

Chapter 3 - ALCOHOLIC BEVERAGES^[1]

Footnotes:

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Cross reference— Possession or use of alcoholic beverages on school grounds and buildings prohibited, § 14-3.2; illegal acts relative to alcoholic beverages generally, § 14-5; consumption of alcoholic beverages on public property, § 14-5.1.

Sec. 3-1. - Definitions.

When used in this chapter the following terms shall have the following definitions:

- (a) *Alcoholic beverages*: Includes all liquors wines, and malt beverages.
- (b) *Liquors*: All spirituous liquors or distilled spirits commonly known as "whiskey"; any alcoholic beverage containing alcohol obtained by distillation, mixed with water or other solution, and including brandy, rum, whiskey, gin, cordials, or other spirituous liquors by whatever name called, to include fortified wines as defined by federal or state law.
- (c) *Wines*: All alcoholic beverages containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added, including all sparkling wines, champagnes, combinations of the aforesaid beverages, vermouths, special natural wines, rectified wines, and like products, not including cooking wines, mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.
- (d) *Malt beverages*: Fermented beverages commonly known as "beer" made in whole or in part from malt, or any similar fermented beverage containing not more than six percent of alcohol by volume.
- (e) *Mixed drinks*: Liquor sold by the drink for consumption on the premises only.
- (f) *Restaurant*: An established place of business:
 - (1) Which is licensed to sell alcoholic beverages for consumption on the premises but promotes the sale of prepared food as a dominant part of the business;
 - (2) Which has adequate facilities and sufficient employees for cooking or preparing and serving such meals for consumption at tables in dining rooms on the premises;
 - (3) Which derives at least 50 percent of its gross food and beverage income from the sale of such meals prepared, served, and consumed on the premises;
 - (4) Which has no adult entertainment as described in section 3-1(p) of this Code;
 - (5) Which charges no fee for admission or contests nor allows an independent individual to charge fees for admission or contests on the premises;
 - (6) Which during the normal course of business does not promote or allow contests of skill, dexterity, strength, or talent; and
 - (7) Which serves food during all hours of operation.
 - (8) Nothing in this definition shall prohibit a restaurant from charging viewing fees for sports or sports-related events (limited to football, baseball, basketball, soccer, Olympic events, tennis, and golf; and professional boxing and wrestling) where the promoter thereof charges the restaurant an authorization fee to show said event by screen or video or other electronic

conveyance on the premises of the restaurant itself and where the promoter has provided written permission to the restaurant to charge said viewing fee, but all such restaurants shall obtain a permit from the police department for each event (which shall be issued without charge within 30 days of a request) that shall be posted on the premises in a readily visible position, in which event (if such sporting events are advertised), the restaurant shall be known as a "sports bar," even though it shall be classified as a "restaurant" for licensing and definitional purposes.

- (9) Notwithstanding any other criterion in this section, licensees operating as restaurants may charge after 9:00 p.m. cover charges for live entertainment and contests not adult oriented in nature, provided that they meet all of the distance criteria in Columbus Code sections 3-5(a) and 3-5(b) and 3-5(c) and the 50 percent food sales criterion of subsection (3) of this section and provided further that no persons under the legal drinking age of 21 shall be allowed after the time such licensees begin to charge a cover charge and provided that licensees post a sign provided by the Columbus Consolidated Government and which is visible upon entry to the establishment which shall read " *This establishment may charge a cover charge after 9:00 p.m. and no persons under the legal drinking age of 21 shall be allowed on the premises after 9:00 p.m. as per Section 3-1(f)(9) of the Columbus Code.* " and upon initial application or upon annual renewal the licensee must indicate the intent to charge a cover charge under this section. Failure to declare the intent to charge a cover charge may result in revocation of the alcoholic beverage license. Restaurants which elect to charge a cover charge are required to comply with section 3-7(c) of the Columbus Code.
- (g) *Hotel or motel:* Any hotel, inn, or other establishment which offers overnight accommodations to the public for hire.
- (h) *Private club:* Any nonprofit association organized under the laws of this state which:
 - (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
 - (2) Has at least 75 regular dues-paying members;
 - (3) Owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space:
 - a. Has suitable kitchen and dining room space and equipment; and
 - b. Is staffed with a sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - (4) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
- (i) *Bar/Pub:* An established place of business which is licensed to sell alcoholic beverages for consumption on the premises and may serve meals to be consumed on the premises and which also may provide live entertainment or contests involving strength or skill and may provide electronic games or pool tables.
- (j) *Night club:* An established place of business which is licensed to serve alcoholic beverages for consumption on the premises (the sale of alcoholic beverages being the dominant part of its business) and which also may provide live entertainment.
- (k) *Owner:* Any person or partner or stockholder owning 25 percent or more of a business.
- (l) *Manager:* A person hired by a business licensed under this chapter who supervises the operations of that business on a full time basis.
- (m) *Riverboat:* Any U.S. Coast Guard-certified passenger vessel licensed under this Chapter to serve alcoholic beverages and licensed by Columbus, Georgia to conduct charter cruises or ticketed excursions from a riverboat landing on the Chattahoochee River with a minimum seating capacity of 50 persons.

- (n) *Multi-purpose theater* : Any theater facility located within a UPT or PMUD zone with a minimum seating capacity of 750 persons which offers live entertainment, plays, musicals, dinner theater or leases space for birthday parties, wedding receptions or similar events whether such events are catered by a private catering service or by the licensee; provided, however, that the 600-foot prohibition contained in section 3-5(d) shall not apply to a multi-purpose theater licensee.
- (o) *Bowling center*: An establishment which is licensed to sell distilled spirits, malt beverages or wines and which derives at least 50 percent of its total annual gross revenues either from the rental of bowling lanes and bowling equipment or from the combination of the rental of bowling lanes and bowling equipment and the sale of prepared meals and other food products.
- (p) *Adult oriented establishment*: Those establishments that are licensed to sell alcoholic beverages for consumption on the premises and that offer or conduct adult oriented activities which include but are not limited to partially nude dancing or partially nude modeling.
- (q) *Employee*: A person that works for an establishment in any capacity, full time or part time, whether on a regular payroll or as a contract agent.
- (r) *Transient entertainment*: That entertainment which is temporary in nature (such as traveling bands, performers, comedians, etc.) which has a limited engagement under ten days for which advance written notice to the police department is required.
- (s) *Partially nude dancing*: Dancing or appearing partially nude but at minimum with the human male or female genitals, pubic area and buttocks and all of the nipples of the breast of a female being at least shielded and covered by a fully opaque covering.
- (t) *Totally nude dancing*: Dancing or appearing in a total state of nakedness without the protection or benefit of the minimal coverings required for partially nude dancing.
- (u) *Public indecency*: Means and shall include the following:
 - (1) Engaging in sexual intercourse, actual or simulated;
 - (2) Engaging in masturbation, actual or simulated;
 - (3) Engaging in deviate sexual conduct, to include oral copulation, anal intercourse, anal copulation, oral anal copulation, bestiality, fellatio, cunnilingus, buggery, or sodomy;
 - (4) Engaging in a state of total nudity as opposed to partial nudity, to include any exposure of the male or the female genitalia, the anus, or the nipples of the female breast in any adult oriented establishment;
 - (5) Fondling the genitals of oneself or another person;
 - (6) Dancing with the male genitals covered but in a discernibly turgid state;
 - (7) Any other acts described in O.C.G.A. § 16-6-8.
- (v) *Multi-purpose facility*: A facility licensed to sell alcoholic beverages, with a minimum seating capacity of 750 persons, which is owned, operated, managed, used, or controlled by the Columbus Consolidated Government or by an authority thereof. The facility may offer live entertainment (but no adult entertainment as defined in section 3-1 (p)), trade shows, plays, musicals, dinner theater, cultural events, athletic games, recreational activities, and functions authorized by the consolidated government; or leases space for birthday parties, weddings, receptions, or similar events.
- (w) *Municipal golf course*: A facility licensed to sell alcoholic beverages and operated by a city authority for the specific use and enjoyment of playing golf by the public. Tournaments and contests may be held at these facilities.
- (x) *Municipal sports facility*: A facility licensed to sell alcoholic beverages owned and either operated, or leased by the city to a professional athletic team, for the purpose of paid spectator sports.

- (y) *Audit*: To verify records presented to the occupation tax section or its successors for the payment of excise tax or other taxes related to alcoholic beverages or for the renewal of or the maintaining of an alcoholic beverage license. The audit may include on site inspections of beverage establishments and inspection of records pertinent to determining compliance to the conditions set forth in Chapter 3.
- (z) *Auditor*: Individual who is employed either by the city, or is an agent of the city who performs the function of the audit.
- (aa) *Dinner theater*: An established place of business that is defined as a restaurant as in section 3-1(f) with the exception that a fee may be collected upon entrance to the business which provides theatrical entertainment during the course of the meal.
- (bb) *Community teen center*: an established place of business whose sole business or whose dominant line of business as defined in section 19-37(b)(3) is comprised of activities targeted at teenagers, including but not limited to, proms, dances, sports, and school-related activities.
- (cc) *Importer*: Any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.
- (dd) *Broker*: Any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.
- (ee) *Traditional restaurant* : An established place of business located in the UPT, CRD, GC, NCCO, and PMUD zones, which meets all of the following criteria:
 - (1) Promotes the sale of prepared food as a dominant part of the business;
 - (2) Licensed to sell mixed drinks for consumption on the premises only;
 - (3) Provides adequate facilities and sufficient employees for cooking or preparing and serving such meals for consumption at tables in dining rooms on the premises;
 - (4) Derives at least 80 percent of its gross revenues from the sale of such meals prepared, served, and consumed on the premises;
 - (5) Provides no adult entertainment as described in subsection 3-1(p) of the Code;
 - (6) Imposes no fees for cover charges, fees for admission or entrance, viewing fees/pay per view fees or fees for contests/tournaments or live entertainment, nor allows an independent individual to charge fees for cover charges, admission or entrance, viewing fees or fees for contests/tournaments or live entertainment on the premises. No live entertainment shall be permitted on the premises;
 - (7) Does not promote or allow tournaments or contests of skill, dexterity, strength, or talent;
 - (8) Serves food during all hours of operation;
 - (9) Impose no age restrictions during any of its hours of operation;
 - (10) Reserved;
 - (11) Musical instruments or sound reproduction devices shall not be operated or used within a patio/deck or on public right-of-way;
 - (12) Owners, applicants, managers and employees shall be responsible for keeping a clean, orderly place, and no patrons shall be allowed to stand, sit, mingle, or assemble outside the building in parking lots or automobiles while drinking alcoholic beverages or causing a disturbance of any kind;
 - (13) From Sunday through Thursday, the normal operating hours shall be between 6:01 a.m. and 11:00 p.m. From Friday through Saturday, the normal operating hours shall be between 6:01

a.m. and 12:00 midnight. No customer shall be permitted to remain on the premises for more than 20 minutes after the normal operating hours.

(ff) *Small multi-purpose theatre* : Any theatre facility located within a CRD, MROD, or PMUD zone with a seating capacity between 350 and 749 persons which meets all of the following elements:

- (1) Offers live entertainment, plays, musicals, dinner theater or leases space for birthday parties, wedding receptions or similar events;
- (2) Offers alcoholic beverages only when such beverages have been purchased by the licensee permanently located at such premises; except that a bona fide non-profit charitable organization may lease such premises and obtain a special event alcoholic beverage permit that allows such charity to receive alcohol donated by a licensed wholesaler;
- (3) Provides no adult entertainment as described in subsection 3-1(p) and Chapter 14, Article VI of this Code;
- (4) Maintains the following operating hours: from Monday through Saturday, the normal operating hours shall be between 6:01 a.m. and 1:00 a.m. Sunday normal hours of operations shall be between 6:01 a.m. and 12:00 midnight. Sunday hours of operations shall not involve the selling or serving of any alcoholic beverages unless theatre meets requirements outlined in section 3-13 of this Code. No customer shall be permitted to remain on the premises for more than 20 minutes after the normal operating hours cease;
- (5) Owners, applicant, managers and employees shall be responsible for keeping a clean, orderly place, and no patrons shall be allowed to stand, sit, mingle or assemble outside the building in parking lots or automobiles while drinking alcoholic beverages or causing a disturbance of any kind;
- (6) Any individual leasing or renting the theatre and wishing to impose any fees for cover charges, fees for admission/entrance, fees for contests/tournaments or live entertainment shall hold a valid business license and pay all applicable fees and taxes due on all revenues earned; except that a bona fide non-profit charitable organization shall be exempt from the requirements of this subsection.

(gg) *Non-alcohol retail establishment* : Any business located within UPT, CRD, GC, NC, CO, or PMUD zones with a dominant line of business that does not involve the sale or distribution of alcoholic beverages that obtains an on-premises license pursuant to this chapter in order to sell, or serve wine and malt beverages to customers on their business premises in the following limited circumstances:

- (1) The business, during all hours of operation, must sell a product or provide a service unrelated to alcoholic beverages that accounts for 80 percent of the business' gross revenue.
- (2) Events where alcohol sale or service is permitted on said business premises shall only take place between the hours of 5:00 p.m. and 12:00 a.m. Monday through Saturday, but this will in no way restrict the hours of operation for the dominant line of business when no alcohol sale or service is taking place.
- (3) The wine and malt beverages offered must have been purchased from a licensed wholesaler by the licensee permanently located at such premises; except that a bona fide non-profit charitable organization may lease such premises and obtain a special event alcoholic beverage permit that allows such charity to receive alcohol donated by a licensed wholesaler.
- (4) The non-alcohol retail establishment shall provide no adult entertainment as described in subsection 3-1 (p) above. Chapter 14, articles IV and VI of this Code, and chapter 13 of the Unified Development Ordinance.
- (5) Owners, applicants, managers and employees shall be responsible for keeping a clean, orderly place, and no patrons shall be allowed to stand, sit, mingle, or assemble outside the

building in parking lots or automobiles while drinking alcoholic beverages or causing a disturbance of any kind.

- (6) Persons under the age of 21 may be permitted on the businesses premises at any time; provided that no alcohol shall be served to any person under 21 years of age during the times when wine and malt beverages are being served.
- (7) The alcoholic beverage license and permit of a non-alcohol retail establishment business shall not be transferable to any other license, person, or business. Non-alcohol retail establishment licensees shall not be permitted to cater or sell alcoholic beverages outside of licensed premises.
- (8) No cover charges or other fees for admission will be charged unless it is related to the provision of the goods or services of the licensee's dominant line of business. In such situations the licensee shall hold a valid business license and pay all applicable fees and taxes due on all revenues earned; except that a bona fide non-profit charitable organization shall be exempt from the requirements of this subsection.
- (9) Notwithstanding subparagraph (3) above and section 3-16 hereinafter, a non-alcohol retail establishment may pay an additional on-premises fee of \$1,000.00 to the finance department at the same time the annual wine and malt beverage license is obtained which will permit customers to bring their own malt beverages and wine onto the business premises during hours when alcoholic beverages could otherwise be sold pursuant to this sub-section.
- (hh) "Growler: A bottle made of glass or other material or other material customary to the industry provided that the bottle is capable of being sealed with a screw cap and then sealed with a plastic collar over the screw for the purpose of open container laws, and such bottle shall be at least 16 oz. but not exceed 64 oz. in capacity. The sale of growlers in compliance with this chapter is authorized for establishments licensed to sell beer off premise pursuant to Columbus Code Section 3-3(c). However, growlers may not be sold by any establishment also licensed to sell liquors off premise pursuant to Columbus Code Section 3-3(a). The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this chapter. Growlers may only be filled from kegs procured by licensee from a duly licensed wholesaler. Provided however, a brewpub licensee, as defined by O.C.G.A. § 3-5-36, may also fill growlers from kegs of beer manufactured on its own premises as permitted under its state brewpub license. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. Consumption on the premises is strictly prohibited unless the same premises also holds a valid on premise license; provided however, samples of beers available for sale in a growler may be offered on the premises but each sample shall not exceed one ounce nor shall any one individual be offered more than three samples in one calendar day.
- (ii) *Designated beverage concessionaire* : A licensee selected by the management of a public stadiums, coliseums or auditoriums owned or controlled by the city or by a public authority having seating capacity in excess of 2,500 to provide alcohol sales at that location.

(Ord. No. 78-117, 10-17-78; Ord. No. 83-8, § 1, 31-83; Ord. No. 83-9, § 1, 3-1-83; Ord. No. 95-39, § 1, 5-23-95; Ord. No. 95-45, § 1, 6-6-95; Ord. No. 95-99, §§ 1—5, 10-10-95; Ord. No. 99-87, § 1, 12-7-99; Ord. No. 99-92, §§ 1—10, 12-14-99; Ord. No. 00-26, §§ 1—8, 3-7-00; Ord. No. 00-43, § 1, 4-25-00; Ord. No. 00-60, 6-20-00; Ord. No. 00-90, 10-10-00; Ord. No. 04-1, § 1, 1-6-04; Ord. No. 09-10, § 1, 3-10-09; Ord. No. 09-11, § 1, 3-10-09; Ord. No. 10-56, 11-23-10; Ord. No. 11-60, § 1, 11-8-11; Ord. No. 13-50, § 1, 11-12-13; Ord. No. 14-5, § 1, 2-25-14; Ord. No. 14-12, § 1, 3-25-14; Ord. No. 14-15, § 1, 4-22-14; Ord. No. 16-31, § 1, 7-26-16)

Sec. 3-2. - Director of finance to administer issuance of alcoholic beverage licenses and to report to council.

- (a) All applicants for alcoholic beverage licenses shall fill out and sign a notarized application form prescribed by the director of finance which shall contain all necessary information for a determination of the qualifications of the applicants and which shall contain the names of the owners of the businesses for which licenses are proposed.
- (b) The director of finance shall examine the qualifications of an applicant for any type of alcoholic beverage license and the qualifications of the owner of the business, and shall then forward the application to the chief of police. The chief of police, or his designee, will conduct an investigation of the police record of the applicant and owner and his findings shall be forwarded to the director of finance within five working days from receipt of the director's request for information and, if the director of finance determines that an applicant and owner meet the criteria established by ordinance for the issuance or transfer of that particular type of alcoholic beverage license, he shall so issue the license.
- (c) The director of finance shall submit monthly to the council through the clerk of council a list of those who have received any of the various types of alcoholic beverage licenses. The name and address of each applicant along with the location of the establishment and the type of alcoholic beverage license shall be included. Upon receipt of this report, the council shall by resolution receive and approve the same.
- (d) The director of finance shall also submit monthly a list of those applicants who did not meet the criteria established for the licenses for which they applied. He shall also submit the reason or reasons why each of these applicants did not qualify for an alcoholic beverage license. Upon receipt of this report, the council shall by resolution receive and approve the same unless any applicant has requested a public hearing before the council to show that he does meet the criteria established within Chapter 3 for the particular category of license he is seeking. Such applicant shall be heard by the council, but no license shall be approved after the director of finance has denied a license unless there has been a mistake of fact concerning the ability of an applicant to meet the criteria established which can be shown to the satisfaction of a majority of the members of council.
- (e) Both reports shall be available for public examination in the office of the clerk of council.

(Ord. No. 78-117, 10-17-78; Ord. No. 82-85, § 1, 11-16-82)

Sec. 3-3. - License taxes.

- (a) Each person selling liquors off premise in the city shall pay for each place of business an annual license tax as follows:
 - Wholesalers \$2,500.00
 - Retailers 2,000.00
 - Importers 1,000.00
 - Brokers 100.00
- (b) Each person selling wines in the city shall pay for each place of business an annual license tax as follows:
 - Wholesalers \$500.00
 - Retailers on premises 300.00
 - Retailers off premises 150.00

Importers 500.00

Brokers 50.00

- (c) Each person selling malt beverages in the city shall pay for each place of business an annual license tax as follows:

Wholesalers \$1,000.00

Retailers on premises 500.00

Retailers off premises 300.00

Importers 500.00

Brokers 50.00

- (d) An annual license tax of \$1,500.00 shall be charged for the initial license issued to any mixed drink licensee and for each year thereafter an annual license tax in the amount of five percent of the previous year's sales with a minimum of \$750.00 and a maximum of \$5,000.00. The holder of a mixed drink license may also sell wines and malt beverages for consumption on premises without purchasing additional licenses therefore, and such sales shall be included in the total sales used for computing license fees.
- (e) All new licenses shall be effective during the remainder of the calendar year in which they are issued and all renewals shall be effective from January 1 through December 31. Taxes for new licenses shall be paid prior to the issuance thereof, and taxes for renewals shall be paid on or before December 31 for the ensuing year. Any person engaging in wholesaling or retailing alcoholic beverages who does not purchase his license on or before December 31, shall pay in addition to the regular tax a penalty of ten percent before such license shall be issued.
- (f) None of the above license taxes shall be prorated for fractions of years.

(Ord. No. 78-117, 10-17-78; Ord. No. 01-53, § 3, 6-19-01; Ord. No. 04-1, § 2, 1-6-04)

Sec. 3-4. - Excise taxes.

- (a) Each wholesaler who sells to retailers located in Columbus, Georgia shall pay an excise tax in the amount of \$0.22 per liter on the sale of liquors and wines, and an excise tax in the amount of \$0.05 per 12 ounces on the sale of malt beverages (or proportionately thereof so as to graduate the tax on bottles, cans and containers of various sizes) plus an excise tax on malt beverages of \$6.00 for each container of 15 and 1/2 gallons and a like rate for fractional parts thereof.
- (b) Excise taxes for liquors, wines, and malt beverages shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold.
- (c) Wholesalers shall keep for a period of at least three years from the date of sales such records as are necessary for the determination of the amounts of excise taxes to be paid under this section. The director of finance may prescribe the form and content of such records and these records shall be available at all times for inspection by the director of finance or his authorized agent.
- (d) At the time of the sale, wholesalers shall collect the excise taxes prescribed in this section from retailers to whom they sell alcoholic beverages and the wholesalers shall remit amounts due to the consolidated government finance department via the revenue collection officer, together with reports or records necessary for a determination of the amount of taxes collected.
- (e) The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were delinquent and a further penalty of an additional ten percent of the amount

of such remittance for each successive 30-day period or any portion thereof during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for an additional penalty equal to 20 percent of the amount of the remittance which would have been required under an accurate and truthful report.

- (f) Each mixed drink licensee shall pay an excise tax of three percent upon the sale of distilled spirits to the public (O.C.G.A. 3-4-130). The excise taxes shall be paid by the mixed drink licensee to the consolidated government finance department on or before the twentieth day of the month following the calendar month in which the beverages are sold. A monthly excise tax report shall be remitted with payment. The failure to make a timely report and remittance and/or filing of a false or fraudulent report shall render a mixed drink licensee liable for penalties and/or interest. Mixed drink licensees shall be allowed a reimbursement as prescribed in O.C.G.A. 48-8-50 for reports and payment of taxes in a timely manner. This subsection shall become effective October 1, 2001.
- (g) The excise taxes provided for herein above shall be in addition to any license fee, tax or charge which may now or in the future be imposed by the Council of Columbus, Georgia, upon the business of selling alcoholic beverages at retail or wholesale within Columbus, Georgia.

(Ord. No. 78-117, 10-17-78; Ord. No. 01-53, §§ 4—6, 6-19-01; Ord. No. 04-1, § 3, 1-6-04)

Sec. 3-5. - Prohibited locations.

- (a) It shall be unlawful to issue off-premises alcoholic beverage licenses within 200 feet of the following locations, and on-premises alcoholic beverage licenses within 300 feet of the following locations: Girls' clubs, boys' clubs, Y.M.C.A.'s, funeral chapels, city playgrounds; areas zoned SFR1, SFR2, SFR3, SFR4, RMF1, RMF2, and RMH; private residences, whether such residences be single-family, duplexes or apartments; but the provisions hereof concerning private residences and areas zoned SFR1, SFR2, SFR3, SFR4, RMF1, RMF2 and RMH shall not apply to a restaurant or a hotel located within an area zoned H and shall not apply where a majority of the private residences within the prohibited distance are within an area zoned UPT, NC, GC, RO, LMI HMI or PMUD or where a majority of the land within the prohibited distance is zoned UPT, NC, GC, RO, LMI or HMI, or PMUD and where the applicant is a private club or the applicant's business is a hotel-motel or a restaurant or a non-alcohol retail establishment or where an off-premises alcoholic beverages license is to be issued. An off-premises license to sell malt beverages and wines may be issued, despite distance restrictions contained in this Code section, if the licensed premises are greater than 100,000 square feet and a majority of the land within 200 feet of the licensed premises is zoned UPT, NC, GC, RO, LMI or HMI. Owner and/or applicant managers and employees shall be responsible for keeping a clean, orderly place, and no patrons shall be allowed to stand, sit, mingle or assemble outside the building in parking lots or automobiles while drinking alcoholic beverages or causing a disturbance of any kind. For purposes of this chapter, "city playgrounds" means an area, owned by the city or other governmental agency, open to the general public for recreational purposes, which includes slides, swings, climbing apparatus, or similar equipment.
- (b) It shall be unlawful to issue alcoholic beverage licenses within 300 feet of the grounds of any church.
- (c) It shall be unlawful to issue liquor and mixed drinks beverage licenses within 600 feet and to issue wine and malt beverage licenses within 300 feet of the grounds of any community teen center or any school or school playground, including church nursery schools, church day care centers and adjoining playgrounds; provided, however, where the applicant's business is a hotel or motel or a restaurant and the license applied for by such applicant for such business is for retail sale for consumption on the premises only, the prohibited distance for mixed drinks, wine or malt beverage licenses shall be 300 feet. For purposes of on-premises consumption licenses for beer, wine or mixed drinks, the term "school" does not extend to educational levels above the 12th grade.

In accordance with state law, O.C.G.A. § 3-3-21, there shall be no prohibited distance between a school building or grounds or a college campus and a premises licensed as a "grocery store" for the off-premises sale of wine or malt beverages. A "grocery store" is defined as a retail establishment which has

at least 85 percent of its retail floor space reserved for the sale of food and other nonalcoholic items and makes all its alcohol sales inside the building containing its retail floor space.

- (d) It shall be unlawful to issue an on-premises alcoholic beverage license in the categories of bar pub, night club, or adult oriented entertainment establishment within 600 feet of a location already holding or which has held within the past 12 months a valid on-premises alcoholic beverage license for any one of those same three categories.
- (e) The distance related to prohibited locations for licenses shall be measured as follows in accordance with current state law and regulation:
 - (1) In a straight line from the front door of the business regulated under this chapter;
 - (2) To the front door of a church or any other protected or prohibited location but to the nearest property line of any school or property being used for educational purposes.
 - (3) As measured by the most direct route of travel on the ground.
- (f) It shall be unlawful for any person to sell, give away, drink, or possess any alcoholic beverages upon any of the parks and recreational areas owned by Columbus, Georgia, except under rules established by the city manager, but such rules shall be consistent with other provisions of this chapter.
- (g)
 - (1) Alcoholic beverage licensees located within the Central Riverfront District (CRD) provided in section 2.3.3 of the Unified Development Ordinance (UDO) a Mill Restoration Overlay District (MROD) provided in section 2-5.18, and a Planned Mixed Use Development (PMUD) provided in section 2.5.16 of the UDO ordinance and set forth on a plat which shall remain on file in the revenue division shall not be subject to the provisions of subsections 3-5(a) and 3-5(d) of this chapter. Owners, applicant managers and employees of such licensees shall be responsible for keeping a clean, orderly place, and no patrons shall be allowed to stand, sit, mingle or assemble outside the building in parking lots or automobiles while drinking alcoholic beverages or to cause a disturbance of any kind. Owners and applicant managers within the CRD, the MROD, and a PMUD shall be subject to all other provisions of chapter 3 of the Columbus Code.
 - (2) Notwithstanding the provisions of subsection 3-5(b), the finance director shall be authorized to issue alcoholic beverage licenses for restaurant uses only located within the Central Riverfront Zoning District, a Mill Restoration Overlay District or a PMUD if such restaurant is located at least 250 feet away from the grounds of any church; provided, however, no such restaurant shall be permitted to impose a cover charge for live entertainment or contests pursuant to subsection 3-1(f)(9). Restaurants permitted under this subsection shall be prohibited from conducting outdoor sales of alcoholic beverages on public right-of-way unless permission is obtained from the city manager pursuant to subsection 3-12(i).
- (h) All locations for alcoholic beverage licenses which do not meet the distance requirements or the issuance of a new license, but which, nevertheless, were operating with a valid license issued prior to restrictions for location imposed by this chapter or previous ordinances, are despite the restrictions of this chapter, eligible for reissuance of the same category of license or restaurant license if application therefore is made within one year of the date that the business operations for the previous license ceased. This provision shall not apply to non-alcohol retail establishments as defined in subsection 3-1 (gg) of this chapter.
- (i) Traditional restaurant licenses, as defined in this chapter, located in zoning districts UPT, CRD, GC, NC, CO and PMUD shall not be subject to the distance restrictions of this chapter.
- (j) Broker licenses, as defined in this chapter, shall not be subject to the distance restrictions of this chapter. Signage advertising such an application shall not be required.
- (k) Notwithstanding the distance restrictions contained in this Code section, on-premises licensees holding alcoholic beverage licenses as a restaurant, hotel, bowling center, traditional restaurant or non-alcohol retail establishment may be licensed under this chapter if located within 1,500 feet of the perimeter property line of the Columbus Airport and if located on a parcel zoned GC, CO, LMI, or HMI.

- (l) Notwithstanding the distance restrictions contained in this Code section, off-premise licensees that fit the definition of a grocery store as set forth in O.C.G.A § 3-3-21(a)(1)(B), may be licensed under this chapter if located on a parcel zoned GC, NC, UPT or CRD.

(Ord. No. 78-117, 10-17-78; Ord. No. 79-15, § 1, 2-6-79; Ord. No. 79-16, § 1, 2-6-79; Ord. No. 79-32, §§ 1, 2, 4-3-79; Ord. No. 81-70, § 1, 7-14-81; Ord. No. 81-102, § 1, 9-22-81; Ord. No. 82-3, § 1, 2-2-82; Ord. No. 83-10, § 1, 3-1-83; Ord. No. 83-28, § 1, 4-26-83; Ord. No. 84-86, 9-18-84; Ord. No. 84-106, §§ 1, 2, 11-20-84; Ord. No. 86-81, 7-22-86; Ord. No. 87-50, 4-28-87; Ord. No. 87-53, §§ 1, 2, 5-12-87; Ord. No. 88-104, 10-25-88; Ord. No. 88-108, 11-8-88; Ord. No. 89-36, 4-4-89; Ord. No. 90-97, 11-6-90; Ord. No. 90-103, 11-13-90; Ord. No. 91-72, 8-6-91; Ord. No. 91-105, 11-19-91; Ord. No. 92-66, 7-14-92; Ord. No. 92-70, 7-21-92; Ord. No. 93-80, 9-14-93; Ord. No. 94-34, 4-26-94; Ord. No. 95-99, §§ 6—9, 10-10-95; Ord. No. 97-45, 5-6-97; Ord. No. 97-45, §§ 1, 2, 5-6-97; Ord. No. 03-21, § 1, 4-15-03; Ord. No. 03-94, § 1, 10-14-03; Ord. No. 04-1, § 4, 1-6-04; Ord. No. 09-10, § 1, 3-10-09; Ord. No. 09-11, § 2, 3-10-09; Ord. No. 11-49, § 1, 9-27-11; Ord. No. 11-60, § 2, 11-8-11; Ord. No. 12-48, § 1, 11-27-12; Ord. No. 14-5, § 2, 2-25-14; Ord. No. 14-15, § 2, 3, 4-22-14; Ord. No. 15-15, § 1, 5-12-15; Ord. No. 15-59, § 1, 12-8-15)

Sec. 3-6. - Persons prohibited.

- (a) No alcoholic beverage license shall be issued to the following persons or entities:
- (1) Persons who are not citizens of the United States and the State of Georgia.
 - (2) A partnership.
 - (3) A corporation.
 - (4) A Limited Liability Partnership (LLP).
 - (5) A Limited Liability Company (LLC).
 - (6) Law enforcement officers and their spouses.
 - (7) Persons whose businesses are managed by those who do not meet the criteria established in subsections (b), (c), and (d).
 - (8) Persons other than owners or managers.
 - (9) Applicants for licenses in businesses of which the owner or owners do not meet the criteria established in subsections (b), (c), (d), and (e).
 - (10) No persons under the minimum legal drinking age as established in Official Code of Georgia Annotated, section 3-3-23.
- (b) No person who has been convicted of, or pled guilty or nolo contendere to, or forfeited bond on any federal or state felony offense within ten years of the application for an alcoholic beverage license shall be issued such a license, nor shall such license be renewed.
- (c) No person who has been convicted of, or pled guilty or nolo contendere to, or forfeited bond on any federal or state misdemeanor offense involving moral turpitude or alcohol or drugs within five years of application for any alcoholic beverage license shall be issued such a license, nor shall any such license be renewed; except, for renewal purposes only, two alcohol related misdemeanor offenses shall be required to prohibit renewal, but any holder of a license who is convicted of or pleads guilty or nolo contendere to or forfeits bond on an offense of selling alcoholic beverages to a minor at a licensed establishment and any person convicted of or pleading guilty or nolo contendere to or forfeiting bond on a second alcohol related misdemeanor offense shall immediately, but subject to the revocation procedures of Columbus Code section 3-11, have his or her license revoked.

- (d) No person who has been convicted of or pled guilty or nolo contendere to or forfeited bond on any ordinance violation involving alcohol or drugs or prostitution or pimping or sodomy or other sexual matters in Columbus, Georgia, or any other political subdivision within two years of the application for an alcoholic beverage shall be issued such a license, nor shall any such license be renewed; except, for renewal purposes only, two alcohol related ordinance violations shall be required to prohibit renewal; no waivers shall be allowed by the Council of Columbus, Georgia; notwithstanding any other provisions of this subsection, any person convicted of or pleading guilty or nolo contendere to or forfeiting bond on any violation within this subsection for a second time shall immediately, subject to the revocation procedures of section 3-11, have his or her license revoked.
- (e) No person who has been convicted of, or pled guilty or nolo contendere to, or forfeited bond as a habitual violator pursuant to O.C.G.A. § 40-6-391 and § 40-6-391.2 within the past ten years shall be issued such a license, nor shall such license be renewed.

(Ord. No. 78-117, 10-17-78; Ord. No. 79-18, § 1, 2-20-79; Ord. No. 79-93, § 1, 8-21-79; Ord. No. 79-159, §§ 2, 3, 12-27-79; Ord. No. 81-52, § 1, 6-16-81; Ord. No. 81-147, § 1, 12-22-81; Ord. No. 82-85, § 2, 11-16-82; Ord. No. 86-41, §§ 1—3, 4-29-86; Ord. No. 90-38, §§ 1, 2, 5-15-90; Ord. No. 91-16, §§ 1, 2, 3-19-91; Ord. No. 95-30, 5-2-95; Ord. No. 95-99, §§ 10, 11, 10-10-95; Ord. No. 95-110, § 1, 11-21-95; Ord. No. 00-26, §§ 14, 15, 3-7-00; Ord. No. 02-112, § 2, 11-12-02; Ord. No. 04-1, § 5, 1-6-04)

Sec. 3-7. - Procedure for applying for licenses and for certifying employees.

- (a) The following procedures shall be followed by all applicants for alcoholic beverage licenses:
- (1) Where no building is erected at a location proposed for the sale of alcoholic beverages or where there is not an existing license, the applicant for such license shall identify the proposed location with the building number which the proposed building shall bear and the type of license applied for. The applicant shall request of and pay the cost to the city to erect a sign upon the premises showing the number of the proposed building and that said application is pending. Said signs shall be located within one foot of the right-of-way of the city street upon which said proposed business fronts and shall read as follows:

NOTICE

Proposed Building No. _____

_____ Street

Alcoholic Beverage License Application Pending

Type License Applied For: _____

Name of Applicant: _____

Address of Applicant: _____

Date of Application: _____

The applicant shall request of and pay the nonrefundable cost of such sign to the Columbus Consolidated Government. The request and payment must be made within a period of time allowing the city to erect the sign at least 30 days before the license is applied for and shall remain up continuously during the pendency of the application. The applicant shall remove the sign within ten days after such application is acted on by the director of finance.

- (2) Such sign shall be of wood or metal, at least 48 inches by 72 inches in size and the lettering thereon shall be at least three inches in height, and a picture thereof shall be attached to the license application.
 - (3) The sign erected pursuant to the provisions hereof shall contain no additional advertisement or words other than that which is specified herein.
 - (4) All applications for new licenses shall include a certificate from a registered surveyor showing a scale drawing of the location of the proposed premises and the distance of the proposed premises from any prohibited locations covered in section 3-5. Such survey shall be coordinated and conducted by a registered surveyor contracted by the city, and the nonrefundable cost of such survey shall be paid by the applicant to the Columbus Consolidated Government when the application is submitted.
- (b) At the time of submitting an application, the applicant, owner(s), stockholder(s), partners, and manager(s) shall complete and submit a form waiver for police records check.
 - (c) In the case of all night clubs as defined in section 3-1(j) and all adult oriented establishments as defined in section 3-1(p) and those bar/pubs as defined in section 3-1(i) where their major source of income is from the sale of alcohol, the following procedures shall be followed by owners and applicants for licenses and employees:
 - (1) Prior to or at the time of submitting an application, the applicant for a license and the owner of the proposed business shall submit themselves to the police department for fingerprinting.
 - (2) Licensees and employees of such businesses shall possess a valid identification card prior to the date of their first work in an establishment. The employee shall first report to the police department of Columbus, Georgia for the purpose of applying for an identification card. In the event that an employee has a record of a violation of the type and within the period of time which would disqualify a person from holding an alcoholic beverage license, the chief of police within 30 days of application shall issue a letter to the employee and to the employer stating that the employee is ineligible for employment. Persons holding valid employee identification cards prior to January 6, 2004 are, despite the restrictions of this chapter, eligible to renew such employee identification cards through the Columbus Police Department as long as no new disqualifying offenses under section 3-6 have occurred since January 6, 2004.
 - (3) The chief of police shall within 30 days of application furnish to each qualified licensee and employee an identification card with pertinent information thereon relating to the height, weight, hair color, eye color, date of birth, social security number and photograph of the holder of such identification card. A non-refundable fee in the amount of \$6.00 shall be charged for the preparation of such identification card. It shall be the responsibility of the employer to see that the employees are carrying with them an identification card at all times they are working. Said identification card will expire each year on the birth date of the applicant and must be renewed at such time, and said card must at all times be in the possession of such person affected hereunder for him to be eligible to engage in such business.
 - (4) Licensees shall submit written notice to the police department of the identity of transient entertainers, and such notice must be received in advance of their performance.
 - (d) All applicants for new mixed drink licenses shall give notice of their intent to make such application by advertising at least five times on different days in the daily paper published in the city in which the legal advertisements of the city are carried. Such notice shall contain a particular description of the location of the proposed business and shall give the name of the applicant, and if a partnership, the names of the partners, and if a corporation or an association, the names of the corporate manager or association manager to whom issued and the date such application would be considered by the director of finance. The advertisement referred to herein shall be of type not smaller than ten-point capital and lower case and shall be at least a one-inch, two-column advertisement.
 - (e) All applications for alcoholic beverage licenses, in addition to all other fees, shall be accompanied by a nonrefundable fee of \$50.00 payable to the Columbus Consolidated Government, but the holder of

one type of alcoholic beverage license who seeks to obtain another type of alcoholic beverage license at the same location shall not be required to pay this fee.

- (f) The making of any untrue or misleading statement in the application for an alcoholic beverage license or card shall constitute grounds for denial or revocation or nonrenewal of such license or card.
- (g) Notwithstanding any other provision of this chapter, renewal of an expired identification card (ABC card) shall be permitted if the only disqualifying violation of the applicant is failure to possess a current ABC card within a 12-month period prior to application for renewal. A \$25.00 late application fee shall be collected from all such applicants.

(Ord. No. 78-117, 10-17-78; Ord. No. 81-146, § 1, 12-22-81; Ord. No. 82-35, § 1, 5-18-82; Ord. No. 82-85, § 3, 11-16-82; Ord. No. 84-75, §§ 1—3, 7-31-84; Ord. No. 88-26, 3-15-88; Ord. No. 91-12, 2-26-91; Ord. No. 95-99, § 12, 10-10-95; Ord. No. 95-110, § 2, 11-21-95; Ord. No. 99-92, §§ 11, 12, 12-14-99; Ord. No. 00-26, §§ 16, 17, 3-7-00; Ord. No. 01-51, §§ 1—3, 6-19-01; Ord. No. 05-44, § 1, 6-11-05; Ord. No. 09-10, § 1, 3-10-09; Ord. No. 10-19, § 1, 6-1-10)

Sec. 3-8. - Approval and issuance.

- (a) The director of finance shall either approve or disapprove all applications for alcoholic beverage licenses within a period of 21 business days from the date of the filing of such application.
- (b) The director of finance shall issue licenses upon payment of the proper license fee by a qualified applicant, but in no event shall the director of finance issue a license more than 12 months after the date of the approval of a new application, or, if the licensed premises will exceed 100,000 square feet, more than 24 months after the date of the approval of a new application. The director of finance shall not issue a license more than three months after the date of the approval of a transfer application.
- (c) All licenses shall be conspicuously posted in the licensee's place of business and shall set forth the name of the licensee and the address of the business and the type of license.
- (d) The director of finance shall neither approve nor issue any alcoholic beverage license to any applicant who applies for an alcoholic beverage license within a period of one year from the date of disapproval of an application for cause based on failure to meet any criteria contained in section 3-6. When an application for an alcoholic beverage license has been disapproved based on failure to meet any criteria contained in section 3-5, an applicant may reapply one time only for an alcoholic beverage license at the same location within a period of one year from the date of disapproval and an applicant may reapply for an alcoholic beverage license at a different location without a one-year waiting period. The director of finance shall neither approve nor issue any alcoholic beverage license to any applicant who applies for an alcoholic beverage license within a period of one year from the date of revocation of a previous license.
- (e) The director of finance shall neither approve nor issue any alcoholic beverage license to any applicant who applies for an alcoholic beverage license within a period of one year from the date of nonrenewal of a previous license. The term "applicant" as used above in subsection (d) and in this subsection includes the original applicant, the original applicant's spouse or cohabitant, a relative of the original applicant within the second degree of consanguinity, so as to include a step, adopted, or foster, parent, sibling, grandparent, uncle, aunt, niece, nephew, and first cousin. The term "applicant" shall also include any partner or stockholder of the original applicant's partnership or corporation, and any person who has acquired the original applicant's business other than through a bona fide sale. The burden is upon the party seeking the license to prove that the sale of the business is bona fide. However, if the revocation or nonrenewal was due to the applicant's failure to satisfy the food sale requirement of a conditional location pursuant to an audit under section 3-20, the applicant may reapply for an alcoholic beverage license for an unconditional location without waiting a period of one year.

(Ord. No. 78-117, 10-17-78; Ord. No. 95-29, 5-2-95; Ord. No. 95-119, 11-28-95; Ord. No. 01-80, §§ 1, 2, 8-21-01; Ord. No. 04-1, § 6, 1-6-04; Ord. No. 14-15, § 4, 4-22-14)

Sec. 3-9. - Transfers.

- (a) An alcoholic beverage license may be transferred if:
 - (1) All taxes owed to the city are paid in full.
 - (2) The new applicant, owner(s), stockholder(s), partners, and manager(s) possess the requisite qualifications.
 - (3) If the transfer is due to a change in ownership of the business, the alcoholic beverage application must have been applied for and approved prior to the sale of the business. An alcoholic beverage license may not be issued until the new owner has established that the sale of the business is bona fide.
- (b) A license may be transferred without a transfer fee to the estate of a deceased owner provided that the representative of the estate possesses the requisite qualifications and has presented legal documentations to show that he or she is executor or representative of the estate.
 - (1) The representative shall transfer the license within 60 days after the death of a deceased owner, or the license will be subject to revocation under this chapter.
- (c) The owner of a business may transfer a license from one manager to another provided:
 - (1) The new manager meets the requisite qualifications.
 - (2) In the case where a manager holds a license, but leaves the business, the owner shall transfer the license to himself or a qualifying manager within 60 days of termination of the original manager, or the license will be subject to revocation under this chapter.
- (d) A license may be transferred from one location to another provided the new location meets the requisite qualifications.
- (e) The following transfer fees, payable to Columbus Consolidated Government, are imposed:
 - (1) \$50.00 for transfers to new locations except where the transfer is necessitated by an act of God, or an act of law, in which event there will be no transfer fee.
 - (2) \$500.00 for the transfer of all mixed drinks licenses with a \$50.00 transfer fee for subsequent transfers of the same kind in the same calendar year, except mixed drinks licenses for nonprofit corporations for which the first transfer fee will be \$100.00.
 - (3) For all other transfers of all other alcoholic beverage licenses a fee of 50 percent of the price of the license.
- (f) Notwithstanding any other provisions contained in this chapter, a hotel licensee may transfer a license to a restaurant licensee and a restaurant licensee may transfer a license to a hotel licensee if both the hotel and the restaurant are located within the same building where the hotel operations are conducted. Such a transfer may only be made once during any calendar year. Such transfers shall not be permitted for any hotel or restaurant which has had an alcoholic beverage license revoked or where renewal of such a license has been denied within the preceding 12 months.
- (g) An alcoholic beverage license that has been revoked or nonrenewed may not be transferred.

(Ord. No. 78-117, 10-17-78; Ord. No. 82-61, § 1, 8-10-82; Ord. No. 99-92, § 13, 12-14-99; Ord. No. 02-112, § 1, 11-12-02; Ord. No. 04-1, § 7, 1-6-04)

Sec. 3-10. - Renewals.

- (a) All licensees shall renew their licenses annually on forms prescribed by the director of finance to be submitted with the taxes required for the renewed license.
- (b) Except as otherwise provided in this chapter, no license shall be renewed where the licensee commits any act in violation of federal, state, or local laws or ordinances, or does anything else that would disqualify him on an original license application, nor shall any license be renewed where a new owner cannot qualify as provided in an original application. No person can qualify as a "new owner" if such person is the original licensee's spouse or cohabitant, a relative of the original licensee within the second degree of consanguinity, which term includes a step, adopted, or foster, parent, sibling, grandparent, uncle, aunt, niece, nephew, and first cousin. In addition, no partner or stockholder of the original licensee's partnership or corporation, or any person who has acquired the original licensee's business other than through a bona fide sale, shall constitute a "new owner". The burden is upon the new owner to prove that the sale of the business is bona fide.
- (c) All renewal forms shall indicate any changes of ownership of the licensed business, and all new owners shall undergo the same procedures prescribed for owners on original license applications.

(Ord. No. 78-117, 10-17-78; Ord. No. 82-85, § 4, 11-16-82; Ord. No. 04-1, § 8, 1-6-04)

Sec. 3-11. - Revocation.

- (a) The following shall be grounds for suspension or revocation of all alcoholic beverage licenses:
 - (1) a. Failure of wholesaler or retailer to pay license or excise taxes; or
 - b. Improper collection of excise taxes pursuant to this chapter or O.C.G.A. § 3-4-130 on two or more occasions within a five-year period.
 - (2) Commission of any act in violation of the federal, state or local laws or ordinances which would disqualify a person from obtaining a license.
 - (3) Selling or distributing or buying alcoholic beverages on which no local or state tax has been paid.
 - (4) Commission of any acts in violation of federal, state or local laws or ordinances or running of a licensed business where such violations frequently or regularly occur so as to cause the chief of police or director of public safety to recommend a revocation of the license.
 - (5) Failure to abide by any of the provisions of this chapter.
 - (6) Providing false information to influence determination of license taxes or food/alcohol ratios.
 - (7) Conducting of activities described in O.C.G.A. § 16-12-35 (e), (f), or (g), as now or hereafter amended, upon licensed premises where probable cause has been found by the recorder, including bond forfeitures, guilty pleas, nolo contendere pleas or the binding of such a case over to a higher court by the recorder.
 - (8) Forfeiting bond, pleading guilty, or pleading nolo contendere to conducting any of the gambling activities described in O.C.G.A. § 16-12-2, as now or hereafter amended, upon licensed premises.
- (b) The following procedures shall be followed in revoking all alcoholic beverage licenses:
 - (1) Notice shall be given to the holder of a license at least two weeks in advance that the Council of Columbus, Georgia will hear a recommendation that the license be revoked, and this notice shall include the specific grounds on which this recommendation to council will be made.
 - (2) The clerk of council shall notify the license holder, the director of finance and the chief of police or the director of public safety as to the time that a recommendation for revocation will be heard.
 - (3) The Council of Columbus, Georgia shall hear a recommendation for revocation before or during one of its regular meetings at which time the holder of a license and any other interested parties will be heard.

- (4) No license shall be revoked until a majority of the council so decides at the time of or subsequent to the hearing on the recommendation for revocation.
- (5) After council takes action to revoke, licensees will surrender beverage licenses to the issuing authority.
- (6) The procedures for revoking alcoholic beverage licenses shall also apply to nonrenewals of alcoholic beverage licenses, and hearings before the Columbus Council on revocations shall be held within 30 days from the date of a decision to recommend revocation while council hearings on nonrenewals shall be held within 30 days from the receipt of an appeal by a licensee of a decision not to renew; hearings on nonrenewals shall be held no earlier than one week from the date an appeal is received, and appellants shall be notified in advance of the date of said hearing.
- (7) If an alcoholic beverage license is either revoked or nonrenewed under this section, no alcoholic beverage license shall be issued for the same location within a period of one year of the revocation or nonrenewal to the same licensee. The term "same licensee" includes the revoked or nonrenewed licensee's spouse or cohabitant, and any relative of the original licensee within the second degree of consanguinity, which term includes a step, adopted, or foster, parent, sibling, grandparent, uncle, aunt, niece, nephew, and first cousin. The term "same licensee" also includes any partner or stockholder of the original licensee's partnership or corporation, or any person who has acquired the original licensee's business other than through a bona fide sale. The burden is upon the new owner to prove that the sale of the business is bona fide.

(Ord. No. 78-117, 10-17-78; Ord. No. 99-92, §§ 14, 15, 12-14-99; Ord. No. 00-10, 1-18-00; Ord. No. 00-26, §§ 9, 13, 21, 3-7-00; Ord. No. 04-1, § 9, 1-6-04; Ord. No. 06-31, § 1, 5-16-06; Ord. No. 09-10, § 1, 3-10-09)

Sec. 3-12. - Regulations for the sale of alcoholic beverages for consumption on the premises—Generally.

- (a) Reserved.
- (b) The sale of alcoholic beverages for consumption by persons in any back room or side room which is not open to general public use is prohibited, except that private parties or conventions which have been scheduled in advance may be served in public or private dining rooms or meeting rooms, and provided further that this prohibition shall not apply to private clubs hereunder nor to the sale of alcoholic beverages for consumption hereunder to the registered guests of any hotel or motel in their designated rooms.
- (c) It shall be unlawful for any person except a wholesaler to carry into premises licensed for mixed drinks or to have in his possession on any premises licensed for mixed drinks any alcoholic beverage in the original package, the seal of which has been broken or the original package opened; provided, however, the trade and convention center and civic center may grant exceptions to the provisions hereof where such grant of exception is made in writing.
- (d) Reserved.
- (e) Licensees shall not permit the sale of liquors by the bottle or package, but wines or malt beverages may be sold by the bottle for on-premises consumption.
- (f) Licensees are authorized to sell alcoholic beverages for a period of three hours immediately following 11:55 p.m. on Saturdays; on Tuesday through Saturday licensees shall not sell and businesses shall not allow alcoholic beverages to be brought or consumed on the premises between the hours of 2:55 a.m. and 6:00 a.m., and on Mondays licensees shall not allow alcoholic beverages to be sold or brought on the premises between 12 midnight and 6:00 a.m.; but whenever New Year's Day does not fall on Sunday licensees are allowed to sell alcoholic beverages until 4:00 a.m. on New Year's Day; no customer shall be permitted to remain on the premises for more than 20 minutes after the close of sales. Nothing in this subsection shall preclude the operation of a bowling center during the prohibited hours so long as alcoholic beverages shall not be sold or consumed during the prohibited hours.

- (g) It shall be illegal for licensees to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.
- (h) All licensees, except clubs, shall maintain their current prices of mixed drinks and alcoholic beverages, the amount of liquor to be served in each drink, and minimum, admission and cover charges and the same shall be made available at the request of any law enforcement officer.
- (i) All on-premises alcoholic beverage licensees may sell any alcoholic beverage covered by their on-premises license outside of the licensed premises for catering services to conventions, conferences, sales meetings, seminars, banquet groups, cultural events, private parties or other events where the sale of alcoholic beverages is allowed with written permission from the city manager. An additional rental fee of ten percent of the gross receipts received by the caterer shall be paid by the caterer to the Revenue Division of Columbus, Georgia for events held on any public right-of-way.
- (j) No person shall hold a license hereunder who also has any direct financial interest in any wholesale alcoholic beverage business. No financial aid or assistance to any licensee hereunder from any wholesaler or manufacturer of alcoholic beverages shall be permitted.
- (k) The management of on-premises businesses shall maintain a copy of this section on such premises and shall instruct each and every employee of the terms thereof.
- (l) Patios and decks shall be connected to the primary building of the licensed premises. They shall be bordered by a fence or enclosure no less than three feet high with access gained only through the interior area of the primary building. Nothing contained herein shall be read to limit compliance with the fire code.

(Ord. No. 78-117, 10-17-78; Ord. No. 80-106, § 1, 8-26-80; Ord. No. 80-147, § 1, 12-23-80; Ord. No. 81-146, § 2, 12-22-81; Ord. No. 85-80, 7-9-85; Ord. No. 86-39, § 1, 4-22-86; Ord. No. 95-99, §§ 13-20, 10-10-95; Ord. No. 99-92, § 16, 12-14-99; Ord. No. 00-26, §§ 18—20, 3-7-00; Ord. No. 04-1, § 10, 1-6-04; Ord. No. 09-10, § 1, 3-10-09; Ord. No. 11-58, § 1, 11-8-11)

Sec. 3-12.1. - Same—"Happy" hours; jumbo drinks, two-for-one; etc.

All on-premises licensees are prohibited from selling or giving away alcoholic beverages under the following circumstances:

- (a) Serving multiple drinks for a single price or offering all you can drink for a set price during a set time.
- (b) Making a single price the basis for a required purchase of two or more servings.
- (c) Selling or furnishing alcoholic beverages after 9:00 p.m. at "Happy Hour" or a price lower than the normal retail cost.
- (d) Offering free drinks or reduced-price drinks to any segment of the population for any period of time as an inducement to patronize the premises such as a "Ladies' Night" or "Men's Night."
- (e) Selling alcoholic beverages for less than half the normal retail price.
- (f) Nothing herein contained shall be construed to prohibit the dispensing of drinks in pitchers or in jumbo sizes, provided that such pitchers or jumbo sizes shall be available at all times that the licensee is open for business and the usual, customary or established retail price shall not be reduced; for the purposes of this subparagraph, a jumbo drink is defined as any drink containing more than 1½ ounces of alcohol.

(Ord. No. 84-121, § 1, 12-11-84)

Sec. 3-13. - Same—Sunday hours of sale in eating establishments.

The sale of alcoholic beverages is hereby authorized for consumption on-premises in eating establishments on Sundays between the hours of 12:30 p.m. and 12:00 midnight. For the purposes of this section, "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages or wines, and which derives at least 50 percent of its total annual gross food and the beverage sales from the sale of prepared meals or food.

(Ord. No. 81-80, § 1, 8-4-81)

Editor's note— Ordinance No. 81-80, enacted Aug. 4, 1981, did not specifically amend this Code; hence, codification of § 1 of said ordinance as § 3-13 is at the discretion of the editor.

Sec. 3-13.1. - Same—Persons under minimum drinking age prohibited.

- (a) All on-premises beer and wine licensees and all on-premises mixed drinks licensees are prohibited, during regular business hours, from admitting persons under the minimum legal drinking age as established in O.C.G.A., § 3-3-23, unless otherwise authorized by ordinance or law, and are prohibited from applying for separate licenses to set up nonalcoholic teen days and businesses on their premises. Licensees covered by the provisions of subsection (a) shall post at or near all entrances in plain view of customers a prominent sign reciting verbatim the prohibition contained in the first sentence of subsection (a).
- (b) When a licensee operates a bar/pub, night club or an adult oriented establishment on the premises of or in conjunction with the operation of a hotel/motel, such bar/pub, night club or adult oriented establishment shall be subject to the provisions of this section.
- (c) This section shall not be construed to prohibit persons under the minimum drinking age from entering restaurants as defined in 3-1(f), or from entering a club as defined in 3-1(h) or from entering a riverboat as defined in section 3-1(m), or entering a multi-purpose theater as defined in section 3-1(n), or entering a bowling center as defined in section 3-1(o), or entering a multi-purpose facility as defined in 3-1(v), or entering a municipal golf course as defined in 3-1(w), or entering a municipal sports facility as defined in 3-1(x), or entering a dinner theater as defined in 3-1(aa).
- (d) The purpose of this Code section is to prohibit the presence of persons under the legal drinking age in establishments which derive the major source of their revenues from the sale of alcoholic beverages, but it shall not apply to any employee of the licensee who has a valid employee identification card.
- (e) It shall be unlawful for persons under the minimum legal drinking age as established in O.C.G.A. § 3-3-23 to enter the premises of any on-premises beer and wine licensee or any on-premises mixed drinks licensee unless otherwise authorized by ordinance or law. Licensees covered by the provisions of subsection (e) shall post at or near all entrances in plain view of customers a prominent sign reciting verbatim the prohibition contained in the first sentence of subsection (e).
- (f) It shall be unlawful for persons under the age of legal majority as defined in O.C.G.A. § 39-1-1 to be employed by or to perform on the premises of any on-premises beer and wine licensee or any on-premises mixed drinks licensee, provided, however, that this subsection shall not apply to a restaurant as defined in section 3-1(f) or a club as defined in section 3-1(h) or a riverboat as defined in section 3-1(m).
- (g) Reserved.
- (h) No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of gaining admission to the premises of any on-premises beer and wine licensee or any on-premises mixed drinks licensee.

(Ord. No. 86-39, § 1, 4-22-86; Ord. No. 90-47, 5-29-90; Ord. No. 95-33, §§ 2, 3, 5-2-95; Ord. No. 95-39, § 2, 5-23-95; Ord. No. 95-45, § 2, 6-6-95; Ord. No. 95-99, §§ 21—24, 10-10-95; Ord.

No. 96-3, §§ 1, 2, 1-16-96; Ord. No. 99-92, §§ 17, 18, 12-14-99; Ord. No. 00-26, §§ 10, 11, 3-7-00)

Sec. 3-13.2. - Authorization for Sunday sales of alcohol off-premises by retailers between the hours of 12:30 p.m. and 11:30 p.m.

Pursuant to Ordinance No. 12-3 and O.C.G.A. § 3-3-7(q) and pursuant to referendum passed on November 6, 2012 in Muscogee County, Georgia, package sales of malt beverages, wine and distilled spirits by retailers on Sundays between the hours of 12:30 p.m. and 11:30 p.m. are hereby authorized. Such sales by retailers may commence on Sunday December 2, 2012 between the hours of 12:30 p.m. and 11:30 p.m.

(Ord. No. 12-51, § 1, 11-27-12)

Sec. 3-14. - Sales 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, Georgia Laws 1985, Volume I, pages 1508-1510, amending O.C.G.A., § 3-3-20, the wholesale sale and the off-premises and on-premises retail sale of alcoholic beverages, to wit, liquors, wines and malt beverages, is permitted during any election or referendum on the election day including the hours that the polling places are open; 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.

(Ord. No. 82-1, § 1, 1-12-82; Ord. No. 85-101, § 1, 9-3-85)

Editor's note— Ordinance No. 82-1, enacted Jan. 12, 1982, did not specifically amend this Code; hence, codification of § 1 of said ordinance as § 3-14 is at the discretion of the editor.

Sec. 3-15. - Open containers of alcoholic beverages, consuming alcoholic beverages in motor vehicles.

It shall be unlawful for any person to consume alcoholic beverages or to have in his or her possession any open container or package of alcoholic beverages while aboard any motor vehicle operated or parked on any public street or public property or on any private property open to public access or vehicular traffic unless such person is a passenger in a motor vehicle driven by a hired chauffeur or other driver which is licensed by the city to operate a motor vehicle for hire or is a passenger aboard a chartered carrier or a carrier wherein the possession or consumption of alcoholic beverages is allowed by law or unless such open container or package is in the trunk of the motor vehicle or kept in a locked glove compartment or in some other area of the vehicle not normally occupied by the driver or passengers; a container or package shall be deemed open when the original seal is broken, and any receptacle with an open top or with a straw shall be classified as an open container or package.

(Ord. No. 89-113, 10-24-89)

Editor's note— Ordinance No. 89-113, adopted Oct. 24, 1989, did not specifically amend this Code; hence, its inclusion as § 3-15 was at the discretion of the editor.

Sec. 3-16. - "Brown-bagging" prohibited.

- (a) No business shall permit persons, other than alcoholic beverage wholesalers or licensed caterers, to carry or bring alcoholic beverages onto its premises.

- (b) Notwithstanding subsection (a), licensees holding a valid brown-bagging permit as of November 1, 2003 shall be entitled to renew such permit by April 1 of each year, but such permits shall not be transferable to any other licensee, person, or business.

(Ord. No. 95-99, § 25, 10-10-95; Ord. No. 95-103, 10-24-95; Ord. No. 04-1, § 11, 1-6-04)

Sec. 3-17.1 - Sunday sales of alcoholic beverages in bowling centers.

The sale of alcoholic beverages for consumption on the premises in any bowling center between the hours of 12:30 p.m. and 12:00 midnight on Sundays is hereby authorized. The Sunday consumption of alcoholic beverages on the premises of a bowling center shall be restricted to areas where meals are prepared or where bowling lanes are rented and shall not be permitted in other areas of the bowling center.

(Ord. No. 99-87, § 2, 12-7-99)

Editor's note— Ord. No. 14-15, § 5, adopted April 22, 2014, renumbered section 3-17 as section 3-17.1

Sec. 3-17.2 - Sunday sales of alcoholic beverages in public stadiums, coliseums and auditoriums with more than 2,500 seats.

The sale of alcoholic beverages for consumption on the premises in any public stadium, coliseum or auditorium owned or controlled by the city or a public authority between the hours of 12:30 p.m. and 12:00 midnight on Sundays is hereby authorized. The city may license a designated beverage concessionaire to provide such sales.

(Ord. No. 14-15, § 5, 4-22-14)

Sec. 3-18. - Adult oriented establishment regulations.

- (a) An adult oriented establishment may only be open between the hours of 4:00 p.m. and 2:55 a.m. Monday through Saturday. On Saturday, hours of operation shall be 4:00 p.m. until Sunday morning at 2:55 a.m.
- (b) All dancers shall perform on a platform or stage intended for that purpose. The platform or stage shall be at least 24 inches higher than the floor. No dancer shall be allowed to touch, fondle or caress or otherwise touch any patron and no patron shall fondle or caress or otherwise touch any dancer at any time. No dancer shall solicit any pay or gratuity from a patron. No dancer may solicit patrons to purchase any item for sale at the business where they perform. All areas of an adult oriented establishment must be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 foot candles per square foot of floor space.
- (c) No dancing, modeling or other entertainment shall be allowed in private settings or locations. All dancing, modeling or other entertainment shall be in the public area licensed for the activity in view of everyone in the establishment. Additionally no business licensed under the ordinance from which this section derives (Ordinance No. 99-92) may have private rooms where illegal activities could take place or be permitted. Locks shall be permitted on offices, store rooms or dressing rooms. The public shall not be permitted in these locked areas.
- (d) Each licensed adult oriented establishment under the ordinance from which this section derives (Ordinance No. 99-92) shall be maintained in a clean and sanitary condition and shall be cleaned at least once daily and more frequently when necessary. Adequate supplies and equipment shall be on premises to meet this requirement. The exterior of the premises must be kept in a clean condition. Trash, garbage or litter shall not be allowed to accumulate and become a burden to the community.

- (e) Each dancer must perform only as they are employed. They cannot double or assist as waiters or waitresses. No dancer can perform other jobs or duties unless they have left employment as a dancer after at least 30 calendar days. No waiter or waitress can perform as a dancer unless they have left employment as a waiter or waitress for at least 30 days.
- (f) Totally nude dancing, appearing nude or dancing involving acts of public indecency as defined by the ordinance from which this section derives (Ordinance No. 99-92) are hereby prohibited. Additionally, any owner, manager, operator or other responsible person that allows a person to dance totally nude or dance and commit acts of public indecency shall be guilty under the ordinance from which this section derives (Ordinance No. 99-92).

Any other dancing acts or public indecency prohibited by other applicable laws of the State of Georgia, or the City of Columbus as now or hereafter enacted, or the violation of the other criminal laws of the State of Georgia or the City of Columbus, are likewise prohibited.

(Ord. No. 99-92, § 19, 12-14-99)

Sec. 3-19. - Violations and penalty.

No licensee of an establishment that has adult entertainment shall allow and no employee thereof shall engage in any activity that violates any section of the ordinance from which this section derives (Ordinance No. 99-92). Any person violating the provisions of the ordinance from which this section derives (Ordinance No. 99-92) shall be guilty of a city ordinance violation, punishable as set forth in section 1-8 of this Code, or by both fine and imprisonment. In addition to such fine and imprisonment, any violation of the ordinance from which this section derives (Ordinance No. 99-92) shall also be grounds for suspension or revocation of all licenses by the Columbus Council under the procedures contained in Columbus Code section 3-11. Upon the license of any on premise adult oriented establishment being revoked by council, the license shall be surrendered to the issuing authority. No license will be issued at the location to any other on premise adult oriented establishment.

(Ord. No. 99-92, § 20, 12-14-99)

Sec. 3-20. - Administrative rules.

- (a) *Audit procedures:* All businesses under this chapter, whether for profit or not, shall be subject to an audit to determine taxes and eligibility of conditions set forth in this Code.
 - (1) Prior to an audit, the City of Columbus shall notify licensee, in writing, of intent to audit business. Upon written request of records, licensee shall make available all records pertinent to audit within 30 days of request.
 - (2) Any business that has been issued a conditional license as defined in section 3-5 shall submit to an audit of the premises and records to determine that the business is in compliance with the requirements of the Code within 120 days of license issuance. The licensee, or his representative shall be advised of audit results within ten business days of completion of audit.
 - (3) Any business which fails to comply with the conditions of a license set forth by the Code shall be subject to revocation within 45 days of completion of audit, except where the license will expire within 45 days.
- (b) *Alcohol beverage license issuance:* No alcoholic beverage license shall be issued until the licensee has complied with all laws, ordinances, and rules set forth by agencies, whether state, local, or federal, regulating the business, as being evidenced by documentation issued by such agencies. No alcoholic beverage shall be issued until the issuing authority is satisfied that the business is in compliance with Chapter 3 of the Code.

- (c) At any time, any agent of the city may enter upon the licensed premises covered under this chapter for the purpose of inspecting the premises, books and records, and supplies relating to the possession of alcoholic beverages for compliance with city and state law.
- (d) It shall be unlawful for any person, corporation, partnership, or other legal entity to manufacture, distribute, sell, handle, possess for sale, or otherwise deal in or transport for sale, any alcoholic beverage without a valid alcoholic beverage license.

(Ord. No. 00-26, § 12, 3-7-00; Ord. No. 09-10, § 1, 3-10-09; Ord. No. 11-59, § 1, 11-8-11)