

**NEWTON COUNTY, GEORGIA**

**ALCOHOLIC  
BEVERAGE**

**ORDINANCE**

**ORDAINED & ENACTED ON  
AUGUST 15, 2000**

**By: The Newton County Board of  
Commissioners**

**AN ORDINANCE TO REGULATE  
ALCOHOLIC BEVERAGES  
IN NEWTON COUNTY, GEORGIA**

**BE IT ORDAINED** by the Board of Commissioners of Newton County, Georgia, and it is hereby ordained by authority of the same as follows:

**ARTICLE A - General Provisions**

**Section 1. Wine and Malt Beverages; License Required.**

No wine, beer or other malt beverage may be manufactured, distributed, or sold in the unincorporated area of Newton County, Georgia, whether at wholesale or retail, by the package or by the drink, for on-premises consumption or off-premises consumption, except under a license granted by the Board of Commissioners of Newton County, Georgia (hereinafter referred to as the "Board"), upon the terms and conditions hereinafter provided.

**Section 2. Sale of Distilled Spirits and Liquor For Consumption on Premises.**

~~No distilled spirits may be sold by the drink for consumption only on the premises in the unincorporated area of Newton County, Georgia.~~

**Section 3. Manufacture and Sale of Distilled Spirits by the Package.**

No distilled spirits may be manufactured or sold in the unincorporated area of Newton County, Georgia.

**Section 4. Definitions.**

For the purpose of this Article, the following definitions shall apply:

- (a) **Applicant:** The person, partner, firm or corporation, as owner, or other entity authorized to represent the business making application for the license.
- (b) **Board:** The Board of Commissioners of Newton County, Georgia.
- (c) **Clerk:** The Clerk serving the Board of Commissioners of Newton County, Georgia.
- (d) **Distilled Spirits:** Any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wine as defined in Section 3-1-2(9) of the Official Code of Georgia as now or hereafter amended.

(e) **License:** The authorization by the Board to engage in the manufacturing, distribution or sale of wine or malt beverages.

(f) **Licensee:** Any person, partner, firm or corporation, as owner, holding a license to engage in the manufacture, distribution, or sale of wine or malt beverages.

(g) **Malt Beverage:** Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than six (6%) percent alcohol by volume and including, but not limited to, ale, porter, brown, stout, lager beer, small beer, or strong beer and including hard cider as defined in Section 3-1-2(10.1) of the Official Code of Georgia as now or hereafter amended. The term "malt beverage" does not include Japanese rice wine known as sake.

(h) **Minor:** As used herein, the term "minor" shall mean any person under the age of 21, who, by Federal, state or local law, is prohibited from possessing, purchasing or selling alcoholic beverages. Should Federal, State or local law change such that the legal drinking-age is increased or decreased, then this provision shall be interpreted so as to incorporate such change herein without necessity of formal amendment.

(i) **Owner:** Any person, corporation or partnership or any other entity having a financial interest in the income of the business. The term "owner" shall also include any person, corporation, or partnership operating a business under a management contract.

(j) **Premises:** The definite closed or partitioned-in locality, whether room, shop or building, wherein wine or malt beverages are sold at retail.

(k) **Private Club:** The same meaning as defined in Official Code of Georgia Annotated Section 3-7-1 as now or hereafter amended is incorporated herein by reference thereto for all intents and purposes.

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

(m) All other terms shall have the same meaning as defined or used in the Georgia Alcoholic Beverage Code, Official Code of Georgia Annotated Section 3-1-1 *et seq.*, as now or hereafter amended.

**Section 5. Repeal.**

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

**Section 6. Effective Date.**

This Ordinance shall become effective immediately upon adoption.

**ARTICLE B. Wine & Malt Beverages.**

**Section 1. Separate Licenses Required.**

A separate application must be made for a license for each location where wine, beer, or other malt beverages, or a combination thereof, is to be sold at retail.

**Section 2. Limitation on Number of Licenses.**

No person, partner, firm or corporation, as owner, shall hold a retail wine or malt beverage license and a wholesale wine or malt beverage license.

**Section 3. Those Prohibited From Acquiring Licenses.**

It shall be unlawful for any elected, temporary, part-time or full-time employee or appointed official of Newton County, or his or her spouse or minor children, to acquire and hold any license hereunder. However, should any such person hold one or more licenses prior to the enactment of this Ordinance or prior to becoming a disqualified person by virtue of the election, employment or appointment of himself or herself or of his or her spouse or parent, then all licenses so held shall remain valid and shall be renewable as herein provided despite the licensees' disqualified status, provided no new licenses shall be acquired during the continuance of such disqualification.

**Section 4. When License Granted.**

(a) No license shall be granted under this article until the business establishment referred to in the license application has been opened for business, except as hereinafter provided.

(b) A conditional license may be granted no more than sixty (60) days prior to (1) a business establishment opening for business, or (2) a change in ownership of a licensed premises. Said conditional license does not authorize the manufacture, distribution or sale of wine, beer or other malt beverages until such time as the licensee provides the Inspection and Permits Department of the County with proof that the either (1) the establishment has opened for business, or (2) the proposed change in ownership of a licensed premises is final. A conditional license may be used to obtain any necessary licenses from the state. Upon written request of the licensee and prior to the expiration of the 60-day conditional license period, a conditional license may be renewed for a period of time not to exceed thirty (30) days.

**Section 5. Transferability.**

(a) Licenses hereunder shall not be transferable, except as hereinafter provided. A change in ownership shall require a new application and the issuance of a new license. No distance requirements shall apply if the location qualified for the original license. In case of the death of any person holding such license, or any interest therein, the same may be transferred to the administrator, executor, or the lawful heirs of the deceased person, if otherwise qualified.

(b) Nothing in this section, however, shall prohibit one or more partners of a partnership holding a license, to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. Such a withdrawal however shall not serve to bring any new ownership into the partnership without a new application and payment of \$125 investigation fee.

(c) Should the license transfer to a new location approved by the Board, there shall be no additional license fee, and the new location shall not be considered as a new license hereunder.

(d) If a Licensee disposes of any interest in the business without reporting same to the Clerk, the license shall be subject to revocation or suspension in accordance with this article. Any change of ownership, taking place unreported, shall also be subject to penalty of double the license fee plus investigation fee.

**Section 6. License Expiration and Renewal.**

(a) Each license granted hereunder shall expire on December 31 of the year in which it is granted. All licenses granted hereunder shall be for the calendar year and the full license fee shall be paid.

(b) Licensees who desire to renew their license shall file a written application with the requisite fee on or before November 15 of each calendar year, which application shall contain substantially the same information as an initial application and a statement indicating that either the Licensee or an employee has attended a training program for retailers of alcoholic beverages approved, sponsored or conducted by the Newton County Sheriff's Department. Failure to attend such training program shall subject the Licensee's license to renewal subject to revocation or suspension in accordance with the procedure set forth in Section 35 of this Ordinance.

**Section 7. Display at Place of Business.**

The license issued by Newton County shall at all times be kept plainly exposed to view at the place of business for which the license was granted.

**Section 8. In Certain Retail Establishments Only.**

Wine, beer or other malt beverage shall be sold at retail only in the original package in retail establishments devoted principally to the retail sale of groceries and food products and located in zoning districts in which food establishments are permitted as a conforming use or in districts where an existing food establishment exists as a nonconforming use.

**Section 9. Place of Business; Location.**

(a) No original license shall be issued hereunder where the place of business is located as follows:

(1) Within 100 feet of any private residence as measured in any direction, unless such residence is itself in a commercial district; however, should the proposed premises be located on a corner, said distance from the nearest point of any residential building in the rear of the proposed premises on the side street shall be no less than 50 feet; or

(2) Within 200 feet of a branch of any public library; or

(3) Within 300 feet of any church, shrine, or other place used primarily for religious services, except the chapel of a mortuary or cemetery; or

(4) Within 300 feet of any school building, educational building, school grounds or college campus; the term school building or educational building shall apply only to state, county, city, church school buildings and to such buildings at other schools in which are taught the subjects commonly taught in the common schools and colleges of this state and is a public school or a private school as defined in Section 20-2-690(b) of the Official Code of Georgia as now or hereafter amended, and shall not include private schools or colleges wherein only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations, and other special subjects are taught, except at the discretion of the Board; or

(5) The building in which the proposed business is to be located shall not be within 200 feet of a regular stop as designated by the Newton County Board of Education where a school bus for the transportation of school children in the public schools of Newton County shall board or discharge school children. "Regular stop" shall mean a stop where the Board of Education shall certify that at least five (5) students board a school bus at such stop on a regular basis; or

(6) Within 300 feet of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.

(b) Distances hereunder shall be measured from the main customer entrance of the premises to be licensed to the main entrance of the establishments described in subsections (a)(1), (2) and (3) above.

(c) An applicant for a new license who has acquired a previously licensed location may, within one year after the expiration of the previous owner's license, obtain a license for that location even though the location may not meet the distance requirements set forth in this section.

#### Section 10. Application.

All persons, firms or corporations desiring to sell beer or wine shall make a sworn application on a form to be prescribed by the County. Said applications, for new and renewal licenses, shall be a public record and open to inspection during normal office hours of the Clerk. Any false, misleading or omitted information may be grounds and due cause for the application to be denied or any license issued on such applications to be revoked or suspended. Applicant may also be subject to criminal sanctions for false swearing as provided by Georgia law.

#### Section 11. Application; Required Information.

(a) The Inspection and Permits Department of the County shall have authority to prescribe forms for new or renewal applications hereunder. All applicants shall furnish all data, information and records required by the application and failure to furnish such data, information and records within 30 days from the date of such application shall automatically void, with prejudice, the application.

(b) Applications; untrue information: Any untrue or misleading information contained in, or material omission left out of any original, renewal or transfer application for a license hereunder shall be cause for the denial thereof, and, if any license has been granted under such circumstances, same shall be subject to revocation.

(c) Applications; order of consideration: All applications filed with the Inspection and Permits Department shall be noted as to the date and exact time of filing, and such application shall be presented, heard and considered by the Board in the order of their filing.

(d) Applications; citizenship of applicant: No license hereunder shall be granted to any applicant/owner who is not a citizen of the United States or an alien lawfully admitted for permanent residence.

(e) Plat or drawing of area: All applications for the original license for a particular location, except those licensed in the preceding year, shall include a certificate from a registered surveyor showing a scale drawing of the location of the proposed premises and the straight line distances required under this article.

#### Section 12. Applicant Must Read Regulations; Certification.

Every Applicant for a license hereunder shall certify that Applicant has read these regulations and if license is granted the Licensee shall maintain a copy of said regulations on the licensed premises and shall require each and every employee to be familiar with said regulations.

### Section 13. Posting Notice

(a) Newton County shall post, within three (3) days from the time of filing of an application with the Inspection and Permits Department, a printed notice not less than the size of 18" by 18", letters to be at least two inches in size, on the front door or entrance of the building of the proposed location, or on a billboard on a prominent place on the lot where the building is proposed to be constructed, stating that a license for sale of beer or wine at wholesale or retail has been applied for, as the case may be, together with the name of the owner. The cost of printing shall be borne by the Applicant. Said poster shall remain at the location until final action by Board upon the application.

(b) The Inspection and Permits Department shall also file with the Board a written verification that the printed notice required hereunder has been posted.

### Section 14. Publishing Notice

Each Applicant must place an advertisement in the local newspaper authorized to public legal notices two (2) times in two weeks stating the purpose of the application, the location of the business, the owner or owners of the business, and must supply an affidavit to the Clerk, together with a copy of the advertisement to the effect that such has appeared for two (2) times in two (2) weeks in such newspaper.

### Section 15. Fingerprints of Applicant, Moral Character, Criminal Record of Owners, Officers.

(a) Fingerprints of Applicant shall be provided as required in Section 3-3-2(c) of the Official Code of Georgia Annotated, as now or hereafter amended.

(b) The Sheriff shall make a character investigation concerning the applicants and make a written report thereof to the Chairman prior to the consideration of such application and such further investigation as the Chairman or Board might require. This provision is cumulative of any other provisions relating to investigations by the Sheriff relating to sale of beer and wine.

(c) No person, partner, firm or corporation, as owner, shall be granted a wine or malt beverage license if the person or members of any such partnership or named officer of such corporation, as owners, have been convicted or have plead guilty or entered a plea of nolo contendere to any crime involving moral turpitude, lottery or illegal possession or sale of narcotics or alcoholic beverages or possession or receiving stolen property within a period of five (5) years immediately prior to the filing of the Applicant. Should any such person, partner or named officer of such corporation, as owner, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, or the violation of any of the laws regulating the sale of narcotics, alcoholic beverages, or the lottery laws of this state, or possession or receiving of stolen property, said license shall be subject to suspension and revocation in accordance with the provisions of this Ordinance.

Section 16. Fee Scale.

Before this license shall be granted the applicant therefor shall comply with all rules and regulations adopted by the Board regulating the sale of beer and wine and each applicant shall pay a license fee in accordance with the scale fixed from time to time by the Board and kept on file in the office of the Clerk.

Section 17. License Fee and Amount to Defray Investigative and Administrative Costs to Accompany Application; Penalty for Late Filing of Renewal Application.

(a) Each application for license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$125 to defray investigative and administrative costs. If the application is denied and the license refused, or if the Applicant withdraws his application prior to its being submitted to the Board, the deposit representing the license fee shall be refunded but the \$125 cost paid for investigation shall be retained.

(b) In addition to the license fee and administrative fee required by subsection (a), each renewal application received after the November 15 deadline (see Section 6) shall be accompanied by a late filing penalty of 10% of the license fee.

Section 18. Considerations for a License.

In determining whether or not any license applied for hereunder shall be granted, in addition to all the provisions of this article, the following also may be considered in the public interest and welfare:

(a) If Applicant and/or Owner is a previous holder of a license to manufacture or sell at wholesale or retail wine or malt beverages, whether or not Applicant and/or Owner violated any law, regulation, or ordinance relating to such business.

(b) Whether Applicant/Owner has previously had any alcoholic beverage license suspended or revoked.

(c) Whether Applicant/Owner appears to the satisfaction of the Board to be of good moral character.

(d) The proximity of other establishments selling beer or wine to the proposed location.

(e) The nature of the neighborhood immediately adjacent to the proposed location, that is whether the same is predominately residential, industrial or business.

(f) The proximity of churches, schools, and playgrounds for children to the proposed location.

(g) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons.

(h) Whether the proposed location would tend to increase and promote traffic congestion and resulting hazards therefrom.

(i) The criminal record of the Applicant and his financial responsibility. His general good character and reputation if an individual, or of the officers if a corporation, or of the partners if a partnership.

(j) The approval or objection to the proposed location by citizens residing in the area adjacent thereto.

(k) Report of Chairman and Sheriff.

(l) The information required in the application or statement and whether all requirements as to notice and advertisement have been complied with.

(m) Evidence presented at the public hearing before Board for or against the application.

(n) The need for additional business facilities selling beer or wine in Newton County.

(o) Whether or not the granting of the application would tend to promote the general welfare, safety, health, and morals of the citizens of Newton County.

#### Section 19. Chairman's Investigation.

The Clerk of The Board of Commissioners within ten (10) days from the time said proof of advertisement is presented to him, shall refer the application to the Chairman of the Board, and the Chairman shall investigate and make recommendations to the Board within fourteen (14) days of the receipt of the application by the Chairman. In making his recommendation, the Chairman shall be guided by the same factors applicable to the full Board as near as practicable. Said recommendation of the Chairman shall be read at a Board meeting at least one additional time prior to taking final action on the same by the full Board. The Applicant shall appear in person at the Board's meeting where the Chairman's recommendation is read on the first occasion in order to orally respond to any pertinent inquiries concerning the application from either the Chairman or the Board.

#### Section 20. Public Hearing on Application.

Prior to its final action on any application, the Board shall conduct a public hearing on said application and the Applicant shall be notified by the Clerk and permitted to present any evidence on behalf of his application as he shall see fit, and objectors to said application being granted shall likewise be accorded the same privilege. At the Board meeting at which the public hearing is held,

the full Board may grant or deny said application. The decision of the Board granting or denying an application shall be in writing, with the reasons therefor stated and shall be mailed or delivered to the Applicant.

Section 21. Hours of Sale.

Retailers shall not engage in the sale of wine or malt beverages nor permit their place of business to be open for the sale of wine and malt beverages by the package except between the hours of 7:00 a.m., and 12:00 midnight on Monday through Saturday of each week; provided, however, that this provision shall not be construed to prohibit general retail establishments from otherwise being open for business so long as no wine or malt beverages are openly displayed or sold during the prohibited hours. No wine or malt beverages shall be sold on Sunday. The hours within which this business may be carried on shall be determined by Eastern Standard Time or Daylight Saving Time, whichever is applicable at the time in question.

Section 22. Days Allowed For Sale.

(a) Licenses hereunder shall not permit the sale of any wine or malt beverages on Sunday, or Christmas Day.

(b) Licenses hereunder shall permit the sale of wine and malt beverages on the day of national, state or county elections, including any primary election or special election, within the political area in which such election is being held; provided however, that it shall be unlawful for any Licensee to sell wine or malt beverages within 250 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days during the hours commencing one (1) hour prior to the opening of the polls and ending one (1) hour after the closing of the polls.

Section 23. Compliance With State and Federal Law.

No Licensee, Owner or agent or employee of a Licensee shall permit the sale of wine or malt beverages in violation of any local, state or federal law, ordinance or regulation.

Section 24. Outdoor Advertising.

No outdoor advertising with respect to the promotion of the sale of beer or wine shall be permitted on the exterior of any wholesale or retail outlet or elsewhere in the unincorporated area of the County.

Section 25. Condition of Premises, Restrictive Acts.

(a) The licensed premises shall be kept clean and shall be in full compliance with all regulations of Newton County governing the conditions of premises; and

(1) The Newton County Health Department shall periodically inspect such licensed premises where applicable to determine that such licensed premises are in compliance with all Newton County and state health rules and regulations and report any violation to the Clerk.

(2) The Newton County Fire Department shall periodically inspect the premises to see that they are in compliance with all Newton County and state fire regulations and report any violation to the Clerk.

(3) The Newton County Inspection and Permits Department shall periodically inspect the licensed premises to determine if the premises are in compliance with all technical codes of Newton County and report any violation to the Clerk.

(4) The Newton County Sheriff's Department and/or Newton County Code Enforcement Officer shall periodically inspect the premises to determine if the licensed premises are in compliance with all provisions of this chapter and report any violation to the Clerk.

**Section 26. Visual Obstruction - Selling by the Package Only.**

No visual obstruction shall be erected to prevent a clear view into the premises where sales are by the package only.

~~Section 27. Conflicting Interests.~~

No financial aid or assistance to any Licensee hereunder from any wholesaler or manufacturer of wine or malt beverages or other alcoholic beverages shall be permitted.

**Section 28. Sales & Purchases from Licensed Businesses Only.**

No retailer under this article shall purchase any malt beverages, beer or wine from any person, firm or corporation other than a wholesaler licensed or registered under this article. No wholesaler shall sell any beer or wine to any person other than a retailer licensed under this article.

**Section 29. Employment of Minor.**

No Licensee hereunder shall allow any minor employed by Licensee to sell or otherwise handle alcoholic beverages except as provided in Section 3-3-24 of the Official Code of Georgia Annotated, as now or hereafter amended.

**Section 30. Minors Prohibited on Licensed Premises Unless Accompanied by Parent, Guardian or Custodian.**

No person who holds a license to sell wine or malt beverages shall allow any minors to be in, frequent or loiter about the licensed premises unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in grocery stores or convenience stores where other products of a non-alcoholic nature are offered for sale to

the public or private clubs as defined herein without being accompanied by a parent, legal guardian, or custodian, and, provided further, that this section shall not apply to minors who are employees under the terms of this article.

**Section 31. No Sales To Minors; Physically or Mentally Incapacitated Persons.**

(a) No Licensee shall sell or permit to be sold alcoholic beverages to a minor or a person under the legal drinking age as established by Official Code of Georgia Annotated Section 3-3-23, or to any person who is physically or mentally incapacitated due to the consumption of beverage alcohol.

(b) Except as otherwise authorized by law:

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

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

(3) No person under 21 years of age shall misrepresent his age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage.

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

(c) The prohibitions contained in paragraphs (b)(1), (b)(2), and (b)(4) of this section shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption in the following circumstances:

(1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this State.

(2) At a religious ceremony.

(d) The prohibition contained in paragraph (b)(1) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under Chapter 40-5, Article 5 of the Official Code of Georgia Annotated, requiring the Department of Public Safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. "Proper identification" shall not include a birth certificate.

(e) Reserved.

(f) If such conduct is not otherwise prohibited, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:

(1) Selling, or handling alcoholic beverages as a part of employment in any licensed establishment.

(2) Being employed by any establishment in which alcoholic beverages are manufactured.

(3) Taking orders for, and having possession of, alcoholic beverages as a part of employment in a licensed establishment.

(g) Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used in any administrative or judicial proceeding brought against such testifying person under 21 years of age.

(h) Nothing in this section shall be construed to modify, amend, or supersede Chapter 15, Title 11, (pertaining to juvenile proceedings). Nor shall any licensee violate Code Section 3-3-22 of the Official Code of Georgia Annotated, as amended, which provides as follows: "No alcoholic beverage shall be sold, bartered, exchanged, given, provided, or furnished, to any person who is in a state of noticeable intoxication." A violation of this section shall be cause for revoking such license.

#### Section 32. Zoning Restrictions.

No license hereunder shall be issued for the manufacture or sale either at wholesale or retail of such wine or malt beverages unless the location has been zoned to permit such use under the Newton County Zoning Ordinance; provided that this shall not apply to private clubs as defined herein.

#### Section 33. Violations - Misdemeanor.

(a) A violation of any section of this article shall be unlawful, the penalty shall be as provided by law for misdemeanors. In addition, the License of any licensee contributing thereto shall be subject to suspension or revocation.

(b) Any such violation may be tried in the Magistrate Court of Newton County if no jury trial is demanded, otherwise trial shall be in the Superior Court of Newton County.

**Section 34. Automatic Forfeiture.**

Any holder of any license hereunder who shall for a period of three (3) consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after three (3) months period automatically forfeit his license without the necessity of any further action.

**Section 35. Revocation or Suspension.**

(a) Any license which is issued or which may hereafter be issued by Newton County to any Licensee may be suspended or revoked, as hereinafter set out:

The Sheriff of Newton County shall report to the Clerk the accusation, indictment, and/or conviction of any Licensee, Owner, employee, or assignee of the Licensee or the licensed establishment, for any infractions or violations of the ordinances of the County of Newton relating to the use, sale, taxability, possession of beer and/or wine, or violations of laws of the State and Federal governments pertaining to the manufacture, possession, transportation, or sale of beer, wine, or intoxicating liquors, or taxability thereof. Wherever used in this Ordinance, conviction shall be held to include a plea of nolo contendere and such plea shall be considered and treated as equivalent to a conviction.

~~(b)(1)~~ Upon receiving notice of an occurrence giving rise to any first such conviction, the Licensee shall be notified by certified mail, return receipt requested, addressed to the licensed place of business, or by personal service upon the Licensee at the licensed place of business, that a public hearing will be held no sooner than ten (10) days from the date of the notice and no later than thirty (30) days from the date of the notice to determine if the license of the Licensee should be suspended. The notice shall state the nature of the conviction, the date of the conviction, the date of the occurrence, the name of the individual charged, and shall specify the witnesses who will testify as to the conviction and the disposition thereof, and shall state that the Licensee has the right to present evidence on his behalf, to cross-examine witnesses and to be represented by legal counsel if it elects. The hearing by the Board shall be conducted in a manner consistent with said notice. The Board shall consider all evidence properly brought before it. Should the Board find that the Licensee, Owner or employee of the Licensee or the licensed establishment, did have an occurrence resulting in a conviction, in the discretion of the Board, the license of the Licensee may be suspended for a period of time not to exceed ninety (90) days or the license may be permitted to continue until the next renewal date when it shall be renewed subject to revocation for any additional conviction which might occur within the five year period beginning on the date of the occurrence giving rise to the first conviction as herein described.

(2) Upon receiving notice of an occurrence giving rise to any second such conviction within a five year period as set out herein the Board shall notify the Licensee by certified mail, return receipt requested, addressed to the licensed place of business, or by personal service upon the Licensee at the licensed place of business, that a public hearing will be held no sooner than ten (10) days from the date of the notice and no later than thirty (30) days from the date of the notice to determine if the license of the Licensee should be revoked. The notice shall state the nature of

the convictions, the dates of the convictions, the dates of the occurrences, the names of the individuals charged, and shall specify the witnesses who will testify as to the convictions and the dispositions thereof, and shall state that the Licensee has the right to present evidence on his behalf, to cross-examine witnesses, to be represented by legal counsel if it elects, and that the hearing will be recorded by electronic means or by a licensed court reporter and that a transcript may be obtained by the Licensee at his expense. The hearing by the Board shall be conducted in a manner consistent with said notice. The Board shall consider all evidence properly brought before it. Should the Board find that the Licensee, Owner or employee of the Licensee or the licensed establishment did have two occurrences within a five year period resulting in convictions it shall revoke the Licensee's license and the Licensee shall not be eligible to reapply for a license under this ordinance for a period of two years beginning on the date of the revocation as set out herein.

(c)(1) When an application for the renewal of a license under this Ordinance is received by the Clerk from the Inspection and Permits Department, the Clerk shall request a report from the Sheriff of Newton County concerning occurrences giving rise to convictions, if any, which have not previously been reported to the Board for violations of ordinances of the County of Newton relating to the use, sale, taxability, possession of beer and/or wine, or violations of laws of the State or Federal governments pertaining to the manufacture, possession, transportation, or sale of beer, wine, or intoxicating liquors, or taxability thereof within the previous five calendar years and shall provide notice and a public hearing in the same manner and using the same procedures as set out herein above. For the first such conviction, the Board may suspend the license for a period of time ~~not to exceed ninety (90) days or renew the license subject to revocation~~ for any additional conviction which might occur within the five year period beginning on the date of the occurrence giving rise to the first conviction as herein described. For the second such conviction in a five year period, the Board shall not renew the Licensee's license and the Licensee shall not be eligible to reapply for a license under this Ordinance for a period of two years beginning on the date of the revocation as set out herein.

(2) When an application for renewal of a license under this Ordinance is received by the Clerk from the Inspections and Permits Department, the Clerk shall request a report from the Inspections and Permits Department and the Sheriff of Newton County concerning the Licensee's compliance with the training requirements set forth in Section 6 of this Ordinance. Upon receiving a report indicating that the Licensee has not complied with the training requirements of Section 6 of this Ordinance, the Board shall provide notice and a public hearing in the same manner and using the same procedure as set out herein above. Upon the first finding by the Board in any five (5) year period that the Licensee failed to comply with the training requirements of Section 6 of this Ordinance, the Board shall renew the Licensee's license subject to suspension or revocation until such time as the Licensee submits proof that he has complied with the training requirement of Section 6 of this Ordinance, and the Board receives a report from the Sheriff of Newton County that the Licensee is not alleged to have violated any provision of this Ordinance during the time that such license was renewed subject to suspension or revocation. If the Licensee is found by the Board to have failed to comply with the training requirements of Section 6 twice in any five (5) year period, the Licensee's license may be suspended by the Board for a period not to exceed ninety (90) days and thereafter renewed subject to suspension or revocation. If the Licensee is found by the Board to have failed to comply with the training requirements of Section 6 more than twice in any

five (5) year period, the Licensee's license shall not be renewed by the Board and the Licensee shall not be eligible to reapply for a license under this Ordinance for a period of two (2) years beginning on the date of non-renewal as set out herein. If the Licensee, Owner or employee of the Licensee or licensed premises is convicted of violating this Ordinance during the time the license was renewed subject to suspension or revocation or during any period of suspension, Licensee's failure to comply with the training requirements of Section 6 shall be deemed a conviction for purposes of this Ordinance.

(d) Whenever the state shall revoke any permit or license to sell at wholesale or retail any beer or wine, the county license to sell beer or wine shall thereupon be automatically revoked.

(e) Any decision of the Board suspending, revoking or renewing any license subject to suspension or revocation shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the Licensee.

(f) The Sheriff, upon notice of a license revocation or suspension from the Clerk of a license revocation or suspension, shall take such action as may be necessary to ensure all beer and wine signage is removed from the formerly licensed premises and that all beer and wine sales cease at the formerly licensed premises.

#### Section 36. Excise Taxes.

(a) There is imposed and levied a specific excise tax upon all wholesale dealers in malt beverages and/or wine within the limits of unincorporated Newton County, as follows:

##### **Upon all malt beverages:**

Five (.05) cents per bottle or container of not over 14 ounces;

Seven (.07) cents per bottle or container of not less than 15 ounces nor more than 16 ounces;

Ten (.10) cents per bottle or container of not less than 17 ounces nor more than 32 ounces;

\$1.20 per two and one-half (2-1/2) gallon container;

\$4.50 per one-fourth (1/4) barrel (25-1/4 gallons).

##### **Upon wine:**

Seven (.07) cents on each one-half pint bottle;

Fourteen (.14) cents on each pint bottle;

Twenty-one (.21) cents on each 4/5 quart bottle;

Twenty-eight (.28) cents on each quart bottle;

Fifty-five (.55) cents on each one-half gallon bottle;

\$1.10 on each gallon bottle.


(b) Said taxes shall be in addition to all other taxes and/or license fees heretofore or hereafter imposed upon such wholesale dealers.

(c) No wholesale or retail dealer in malt beverages and/or wine in the County of Newton shall offer for sale or for gift any malt beverages and/or wine unless the excise tax levied herein has been paid on the item sold or given away, or otherwise transferred.

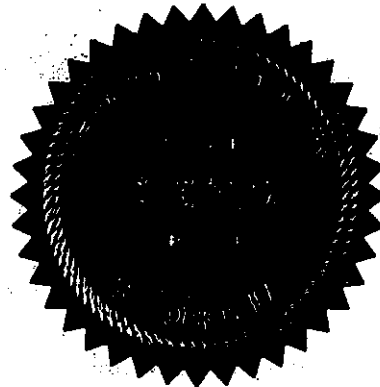
(d) In addition to all penalties otherwise provided, any malt beverages and/or wine found on the premises of any retail dealer shall be confiscated if it appears that the County of Newton excise tax has not been paid.

SO ORDAINED AND ENACTED THIS 15 DAY OF August, 2000.

NEWTON COUNTY BOARD OF COMMISSIONERS

By:   
DAVIS MORGAN, CHAIRMAN

Attest:   
JACKIE SMITH, CLERK



**AN ORDINANCE TO REGULATE  
ALCOHOLIC BEVERAGES  
IN NEWTON COUNTY, GEORGIA**

**Article A     GENERAL PROVISIONS.**

**SECTIONS**

1.     **Wine and Malt Beverages; License Required.**
2.     **Sale of Distilled Spirits and Liquor For Consumption on Premises.**
3.     **Manufacture and Sale of Distilled Spirits by the Package.**
4.     **Definitions.**
5.     **Repeal.**

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6.     **Effective Date.**

**Article B     WINE & MALT BEVERAGES.**

**SECTIONS**

1.     **Separate Licenses Required.**
2.     **Limitation on Number of Licenses.**
3.     **Those Prohibited from Acquiring Licenses.**
4.     **License Granted Only After Establishment Has Been Open For Business.**
5.     **Transferability.**
6.     **License Expiration and Renewal.**
7.     **Display at Place of Business.**
8.     **In Certain Retail Establishments Only.**
9.     **Place of Business; Location.**

10. Application; on Form Prescribed by Board of Commissioners.
11. Application; Required Information.
12. Applicant Must Read Regulations; Certification.
13. Posting Notice.
14. Publishing Notice.
15. Fingerprints of Applicant, Moral Character; Criminal Record of Owners, Officers.
16. Fee Scale.
17. License Fee and Amount to Defray Investigative and Administrative Costs to Accompany Application.
18. Considerations for a License.
19. Chairman's Investigation.
- ~~20. Public Hearing on Application.~~
21. Hours of Sale.
22. Days Allowed for Sale.
23. Compliance with State and Federal Law.
24. Use of Tags or Labels to Indicate Prices.
25. Outdoor Advertising.
26. Condition of Premises, Restrictive Acts.
27. Visual Obstruction - Selling by the Package Only.
28. Required Signs.
29. Conflicting Interests.
30. Sales and Purchases From Licensed Businesses Only.
31. Employment of Minor.

32. **Minors Prohibited on Licensed Premises Unless Accompanied by Parent, Guardian or Custodian.**
  33. **No Sales to Minors; Physically or Mentally Incapacitated Persons.**
  34. **Zoning Restrictions.**
  35. **Violations - Misdemeanor.**
  36. **Automatic Forfeiture.**
  37. **Revocation or Suspension.**
  38. **Excise Taxes**
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