licensed premises to adjacent or other premises for the purpose of view any of the above-prohibited conduct; provided, however, that this code section shall not be applicable to a person who removes an alcoholic beverage to his home or place of abode.
 - (7) The employment, encouragement, allowance or assistance of any person to engage in the above-prohibited conduct.
- (c) *Mainstream activity excluded:* Notwithstanding the prohibitions in subsection (b), nothing in this chapter shall be or is intended to apply to theatrical or motion picture performance houses, museums, or to restaurants or places set apart for traditional family-oriented naturism where the consumption or service of alcohol is not a primary purpose or the mainstream activity of such establishment. The phrase "places provided or set apart for nudity" means as follows: places provided or set apart for traditional family oriented naturism including nudist parks, clubs, and resorts

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chartered by the American Association for Nude Recreation or affiliated with the Naturists Society or by traditional family-oriented naturists groups.

Sec. 32-101.77 - State law.

This chapter shall be deemed supplemental to all state laws and regulations related to alcohol. In the event of a conflict between this chapter and state law, the more restrictive shall govern.

Sec. 32-101.78 -32.101.80 Reserved.

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32-102 Peddlers and Itinerant Merchants (Revised 3/2015)

Sec. 32-102.1 - Repeal of previous ordinance and title.

- (a) Section 32-102 Peddlers and Itinerant Merchants of the Licensing & Business Regulation Ordinance of the City of Danielsville, Georgia, along with all amendments thereto, are deleted in entirety, except as provided for herein, and the following is substituted in place thereof, effective immediately upon being approved by the city council and successive years thereafter as follows:
- (b) The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed.
- (c) This section shall be known as the "City of Danielsville Peddler and Itinerant Merchants Ordinance."

Sec. 32-102.2 - Definitions.

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

Canvasser, peddler, itinerant merchant, or solicitor means any person who sells or solicits for sale in the city any new or used goods, wares, merchandise, services, produce or other things of value and goes about from place to place within the city selling or offering for sale any of such things to either merchants or customers shall be deemed a peddler or solicitor. Excluded from this definition are persons who sell or solicit for sale goods, wares or merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.

Charitable organization means any benevolent, philanthropic, patriotic, or eleemosynary (of, relating to, or supported by charity or alms) corporation, partnership, limited liability company, association, joint-stock company, trust, governmental agency or entity, unincorporated organization or individual who solicits or obtains contributions solicited from, or conducts the sale of merchandise to, the general public, which contributions are used for charitable purposes or governmental purposes.

Charitable purpose means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities, environment, civic or public interest.

Door-to-door salesperson means any person who shall solicit orders on behalf of a firm, corporation, company, association, partnership or individual of any goods, wares or merchandise, or other things of value from house to house shall be deemed a door-to-door salesperson. Any person who obtains orders for merchandise or other things of value shall be deemed a door-to-door salesperson. Excluded from this definition are persons who solicit orders for goods, wares or merchandise, or other things of value from house to house for charitable organizations or purposes or on behalf of religious organizations, political organizations and political candidates.

Vehicle means any device in, upon, or by which any person or property is or may be transported or drawn upon a highway; excepting devices used exclusively upon stationary tracks or rails.

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Sec. 32-102.3 – Registration Required.

It shall be unlawful for any person to engage in business as a canvasser, peddler, itinerant merchant, or solicitor, without first having registered at the business license department. Each registrant shall be required to fill out a registration form which shall include:

- Valid Identification and any other identification requested by city officials
- Signature
- Name of Employer
- Products being Sold including the Name of the Product Manufacturer
- Name of Organization he/she is representing
- Time of Operation Within the City
- Proposed Method of Operation Within the City
- Provide Proof of a Valid State Sales Tax Number

Sec. 32-102.4 – Regulatory & Administrative Fees.

Applicants may choose to register annually or quarterly depending on their business needs and/or products sold.

Annual Registration - Each registrant shall pay a non-prorated, non-refundable regulatory fee of \$75.00. The permit shall expire one year from the date of issuance. Permits may be renewed annually prior to the expiration date indicated on the handling permit by submitting a renewal application form to the business license office.

Quarterly Registration - Each registrant shall pay a non-prorated, non-refundable regulatory fee of \$15.00. The permit shall expire 90 days from the date of issuance. Permits may be renewed quarterly prior to the expiration date indicated on the handling permit by submitting a renewal application form to the business license office.

Administrative Fee – The applicant will submit an administrative processing fee of \$25.00 with their application to the police department for a thorough background check to be completed. The Chief of Police shall make an investigation, including but not limited to an investigation of the police record of the applicant.

Sec. 32-102.5 – Evidence of good character; issuance of permit, possession, display.

- a) No permit shall be given to any applicant who, based on the information obtained by the police department during the background check, shall have a pending charge or conviction for a crime or an act or behavior that gravely violates the moral sentiment or accepted moral standards of the community (referred to as moral turpitude and exemplified but not limited to, sexual immorality or racketeering offenses) or any offenses involving violence, threat of violence, or physical injuries caused by the applicant to another person, or evidence of any other action by the applicant evidencing actions which would constitute fraud and deceit under the laws of the state.
- b) The license/permit shall be displayed at all times, as provided in O.C.G.A. § 43-32-4. Each person, while peddling, canvassing or soliciting within the limits of the city, shall have the permit available for inspection by any person being solicited or to the police of the city. Possession of this permit shall not in any way represent an endorsement or approval of any product or project by the city.

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- c) It shall be unlawful for any person to peddle, canvass or solicit without having first registered with the city in accordance with section 32-102.2, and obtained a permit from the city in accordance with section 32-102.3, and this section or to peddle, solicit or canvass without having the permit available in accordance with this section. Any person violating this chapter shall be punished as provided in section 32-102.9.

Sec. 32-102.6 – Regulations for Canvassers, peddlers, itinerant merchants, or solicitors.

Regulations for operating on public lands or from a vehicle are as follows:

1. No person shall stand on or adjacent to a street, road, or highway or on rights-of-way within the city limits for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
2. No person shall locate and/or conduct a business from a mobile vehicle or upon the public sidewalks, streets, alleys, walkways, parks, parking lots, rights-of-way, or other public lands of the city or upon state rights-of-way within the city limits.
3. The provisions of section 25-109 of the city sign ordinance, pertaining to prohibited signs, shall be applicable to any solicitor, or peddler.
4. No canvasser, peddler, itinerant merchant, or solicitor shall:
 - a. Call or solicit at residences, offices or businesses clearly displaying a sign stating "No Solicitors Or Peddlers Invited," "No Solicitation," or using similar language;
 - b. Engage in door-to-door soliciting on Sundays or between the hours of 5:00 p.m. and 8:00 a.m. Monday - Saturday; except, in the case of a pre-arranged appointment with a specific time and date between the peddler, solicitor, or itinerant merchant and the potential buyer.
 - c. Enter any private dwelling without the consent of the owner or occupant, or to remain there after being requested or directed to leave;
 - d. Failure to register and carry or produce for inspection a permit when required under this chapter;
 - e. Make any false or deceptive statement on any registration hereunder.
5. A person who is soliciting or selling on behalf of a non-profit organization shall be required to verify the non-profit status of such organization.
6. No canvasser, peddler, itinerant merchant, or solicitor authorized to engage in any business in the city shall, in carrying on such business, obstruct the whole or any part of any sidewalk, street or highway of the city, and any such person peddling in the city or using the streets or

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sidewalks in the city for the purpose of selling or offering for sale any goods, wares, medicines or merchandise of any kind, shall continually move from place to place in the city, and shall not in the conduct or carrying on of such business obstruct the whole or any part of any sidewalk, street, or highway in the city.

Sec. 32-102.7 – Applicability of provisions to farm products and food products.

The legal right of the local farmer and producer to sell the products of his own farm, orchard, poultry yard, etc., is recognized. No permit shall be required from any bona fide farmer who is selling the products of his own farm, orchard, poultry yard, etc.; provided, however, that no such sales shall occur as a door-to-door salesman.

Sec. 32-102.8 – Applicability of provisions; exceptions.

Except for the regulations set forth in section 32-102.5, nothing in this article shall apply to the following:

1. Officers or employees in the city, county, state or federal governments or the school system, or any subdivisions thereof, when on official business;
2. Any local non-profit organization such as boy scouts, civic clubs, religious, charitable, political, or educational organizations and the like, when the membership of such club or organization does the soliciting itself; **but** it shall apply when the soliciting is done by a paid solicitor or by a solicitor on contract with an individual with only a percentage or portion of any sales or collections to go to the benefit of such non-profit club or organization.
3. Any person selling such items at a city-sponsored festival or event, provided that such person has obtained the necessary approvals from the city to operate at said festival or event.

Sec. 32-102.9 – Revocation of permit.

Any permit may be revoked by the Danielsville City Council, the police chief or his/her designated representative because of:

1. Any violation by the registrant (or any one of a group of registrants) of these regulations,
2. Violation of any ordinance of the city,
3. Violation of any state or federal law,
4. Or whenever the registrant shall cease to possess the qualifications and good character required in this chapter for the original registration.

Sec. 32-102.10 – Enforcement and penalty of ordinance.

Citations for violation of this chapter may be issued by the police chief or his/her designated representative. The citation shall be applicable to and tried before the municipal court of the city. Any person, firm, corporation, partnership, or entity violating any provisions of this chapter shall be guilty of a misdemeanor and may, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000.00) and/or imprisonment for not more than 12 months. Each day said violation shall continue shall constitute a separate offense.

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32-103 Charitable Solicitors (Revised 3/2015)

Sec. 32-103.1 - Repeal of previous ordinance and title.

- (a) Section 32-103 Charitable Solicitors of the Licensing & Business Regulation Ordinance of the City of Danielsville, Georgia, along with all amendments thereto, are deleted in their entirety, except as provided for herein, and the following is substituted in place thereof, effective immediately upon being approved by the city council and successive years thereafter as follows:
- (b) The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed.
- (c) This section shall be known as the "City of Danielsville Charitable Solicitors Ordinance."

Sec. 32-103.2 - Definitions.

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

Charitable organization means any benevolent, philanthropic, patriotic, or eleemosynary (of, relating to, or supported by charity or alms) corporation, partnership, limited liability company, association, joint-stock company, trust, governmental agency or entity, unincorporated organization or individual who solicits or obtains contributions solicited from, or conducts the sale of merchandise to, the general public, which contributions are used for charitable purposes or governmental purposes.

Charitable purpose means any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose for religion, health, education, social welfare, arts and humanities, environment, civic or public interest.

Sec. 32-103.3 – Registration Required.

It shall be unlawful for any person to engage in charitable solicitation, without first having registered the business with the City of Danielsville. Each registrant shall be required to fill out a registration form which shall include:

- Valid Identification and any other identification requested by city officials
- Signature
- Name of Non-Profit or Organization he/she is representing
- Products being Sold including the Name of the Product Manufacturer
- Time of Operation Within the City
- Proposed Method of Operation Within the City
- Provide a "Letter of Permission" signed by the property owner (if soliciting from property owned by another)

All charitable solicitors shall comply with O.C.G.A. § 43-17-1 *et seq.*

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Sec. 32-103.4 – Regulatory & Administrative Fees.

The City of Danielsville does not require any fees of applicants registering as charitable solicitors. The city's requirement of registration is merely a protection of safety and welfare of the citizens of Danielsville and the general public.

Sec. 32-103.5 – Regulations for Charitable Solicitors.

Regulations for operating on public lands or from a vehicle are as follows:

1. No person shall stand on or adjacent to a street, road, or highway or on rights-of-way within the city limits for the purpose of soliciting contributions from the occupant of any vehicle. (O.C.G.A. § 40-6-202, 203, 204, and 205)
2. No charitable solicitor shall obstruct the whole or any part of any sidewalk, street or highway of the city, for the purpose of soliciting contributions from the general public. (O.C.G.A. § 40-6-91, 92, 96, 97, and 97.1)
3. The provisions of section 25-109 of the city sign ordinance, pertaining to prohibited signs, shall be applicable to any charitable solicitor.
4. A person who is soliciting or selling on behalf of a non-profit organization shall be required to verify the non-profit status of such organization.
5. No charitable solicitor shall:
 - a) Call at residences, offices or businesses clearly displaying a sign stating "No Solicitation," or using similar language;
 - b) Engage in door-to-door soliciting on Sundays or between the hours of 5:00 p.m. and 8:00 a.m. Monday - Saturday;
 - c) Enter any private dwelling without the consent of the owner or occupant, or to remain there after being requested or directed to leave;

Sec. 32-103.6 – Enforcement and penalty of ordinance.

Citations for violation of this chapter may be issued by the police chief or his/her designated representative. The citation shall be applicable to and tried before the municipal court of the city. Any charitable solicitor violating any provisions of this chapter shall be guilty of a misdemeanor and may, upon conviction, be punished by a fine of not more than Five Hundred Dollars (\$ 500.00) and/or imprisonment for not more than 6 months. Each day said violation shall continue shall constitute a separate offense.

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Section 32-104 Parade Permit Ordinance

1. Short Title. This article shall be known and may be cited as the "Parade Ordinance of City of Danielsville, Georgia."
2. Definition.
 - A. Parade. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any highway, street, sidewalk, park or other public place in the city.
 - B. Parade Permit. A permit as required by this Section.
 - C. Person. Any person, firm partnership, association, corporation, or organization of any kind.
3. Exceptions from Article. This Section shall not apply to:
 - A. Funeral processions;
 - B. Students going to and from school classes or participating in educational activities, provided such conduct is under immediate direction and supervision of the proper school authorities; or
 - C. A government agency acting within the scope of its functions.
4. Public Conduct During Parades.
 - A. Interference. No person shall unreasonably hamper, obstruct or impede, or interfere with any parade assembly or with any person, vehicle or animal participating or used in a parade.
 - B. Driving Through Parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
 - C. Parking on Parade Route. The Chief of Police or his officers shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on an unposted highway or street in violation of this article.
5. Permit Required. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Police Chief of City of Danielsville.

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6. Application for Permit.

- A. Generally. A person seeking issuance of a parade permit shall file an application with the Police Chief on forms provided by him. An applicant for a parade permit under this ordinance must be at least twenty-one (21) years of age at the time the application is filed.
- B. Filing Period. An application for a parade permit shall be filed with the Police Chief not less than thirty (30) days before the date on which it is proposed that the parade be conducted.
- C. Contents. The application for a parade permit shall set forth the following information:
- (1) The name, birthdate, address and telephone number of the person seeking to conduct such parade and of the applicant for the parade permit if someone other than the person conducting the parade;
 - (2) If the parade is proposed to be conducted for, on behalf of or by an organization: the name, address and telephone number of the headquarters of the organization and the authorized and responsible heads of such organization;
 - (3) If the parade is designed to be held by, on behalf of, or for any person other than the applicant, the applicant for such permit shall file with the Police Chief a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;
 - (4) The name, address and telephone number of the person who will be parade chairman and who will be responsible for its conduct;
 - (5) The date when the parade is to be conducted;
 - (6) The hours when such parade will start and terminate;
 - (7) The route to be traveled, the starting point and the termination point;
 - (8) The approximate number of persons, animals, and vehicles which will constitute such parade, the type of animals, and descriptions of the vehicles;
 - (9) A statement as to whether the parade will occupy all or only a portion of the width of the highway or street proposed to be traversed;
 - (10) The location by highway or street of any assembly areas for such parade;

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- (11) The time at which units of the parade will begin to assemble at such assembly area or areas;
 - (12) The interval of space to be maintained between units of such parade;
 - (13) Any additional information which the Police Chief shall find reasonably necessary to a fair determination as to whether a permit should be issued.
7. Standards for Issuance of Permit. The Police Chief shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:
- A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic near the parade route;
 - B. The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
 - C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
 - D. The concentration of person, animals, and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
 - E. The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;
 - F. The conduct of the parade is not reasonably likely to cause injury to persons or property, to provide disorderly conduct, or create a disturbance;
 - G. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; and
 - H. The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
8. Notice of Denial of Permit. The Police Chief shall act upon the application for parade permit within three (3) working days after the filing thereof. If the Police Chief disapproves the application he shall mail to the applicant within five (5) working days after the date upon which the application was filed, a notice of his action stating the reason for his denial of the permit.

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9. Appeal from Denial of Permit. Any person aggrieved shall have the right to appeal in writing the denial of a parade permit to the Mayor and Council of the City of Danielsville. Written notice of appeal shall be filed with the Clerk of the Mayor and Council within three (3) days after denial notice. The Mayor and Council shall act upon the appeal within fourteen (14) days after its receipt.
10. Alternative Permit. The Police Chief, in denying an application for a parade permit, shall be required to tender a permit for a parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within five (5) days after notice of the action of the Police Chief, file a written notice of acceptance with the Police Chief. An alternate parade permit shall conform to the requirements of a parade permit under this article.
11. Copies of Permit to be Sent to City Officers. Immediately upon the issuance of a parade permit, the Police Chief shall send a copy thereof to Mayor and Council.
12. Contents of Permit. Each parade permit shall state the following information:
 - A. Starting time;
 - B. Minimum speed;
 - C. Maximum speed;
 - D. Maximum interval of space to be maintained between the units of the parade;
 - E. The portions of the highway or street to be traversed that may be occupied by the parade;
 - F. The maximum length of the parade in miles or fractions thereof; and
 - G. Such other information as the Police Chief shall find necessary to the enforcement of this article.
13. Duties of Permittee: Permit to be Carried.
 - A. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.
 - B. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.
14. Revocation of Permit. The Police Chief shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as therein set forth.

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15. Indemnity and Bond.

- A The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made, by filing such application do represent, stipulate, contract and agree that they will jointly and severally indemnify and hold City of Danielsville and its Mayor and Council harmless against liability for any and all claims for damage to property, or injury to, or death of persons arising out of or resulting from the issuance of the permit or the conduct of the parade or its participants.
- B. In addition, no parade permits shall be issued unless the applicant therefor shall post with the Police Chief a Five Hundred Dollar (\$500.00) cash bond upon the issuance of the parade permit. Two Hundred Fifty Dollars (\$250.00) shall be refunded after the parade provided there is no disturbance in the parade and that the parade route and the surrounding area is free and clean of litter. It shall be the responsibility of the applicant to clean up the parade route and the surrounding area after the parade.

16. Penalties.

- A It shall be unlawful for any person to stage, present, or conduct, or attempt to stage, or conduct a parade without first having obtained a permit therefor as herein provided or who shall otherwise violate any of the provisions of this ordinance.
- B. It shall be unlawful for any person to participate in a parade on the highway or streets of Danielsville for which a permit has not been granted.
- C. It shall be unlawful for any person to fail to comply with all directions and conditions of the parade permit.
- D. Any person violating the provisions of any section of this ordinance shall upon conviction, be fined not more than One Thousand Dollars (\$1,000.00) or be imprisoned for not more than twelve (12) months, or shall be fined and imprisoned in the discretion of the City Judge.

17. Hours and Length of Parade. No parade can commence earlier than 9:00 a.m. and all parades must be ended no later than 6:00 p.m. The total time from the beginning of the parade to the end of the parade shall not be more than one (1) hour.

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Section 32-105 Billiard and Pool Rooms

1. License Required. Each person keeping, operating, or maintaining a billiard table, pool table, or any other table of like character within the corporate limits of the city for use by the public must obtain a license from the City Clerk/Treasurer in the manner specified in this chapter.
2. Sale or Use of Intoxicating Liquors. No alcoholic beverages shall be sold, served, or allowed to be used in or on the premises of billiard rooms or any place operated in connection therewith, except if such premises or establishment is an establishment which is authorized to sell alcoholic beverages and derives at least fifty percent (50%) of its total annual gross revenues from the sale of products or services other than alcoholic beverages; provided however, that if alcoholic beverages are sold by the drink for consumption on the premises of a billiard room, the governing authority of a local government may prohibit the sale, serving, or use of alcoholic beverages therein unless the establishment derives at least seventy-five percent (75%) of its revenue from the sale of products or services other than alcoholic beverages; and no local government may prohibit billiard rooms or the playing of billiards in any business which neither sells alcoholic beverages for consumption on the premises nor engages in package sales of such beverages nor allows alcoholic beverages to be consumed on the premises.
3. Hours of Operation. It shall be unlawful for the owner, operator, or manager of any billiard or pool room in the city to permit such establishment to be open for business between the hours of 12:00 midnight and 6:00 a.m. or between the hours of 12:00 midnight on Saturday and 6:00 a.m. on Monday. (See O.C.G.A. § 43-8-2(b)(2))
4. Minors. It shall be unlawful for any person having charge of or control of any pool room or billiard room open to the public to admit into such room any minor, whether for the purpose of playing billiards or pool or not.
5. Clear View of Premises Required. The owner, operator, or manager of any billiard or pool room in the city shall not permit to be used on such premises any screens, shades, partitions, or other devices of like character which shall have the effect of obstructing the view through the windows or doors of the place where the billiard or pool tables are kept.
6. Doors. The doors of all billiard or pool rooms licensed under this section shall be kept unlocked whenever the tables are in use, or when any person other than the proprietor or his agent is present in such place.
7. Gambling. It shall be unlawful for the owner, operator, or manager of any billiard or pool room open for public use to allow gambling of any kind to occur upon such premises.
8. Exemption. The provisions of this section shall not apply to billiard tables or rooms operated by private industrial concerns, Young Men's Christian Associations, religious orders, charitable institutions, state, county, or city institutions, fraternal orders, or bona fide clubs using such tables for members or employees only.

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9. Penalty. Every person, firm, or corporation operating a billiard room within a municipality without having applied for a license pursuant to O.C.G.A. §§43-8-3 through 43-8-5, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00). Each day that the billiard room is operated without a license shall be a separate offense.