

Mayor and Council

700 Doug Davis Drive
Hapeville, GA 30354

AGENDA

May 17, 2016
6:00PM

CANCELLED

1. Call To Order

2. Roll Call

Mayor Alan Hallman
Alderman at Large Ruth Barr
Councilman at Large Michael Randman
Councilman Ward I Joshua Powell
Councilman Ward II Diane Dimmick

3. Welcome

4. Presentations

4.I. Employee Recognition

Donald Smith 30 Years of Service

4.II. National Law Enforcement Proclamation

Documents: [PROCLAMATION FOR NATIONAL POLICE WEEK 2016.PDF](#)

4.III. Business License Process - Intern Presentation

Background:

Earlier this year, the City entered into an arrangement through the Georgia Municipal Association (GMA) and their partnership with Georgia State University to work with an intern to conduct a survey documenting the City's existing business license process. The ultimate goal of this research endeavor includes documenting the existing business licensing process so that "business friendly" best management practices can be considered. The City Manager and the Intern (Ashley Boyer) will present a Power Point presentation on the project methods used and student analysis and findings as a result of the responses gathered. The City Manager will evaluate and follow up on many of the items in this report and make recommendations to Council in the near future.

For additional Information, contact the City Manager.

Documents: [HAPEVILLE PRESENTATION \(4\) A BOYER FINAL 5_12_16.PDF](#)

4.IV. Financial Report 3rd Quarter

Documents: [3RD QUARTER REPORT FINANCE.PDF](#)

5. Public Hearing

5.I. TSPLOST

Background

The final draft of the proposed T-SPLOST list is attached for consideration. Staff is prepared to finalize the project list according to the directions of the Council.

We have advertised this discussion as a public hearing. The deadline for submission to Fulton County is May 30, 2016. The City Manager requests a delegation of authority via Resolution 2016-07 to finalize the City submission in accordance with City Council discussions and various format changes and other details still being processed by Fulton County.

Public Comment
Staff Comment
Council Comment

Documents: [T SPLOST PROJECT LIST.PDF](#)

5.II. Consideration And Action On Special Use Permit For Hilton Hotel

Background

The issue of airport parking services being offered by the Hilton Hotel was brought to the City Manager's attention by a local citizen. The process outlined under Ordinance No. 2013-02 requires a Public Hearing be conducted and that the City Council approve a Special Use Permit to allow the use.

Attached is staff's report on this issue. Given the long-time business practice established at this location and the significant economic benefits that result from the activities at the Airport Hilton Hotel, staff recommends approval of this request.

Public Comment

Staff Comment

Mayor and Council Comment

Documents: [SPECIAL USE REPORT FOR 1031 VIRGINIA AVENUE AIRPORT PARKING.PDF](#), [HILTON SPECIAL USE APPLICATION.PDF](#)

6. Approval Of Minutes

March 1, 2016
March 5, 2016
March 15, 2016
April 5, 2016
April 15, 2016

7. Public Comments On Agenda Items

The public is encouraged to communicate their questions, concerns, and suggestions during Public Comments, however, State Statute prohibits the City Council from discussing an item that is not on the agenda. The Council does listen to your concerns and will have Staff follow-up on any questions you raise. Any and all comments should be addressed to the Governing Body, not to the general public and delivered in a civil manner in keeping with common courtesy and decorum.

8. Old Business

8.I. Discussion Of Alcohol Ordinance Amendments

Background

In March 2016, Council passed Ordinances that provided temporary relief for various business operations in the City (i.e. Brewery, Tavern, Growler Shop etc.). The purpose of this temporary relief ordinance was to allow Council time to consider a comprehensive approach to the entire Alcohol Ordinance and Code. The temporary ordinance in place is due to expire on June 30th, 2016. Various policy options need to be answered by Council:

- 1) Is Council prepared, to complete the attached detailed outline and questionnaire drafted by City Attorney. This input is necessary in order to complete a new alcohol code for the City?
- 2) If Council is not interested in completing the attached feedback mechanism would Council like to direct City Attorney to proceed with drafting a new ordinance based on the legislative record contained within previous council discussions?
- 3) Would Council like to extend the temporary ordinances set to expire on June 30th pending the completion of the new alcohol code?

In closing, your guidance is needed for Staff to take the next steps on this issue.

Documents: [PROPOSED ALCOHOL CODE.PDF](#), [ALCOHOL CODE.PDF](#)

8.II. Discussion Of Budget Workshop Schedule

Background

Due to illness in City manager's family staff recommends that we move Budget Workshop from May 23rd to June 6th. This additional time is necessary to finalize all of the accounting and budget work necessary to properly discuss the budget with the Council.

8.III. Board Appointments

Design Review Committee
Ethics Committee

9. New Business

9.I. Appointment Of Fire Chief

Background

Following a rigorous and extensive search for a Fire Chief the City Manager recommends Mr. Dwayne Jackson of Clayton County to be the City's Fire Chief effective on or about May 23, 2016. A redacted Resume is attached for your information. Should you have any additional questions, please feel free to contact me at any time.

9.II. Consideration And Action To Accept The Renewal Of Health Benefits For Employees.

Background

The City Manager has met with our Health Insurance Broker Firm, MSI Benefits, and has completed negotiations with various health insurance providers for the new FY 16-17. The proposed increase in premium is 20% for \$1,360,624.44 (annual premium) which represents an increase of \$226,778.76 from last fiscal year. Staff recommends that Council authorizes Option B (see attached) which would renew our insurance with Kaiser Permanente at \$1,236,158. The City's annual budget cost would increase \$82,322.

Should you have any further questions, please feel free to contact the City Manager.

Documents: [BENEFIT PLAN REVIEW 2016 - COUNCIL 5-17-16 \(2\).PDF](#)

9.III. Consideration And Action On Resolution 2016-05 Surplus Fire Department

Background

Staff discussed with Council on several occasions the need to surplus two pieces of fire equipment a 1986 fire truck and 1996 ambulance. The Resolution formalizes the sale of the fire truck to Carnesville for \$25,000. A person has made an offer of \$3,000

for the old ambulance, staff believes that this is a good offer and recommends acceptance, however, if Council wishes for this item to be placed on govdeals staff will do so.

Documents: [2016-05 SURPLUS RESOLUTION.PDF](#)

9.IV. Consideration And Action On Resolution 2016-06 Gravel Lot Moratorium

Background

The Moratorium will allow staff time to develop acceptable standards with regard to parking surfaces. This is important from a Code Enforcement perspective as the current rules do not allow for parking on gravel.

Should Council concur, staff is recommending the moratorium be extended for 120 days while we develop this approach to adjust our Code. If you have questions, please do not hesitate to contact City Manager.

Documents: [MORATORIUM - GRAVEL LOTS.PDF](#)

9.V. Consideration And Action On Resolution 2016-07 TSPLOST

Background

This Resolution will authorize the City Manager to submit the priority list to Fulton County for inclusion in an intergovernmental agreement on behalf of the City of Hapeville. The list will be in the appropriate format with the priorities of Council by the deadline of May 30th.

Documents: [RESOLUTION 2016-07 TSPLOST.DOC.PDF](#)

10. City Manager Report

11. Update By Department

- Recreation
- Economic Development
- Planning & Zoning Consultant
- Fire
- City Clerk
- Finance
- Community Services
- Police
- Legal
- Economic Development Consultant

12. Public Comments

At this time, the Chairperson opens the floor to comments from the audience. Comments should relate to a specific agenda item, not listed on the agenda for a Public Hearing, or to a concern within the jurisdiction of the City. Mayor and Council meetings serve the purpose of conducting city business and are not a forum for the unlimited expression of opinion. The Chairperson reserves the right to limit comments to matters germane to city business and may refer speakers to the City Manager or other staff for resolution.

13. Mayor And Council Comments

14. Executive Session (If Needed)

15. Adjourn

Public involvement and citizen engagement is welcome as Hapeville operates a very open, accessible and transparent government. We do however remind our attendees/residents that there are times allocated for public comments on the agenda. In order for council to conduct their necessary business at each meeting, we respectfully ask that side-bar conversations and comments be reserved for the appropriate time during the meeting. This will allow the City Council to conduct the business at hand and afford our meeting attendees ample time for comments at the appropriate time during the meeting.

Proclamation

To recognize National Police Week 2016 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the City of Hapeville;

WHEREAS, there have been 15,725 assaults against law enforcement officers in 2014, resulting in approximately 13,824 injuries;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28th Annual Candlelight Vigil, on the evening of May 13, 2016;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 15-21; NOTE: Because May 15, 2016 falls on a Sunday, some events will take place before the official dates of police week 2016.

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff;

THEREFORE, BE IT RESOLVED that the Mayor and Council formally designates May 15-21, 2016, as Police Week in City of Hapeville, Georgia, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

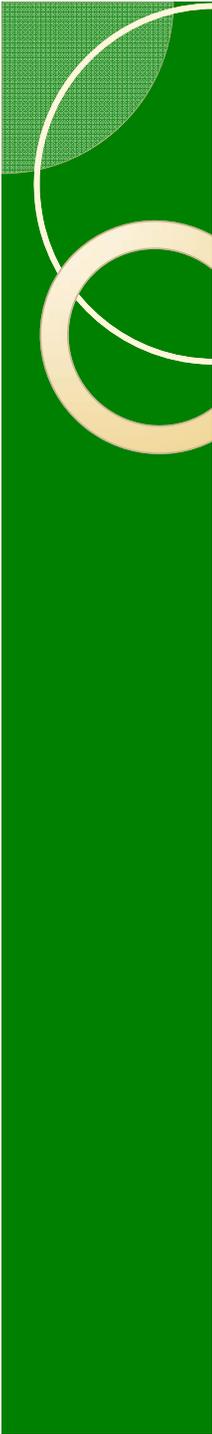


City of Hapeville

Business Licensing Process Student Analysis

Ashley Boyer
MA Student
Political Science
Georgia State University





Student Project

◆ **Project Origin:**

This research endeavor was born out of a request from the City Manager, William Whitson, who applied for this project to be conducted by an intern through the Georgia Municipal Association (GMA) and their partnership with universities throughout Georgia

◆ **Primary Purpose:**

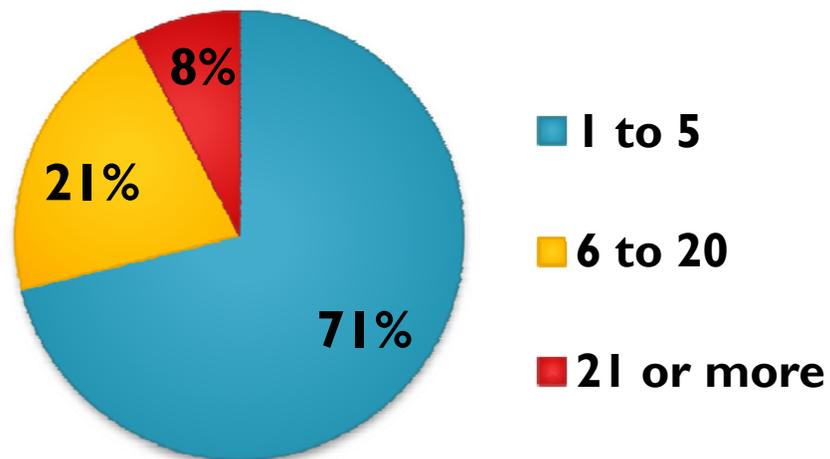
- ✧ Evaluation of the existing business licensing process and identify potential areas for improvement

◆ **Methods:**

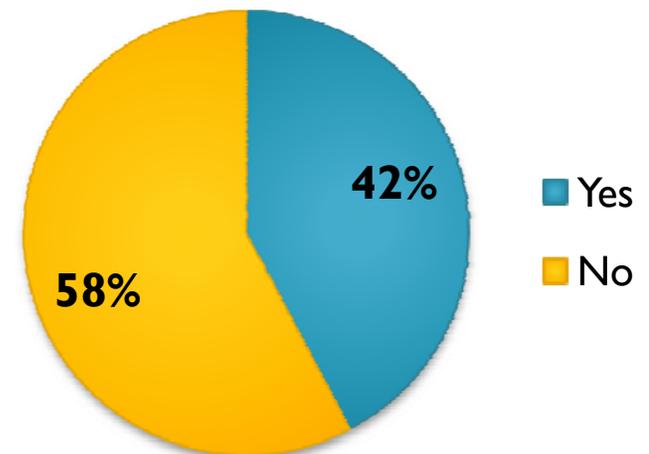
- ✧ 97 Electronic surveys distributed to businesses opened between the years of 2013-2015
- ✧ 58 total survey respondents
- ✧ Interviews
 - ✧ City Staff interviews per City Manager direction
 - ✧ Randomized one-on-one interviews with local businesses
- ✧ Final Report/ Recommendations

Business Survey Respondents

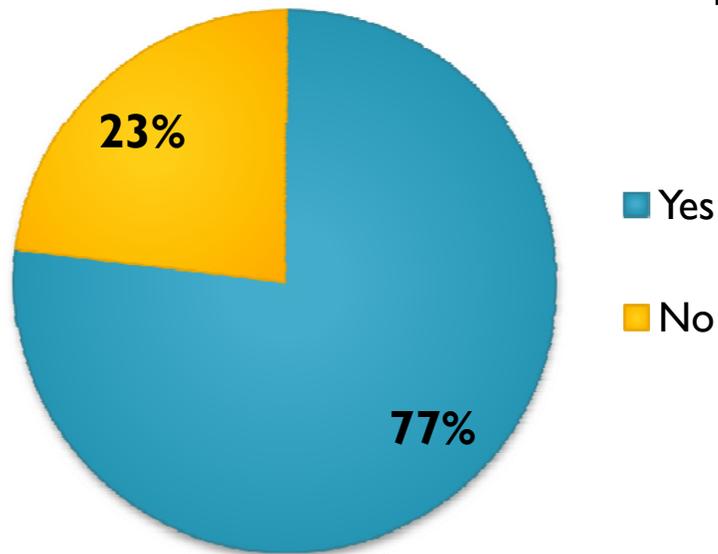
**Figure 1:
Number of Employees**



**Figure 2:
Contacted the City**

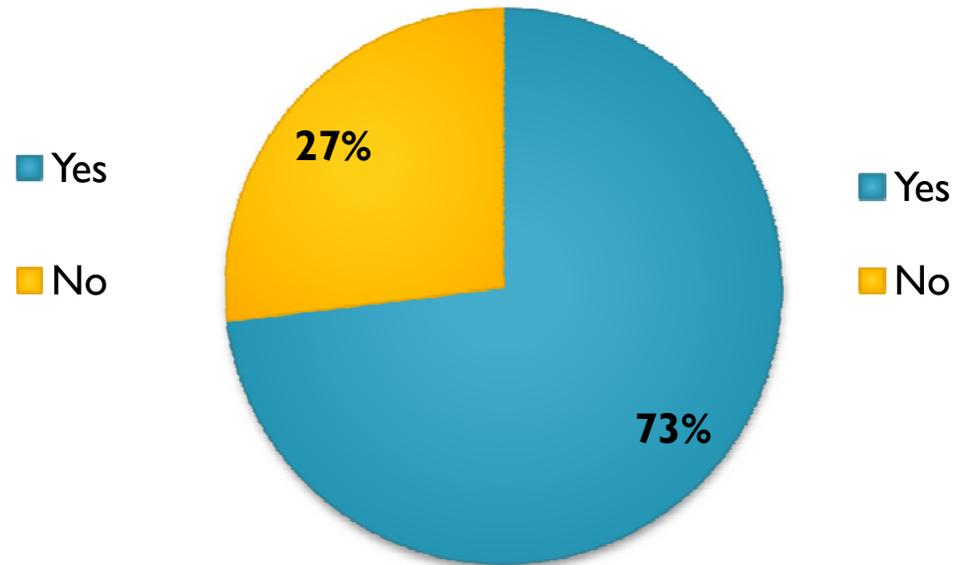


Findings

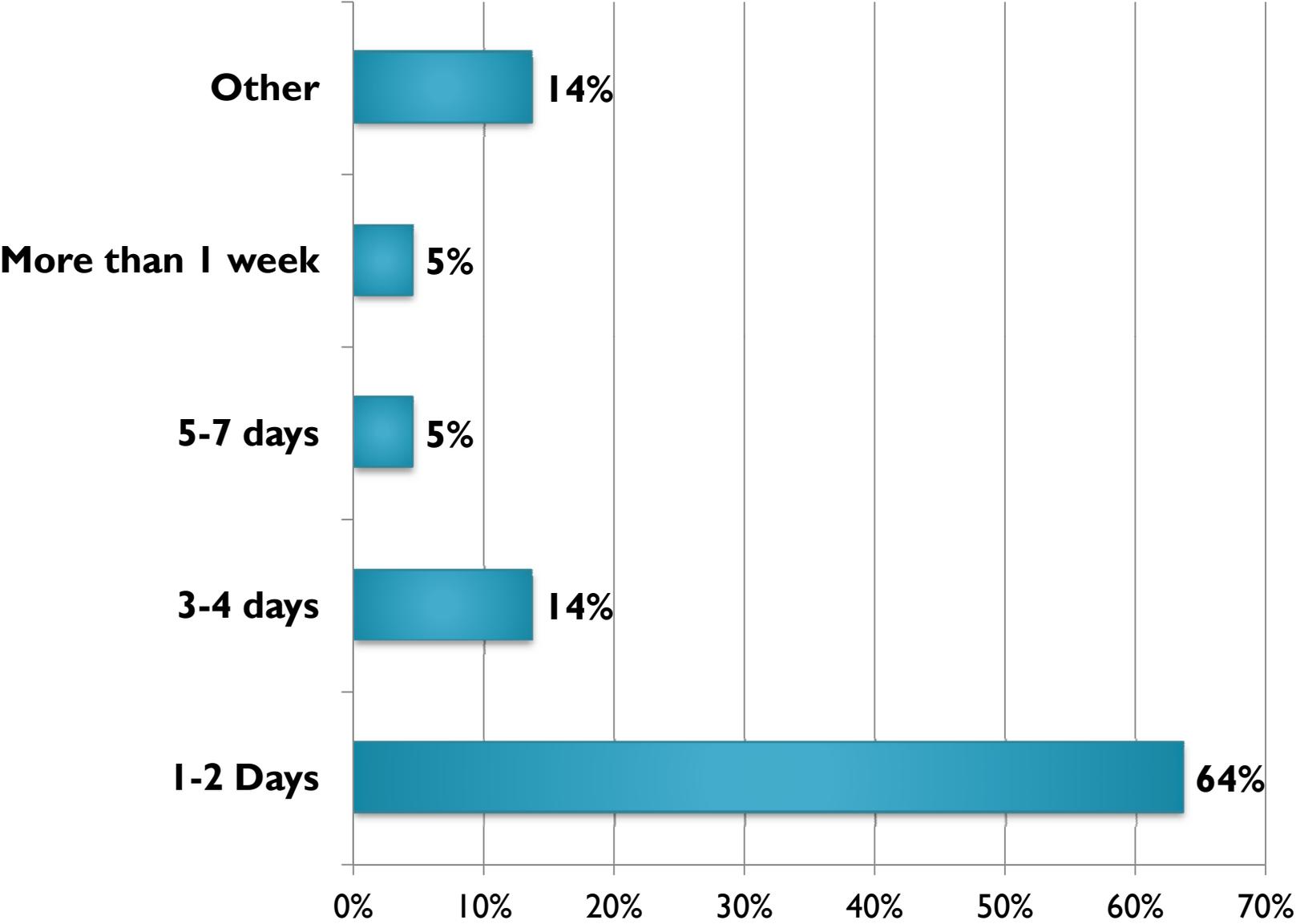


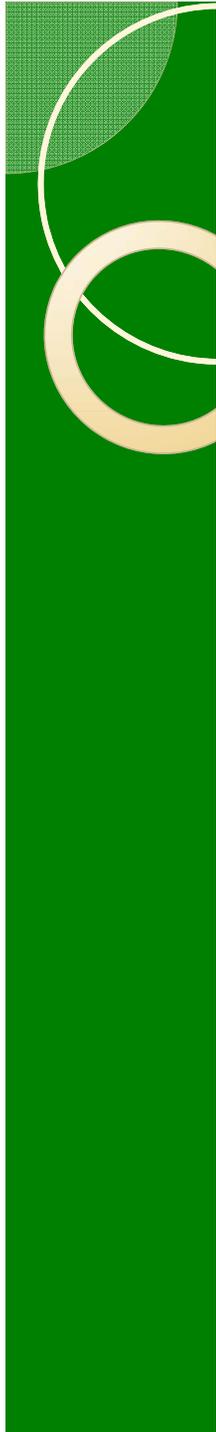
**Figure 3:
Adequacy of Business
Licensing Process**

**Figure 4:
Previous Business Owner**

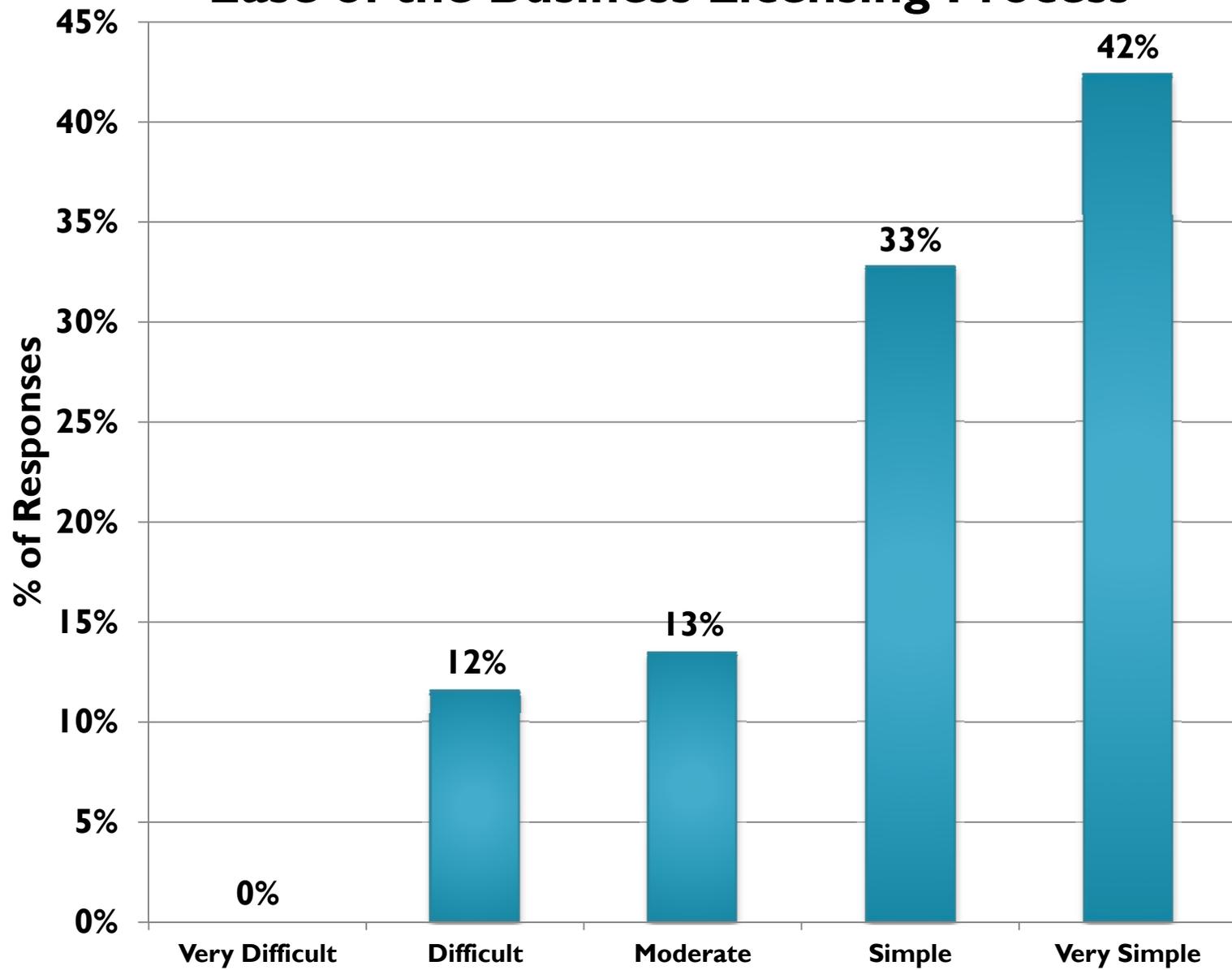


**Figure 5:
Business Licensing Response Time**





**Figure 6:
Ease of the Business Licensing Process**



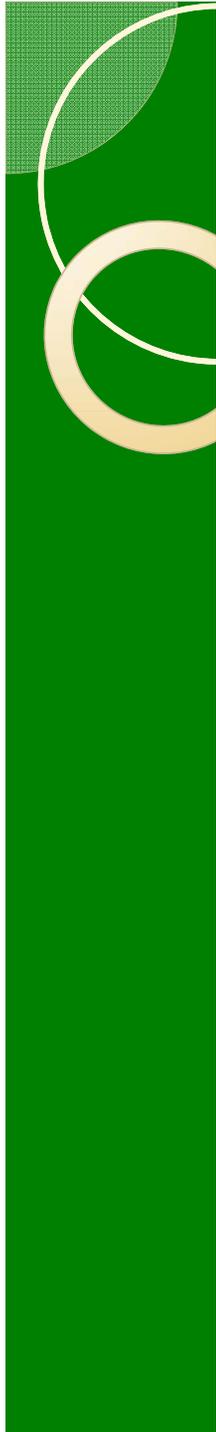
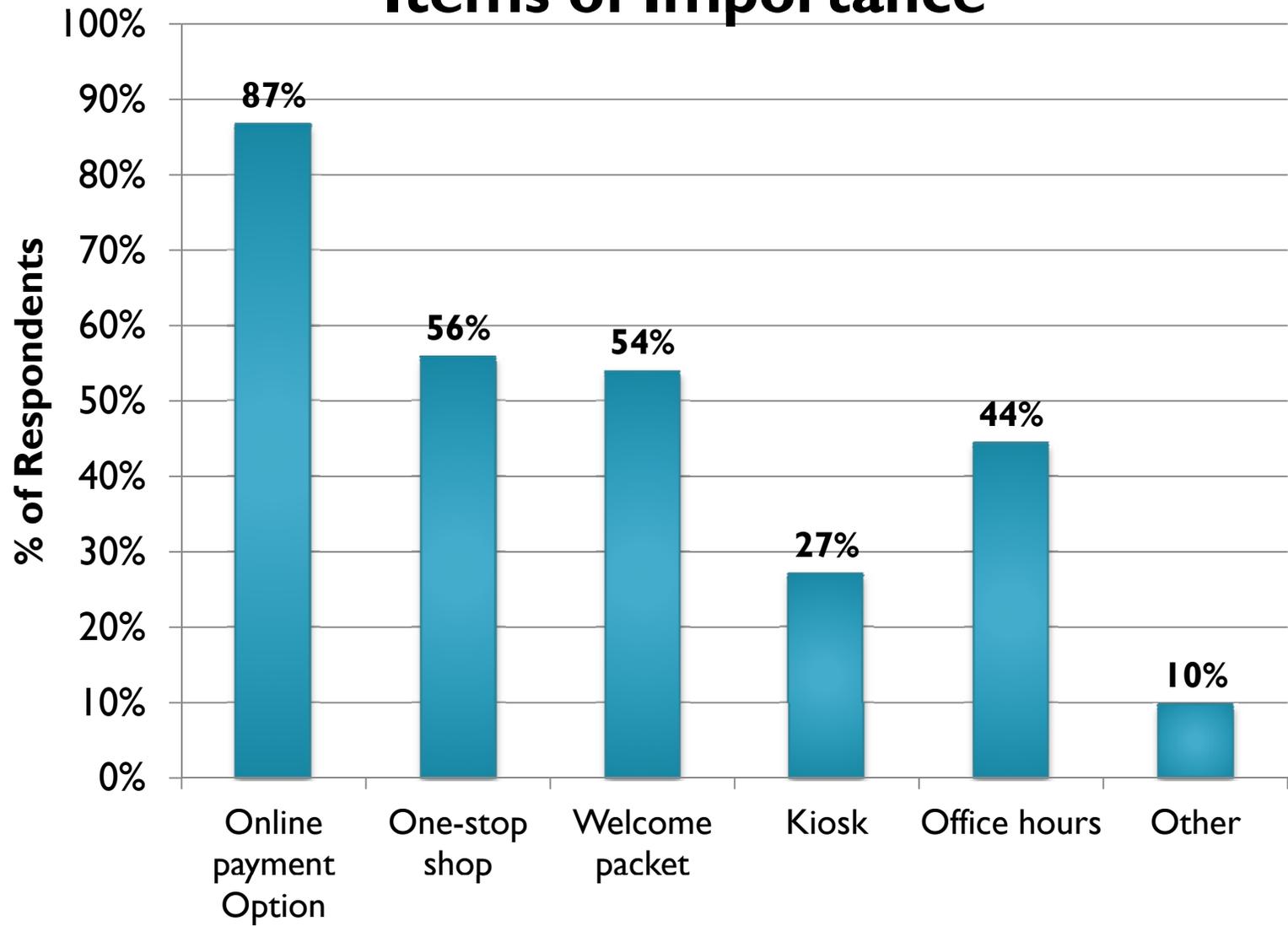


Figure 7: Items of Importance





Select Student Recommendations

- Update Business Licensing Application
 - Digitalize Application Process
 - Electronic Updates/ Notifications
 - Online Payment Option for Business License Renewals
 - Business Welcome Packet
 - Business Licensing Process Timeline
 - Application Checklist
 - Flow Chart

- Business Licensing Process
 - One-stop-shop

- Business Networking Opportunities
 - Annual Business Fair/ Merchant Mixer
 - Quarterly Meeting for New Businesses
 - Business Development Series

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
TAXES	8,128,665	570,704.76	7,874,116.89	0.00	254,547.77	96.87
LICENSES AND PERMITS	189,000	7,754.00	198,307.92	0.00	9,307.92	104.92
CHARGES FOR SERVICES	230,500	45,341.56	262,595.79	0.00	32,095.79	113.92
FINES AND FORFEITURES	400,000	22,399.66	126,649.19	0.00	273,350.81	31.66
INVESTMENT INCOME	0	23.54	146.27	0.00	146.27	0.00
CONTRIBUTIONS	10,550	3,300.00	6,489.25	0.00	4,060.75	61.51
MISC REVENUE	71,363	96.92	13,348.11	0.00	58,014.89	18.70
OTHER FINANCING SOURCES	1,610,300	113,005.19	832,560.36	0.00	777,739.64	51.70
TOTAL REVENUES	10,640,378	762,625.63	9,314,213.78	0.00	1,326,163.88	87.54
<u>EXPENDITURE SUMMARY</u>						
<u>COUNCIL</u>						
PERSONNEL SERVICES	33,586	2,564.80	24,666.05	0.00	8,919.95	73.44
CONTRACTED SERVICES	21,000	6,203.03	10,356.03	0.00	10,643.97	49.31
SUPPLIES & MINOR EQPT	500	0.00	628.73	0.00	128.73	125.75
TOTAL COUNCIL	55,086	8,767.83	35,650.81	0.00	19,435.19	64.72
<u>MAYOR</u>						
PERSONNEL SERVICES	9,043	690.54	6,658.61	0.00	2,384.39	73.63
CONTRACTED SERVICES	2,000	660.00	1,844.62	0.00	155.38	92.23
SUPPLIES & MINOR EQPT	7,500	0.00	4,094.99	0.00	3,405.01	54.60
TOTAL MAYOR	18,543	1,350.54	12,598.22	0.00	5,944.78	67.94
<u>CITY CLERK</u>						
PERSONNEL SERVICES	93,743	9,599.41	74,176.93	0.00	19,566.07	79.13
CONTRACTED SERVICES	21,250	2,364.54	17,623.97	0.00	3,626.03	82.94
SUPPLIES & MINOR EQPT	2,500	26.43	619.37	0.00	1,880.63	24.77
TOTAL CITY CLERK	117,493	11,990.38	92,420.27	0.00	25,072.73	78.66
<u>ELECTIONS</u>						
CONTRACTED SERVICES	7,600	0.00	6,294.29	0.00	1,305.71	82.82
TOTAL ELECTIONS	7,600	0.00	6,294.29	0.00	1,305.71	82.82
<u>FINANCIAL ADMINISTRATION</u>						
PERSONNEL SERVICES	444,272	31,268.41	231,634.97	0.00	212,637.03	52.14
CONTRACTED SERVICES	435,833	29,567.47	237,903.71	0.00	197,929.29	54.59
SUPPLIES & MINOR EQPT	36,500	2,704.02	26,746.05	0.00	9,753.95	73.28
CAPITAL OUTLAYS > \$5000	15,000	961.88	10,685.36	0.00	4,314.64	71.24
TOTAL FINANCIAL ADMINISTRATION	931,605	64,501.78	506,970.09	0.00	424,634.91	54.42

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>LAW</u>						
CONTRACTED SERVICES	207,200	63,700.16	354,875.62	0.00	(147,675.62)	171.27
TOTAL LAW	207,200	63,700.16	354,875.62	0.00	(147,675.62)	171.27
<u>HUMAN RESOURCES</u>						
PERSONNEL SERVICES	358,438	22,358.29	255,146.25	0.00	103,291.75	71.18
CONTRACTED SERVICES	26,400	(410.00)	710.00	0.00	25,690.00	2.69
SUPPLIES & MINOR EQPT	1,500	503.93	1,304.00	0.00	196.00	86.93
TOTAL HUMAN RESOURCES	386,338	22,452.22	257,160.25	0.00	129,177.75	66.56
<u>INFORMATION TECHNOLOGY</u>						
PERSONNEL SERVICES	65,300	1,598.56	4,728.53	0.00	60,571.47	7.24
CONTRACTED SERVICES	228,000	17,919.57	249,641.39	0.00	21,841.39	109.49
SUPPLIES & MINOR EQPT	7,000	0.00	0.00	0.00	7,000.00	0.00
CAPITAL OUTLAYS > \$5000	110,000	3,407.76	47,788.04	0.00	62,211.96	43.44
TOTAL INFORMATION TECHNOLOGY	410,300	22,925.89	302,157.96	0.00	108,142.04	73.64
<u>MUNICIPAL COURT</u>						
PERSONNEL SERVICES	165,625	10,329.99	85,515.15	0.00	80,109.85	51.63
CONTRACTED SERVICES	22,950	1,637.53	22,057.47	0.00	892.53	96.11
SUPPLIES & MINOR EQPT	1,000	0.00	36.53	0.00	963.47	3.65
TOTAL MUNICIPAL COURT	189,575	11,967.52	107,609.15	0.00	81,965.85	56.76
<u>POLICE ADMINISTRATION</u>						
PERSONNEL SERVICES	2,580,352	213,795.07	1,746,050.87	0.00	834,301.13	67.67
CONTRACTED SERVICES	136,200	22,636.65	161,976.65	0.00	25,776.65	118.93
SUPPLIES & MINOR EQPT	139,300	9,692.50	80,628.34	0.00	58,671.66	57.88
CAPITAL OUTLAYS > \$5000	144,000	1,060.00	1,515.97	0.00	142,484.03	1.05
DEBT SERVICE	25,000	2,097.33	20,973.30	0.00	4,026.70	83.89
TOTAL POLICE ADMINISTRATION	3,024,852	248,281.55	2,011,145.13	0.00	1,013,706.87	66.49
<u>FIRE ADMINISTRATION</u>						
PERSONNEL SERVICES	2,118,822	199,222.02	1,588,606.84	0.00	530,215.16	74.98
CONTRACTED SERVICES	77,000	13,894.39	69,532.85	0.00	7,467.15	90.30
SUPPLIES & MINOR EQPT	123,000	7,660.95	81,855.75	0.00	41,144.25	66.55
CAPITAL OUTLAYS > \$5000	43,000	951.10	32,707.34	0.00	10,292.66	76.06
DEBT SERVICE	189,665	6,211.28	65,960.91	0.00	123,703.75	34.78
TOTAL FIRE ADMINISTRATION	2,551,487	227,939.74	1,838,663.69	0.00	712,822.97	72.06
<u>HIGHWAY AND STREETS ADMIN</u>						
PERSONNEL SERVICES	448,078	38,567.88	300,121.60	0.00	147,956.40	66.98
CONTRACTED SERVICES	29,300	941.00	22,161.17	0.00	7,138.83	75.64
SUPPLIES & MINOR EQPT	230,010	18,843.46	185,558.71	0.00	44,451.29	80.67
CAPITAL OUTLAYS > \$5000	6,000	0.00	7,056.90	0.00	1,056.90	117.62
DEBT SERVICE	181,000	236,046.33	387,773.54	0.00	206,773.54	214.24
TOTAL HIGHWAY AND STREETS ADMIN	894,388	294,398.67	902,671.92	0.00	8,283.92	100.93

100-GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PARTICIPANT RECREATION</u>						
PERSONNEL SERVICES	376,653	32,396.43	270,167.06	0.00	106,485.94	71.73
CONTRACTED SERVICES	52,650	6,029.82	32,378.46	0.00	20,271.54	61.50
SUPPLIES & MINOR EQPT	115,900	4,510.13	68,745.87	0.00	47,154.13	59.31
CAPITAL OUTLAYS > \$5000	2,000	0.00	360.00	0.00	1,640.00	18.00
DEBT SERVICE	0	419.43	4,194.30	0.00	4,194.30	0.00
TOTAL PARTICIPANT RECREATION	547,203	43,355.81	375,845.69	0.00	171,357.31	68.68
<u>PARK AREAS & GROUNDS</u>						
PERSONNEL SERVICES	378,209	35,412.67	274,620.81	0.00	103,588.19	72.61
CONTRACTED SERVICES	81,000	6,848.51	93,370.12	0.00	12,370.12	115.27
SUPPLIES & MINOR EQPT	146,000	11,184.25	98,725.76	0.00	47,274.24	67.62
CAPITAL OUTLAYS > \$5000	75,000	883.30	32,898.98	0.00	42,101.02	43.87
TOTAL PARK AREAS & GROUNDS	680,209	54,328.73	499,615.67	0.00	180,593.33	73.45
<u>INSPECTION</u>						
<u>PLANNING & ZONING</u>						
CONTRACTED SERVICES	122,350	7,675.24	67,671.25	0.00	54,678.75	55.31
SUPPLIES & MINOR EQPT	0	57.45	64.95	0.00	64.95	0.00
TOTAL PLANNING & ZONING	122,350	7,732.69	67,736.20	0.00	54,613.80	55.36
<u>CODE ENFORCEMENT</u>						
PERSONNEL SERVICES	109,807	8,760.11	76,008.24	0.00	33,798.76	69.22
CONTRACTED SERVICES	39,000	313.95	33,712.92	0.00	5,287.08	86.44
SUPPLIES & MINOR EQPT	6,100	132.24	2,490.38	0.00	3,609.62	40.83
TOTAL CODE ENFORCEMENT	154,907	9,206.30	112,211.54	0.00	42,695.46	72.44
<u>ECONOMIC DEVELOPMENT</u>						
<u>MAIN STREET</u>						
<u>OTHER FINANCING USES</u>						
INTERFUND TRANSACTIONS	146,200	(249,783.40)	0.00	0.00	146,200.00	0.00
TOTAL OTHER FINANCING USES	146,200	(249,783.40)	0.00	0.00	146,200.00	0.00
TOTAL EXPENDITURES	10,445,336	843,116.41	7,483,626.50	0.00	2,961,709.16	71.65
REVENUE OVER/(UNDER) EXPENDITURES	195,042	(80,490.78)	1,830,587.28	0.00	1,635,545.28	938.56

100-GENERAL FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
TAXES						
100-311100 Real Property-Current Year	3,010,000	20,858.27	3,220,175.25	0.00 (	210,175.25)	106.98
100-311110 Special Tax Distr-Real - CY	91,665	0.00	91,664.66	0.00	0.00	100.00
100-311150 Public Utilities	104,958	133,379.27	340,417.22	0.00 (	235,459.22)	324.34
100-311200 Real Property -Prior Year	50,000	12,555.81	40,503.52	0.00	9,496.48	81.61
100-311300 Personal Property-Current Yr	1,192,565	19,688.57	965,897.58	0.00	226,667.42	80.99
100-311310 Motor Vehicle	210,000	10,592.09	150,167.37	0.00	59,832.63	71.51
100-311400 Personal Property-Prior Yr	43,000	16,217.26	167,320.55	0.00 (	124,320.55)	389.12
100-311600 Real Estate Transfer (intang	49,000	863.02	45,519.52	0.00	3,480.48	92.90
100-311700 Franchise Taxes	0	886.63	0.00	0.00	0.00	0.00
100-311710 Franchise Tax-Georgia Power	550,000	0.00	523,908.72	0.00	26,091.28	95.26
100-311730 Franchise Tax-Atlanta Gas Li	73,672	12,922.15	38,348.24	0.00	35,323.76	52.05
100-311750 Franchise Tax-Television Cab	48,000	9,743.89	60,212.97	0.00 (	12,212.97)	125.44
100-311760 Franchise Tax-Bell South	53,800	0.00	49,173.79	0.00	4,626.21	91.40
100-311790 Franchise Tax-Other	800	8,857.26	2,118.13	0.00 (	1,318.13)	264.77
100-313100 Local Option Sales & Use	1,750,000	140,996.64	1,318,751.44	0.00	431,248.56	75.36
100-313900 Car Rental Tax	2,800	0.00	0.00	0.00	2,800.00	0.00
100-313910 Real Estate Transfer Tax	22,000	1,293.86	10,440.03	0.00	11,559.97	47.45
100-313920 Railroad Tax	2,200	0.00	0.00	0.00	2,200.00	0.00
100-314200 Alcoholic Beverage Excise	152,000	12,033.33	118,561.43	0.00	33,438.57	78.00
100-314300 Local Option Mixed Drink	28,500	2,835.02	21,147.59	0.00	7,352.41	74.20
100-316100 Occupational Tax Fee	269,305	162,213.38	242,292.37	0.00	27,012.63	89.97
100-316200 Insurance Premium Taxes	360,000	8,770.00	391,434.80	0.00 (	31,434.80)	108.73
100-319100 Property Tax Penalties & Int	49,000	11,150.09	66,203.19	0.00 (	17,203.19)	135.11
100-319500 Fi Fe	1,900	1,260.00	2,772.00	0.00	872.80	145.94
100-319600 GTS Fees	3,500	3,070.00	6,470.00	0.00 (	2,970.00)	184.86
100-319900 Other Taxes	10,000	0.00	615.72	0.00	9,384.28	6.16
TOTAL TAXES	8,128,665	570,704.76	7,874,116.89	0.00	254,547.77	96.87
LICENSES AND PERMITS						
100-321100 Alcoholic Beverage License F	131,000	2,625.00	120,116.67	0.00	10,883.33	91.69
100-321140 Alcohol Server ID Cards	12,000	1,560.00	9,310.00	0.00	2,690.00	77.58
100-321200 Business License	4,000	0.00	0.00	0.00	4,000.00	0.00
100-322900 Building Permits	42,000	3,569.00	68,881.25	0.00 (	26,881.25)	164.00
TOTAL LICENSES AND PERMITS	189,000	7,754.00	198,307.92	0.00	9,307.92	104.92
INTERGOVERNMENTAL REV						
CHARGES FOR SERVICES						
100-341100 Court Costs, Fees, & Charges	1,000	30.00	301.52	0.00	698.48	30.15
100-341110 Technology Fee - Court	0	3,278.65	22,031.92	0.00 (	22,031.92)	0.00
100-341120 Probation Fees/Fines	4,700	17,267.25	62,607.95	0.00 (	57,907.95)	1,332.08
100-341190 Other Charges for Services	2,000	138.50	647.50	0.00	1,352.50	32.38
100-341191 Return Check Fees	100	0.00	34.00	0.00	66.00	34.00
100-341300 Planning & Dev Fees & Charge	9,000	1,200.00	4,419.71	0.00	4,580.29	49.11
100-341910 Election Qualifying Fee	0	0.00	1,404.84	0.00 (	1,404.84)	0.00
100-341920 Convenience Fees	11,300	1,336.50	10,256.40	0.00	1,043.60	90.76
100-341930 Wrecker Fees	5,000	200.00	3,275.00	0.00	1,725.00	65.50

100-GENERAL FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
100-341935 Booting Permits	100	50.00	300.00	0.00	200.00	300.00
100-342120 Accident Reports	3,000	250.00	2,540.00	0.00	460.00	84.67
100-342125 VIN Check Fees	100	75.00	365.00	0.00	265.00	365.00
100-342310 Fingerprinting Fee	2,000	160.00	2,440.00	0.00	440.00	122.00
100-342600 Ambulance Fees	125,000	12,543.16	108,064.71	0.00	16,935.29	86.45
100-342660 Fire Department Report Fees	0	0.00	60.00	0.00	60.00	0.00
100-342670 Fire Dept Fees	500	0.00	120.00	0.00	380.00	24.00
100-342680 Fire Dept Permits	0	10.00	10.00	0.00	10.00	0.00
100-342900 Criminal History	6,500	560.00	5,615.00	0.00	885.00	86.38
100-347400 Coach's Equipment Reimb Fund	5,000	0.00	0.00	0.00	5,000.00	0.00
100-347500 Rec Rental & Miscellaneous	1,500	150.00	1,000.00	0.00	500.00	66.67
100-347502 Rec Cheerleading/Dance	5,000	0.00	2,782.50	0.00	2,217.50	55.65
100-347503 Rec Football	14,000	0.00	11,005.00	0.00	2,995.00	78.61
100-347504 Rec Basketball	3,000	0.00	3,470.00	0.00	470.00	115.67
100-347505 Rec Tournaments	1,800	992.50	992.50	0.00	807.50	55.14
100-347506 Rec Baseball/Girl's Softball	10,000	6,635.00	6,635.00	0.00	3,365.00	66.35
100-347507 Rec. Adult Softball	2,500	0.00	0.00	0.00	2,500.00	0.00
100-347508 Rec Children's Programs	15,000	1,415.00	11,917.50	0.00	3,082.50	79.45
100-347509 Rec Seniors Programs	1,200	0.00	0.00	0.00	1,200.00	0.00
100-347510 Building rental - HATT	0	950.00	0.00	0.00	0.00	0.00
100-347512 Academy Theatre	1,200	0.00	299.74	0.00	900.26	24.98
TOTAL CHARGES FOR SERVICES	230,500	45,341.56	262,595.79	0.00	32,095.79	113.92
FINES AND FORFEITURES						
100-351100 Court Fines	400,000	18,271.35	122,520.88	0.00	277,479.12	30.63
100-351150 Code Enforcement Liens/Fines	0	4,128.31	4,128.31	0.00	4,128.31	0.00
TOTAL FINES AND FORFEITURES	400,000	22,399.66	126,649.19	0.00	273,350.81	31.66
INVESTMENT INCOME						
100-361100 Interest Revenues	0	23.54	146.27	0.00	146.27	0.00
TOTAL INVESTMENT INCOME	0	23.54	146.27	0.00	146.27	0.00
CONTRIBUTIONS						
100-371250 Donations-Recreation	500	0.00	0.00	0.00	500.00	0.00
100-371400 Contributions & Donations	2,250	0.00	1,000.00	0.00	1,250.00	44.44
100-375000 Festival Contributions & Fee	7,500	3,300.00	5,415.25	0.00	2,084.75	72.20
100-376000 Main Street Donations	300	0.00	74.00	0.00	226.00	24.67
TOTAL CONTRIBUTIONS	10,550	3,300.00	6,489.25	0.00	4,060.75	61.51
MISC REVENUE						
100-381100 Cell Phone Tower Lease	66,363	0.00	3,693.59	0.00	62,669.41	5.57
100-381110 Misc Revenue	0	72.08	5,484.70	0.00	5,484.70	0.00
100-381120 WiFi Fees	4,000	0.00	0.00	0.00	4,000.00	0.00
100-381200 Other Reimbursements	1,000	0.00	2,940.82	0.00	1,940.82	294.08
100-381300 Gas South Fees	0	169.00	1,229.00	0.00	1,229.00	0.00
TOTAL MISC REVENUE	71,363	96.92	13,348.11	0.00	58,014.89	18.70

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

100-GENERAL FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
OTHER FINANCING SOURCES						
100-394400 Proceeds-Vehicle Replacement	182,000	0.00	0.00	0.00	182,000.00	0.00
100-395100 Transfer from Water-Sewer Fu	381,800	0.00	0.00	0.00	381,800.00	0.00
100-395300 Transfer from Hotel/Motel F	1,046,500	113,005.19	832,560.36	0.00	213,939.64	79.56
TOTAL OTHER FINANCING SOURCES	1,610,300	113,005.19	832,560.36	0.00	777,739.64	51.70
TOTAL REVENUE	10,640,378	762,625.63	9,314,213.78	0.00	1,326,163.88	87.54



100-GENERAL FUND
 DEPARTMENT - COUNCIL

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-1110-511100 Regular Employees	31,200	2,382.56	22,913.33	0.00	8,286.67	73.44
100-5-1110-512200 Social Security FICA C	1,934	147.68	1,420.42	0.00	513.58	73.44
100-5-1110-512300 Medicare	452	34.56	332.30	0.00	119.70	73.52
TOTAL PERSONNEL SERVICES	33,586	2,564.80	24,666.05	0.00	8,919.95	73.44
CONTRACTED SERVICES						
100-5-1110-522050 Meeting expenses	0	2,742.07	2,963.06	0.00	2,963.06	0.00
100-5-1110-523500 Travel	7,700	270.96	2,847.97	0.00	4,852.03	36.99
100-5-1110-523700 Education & Training	13,300	3,190.00	4,545.00	0.00	8,755.00	34.17
TOTAL CONTRACTED SERVICES	21,000	6,203.03	10,356.03	0.00	10,643.97	49.31
SUPPLIES & MINOR EQPT						
100-5-1110-531100 Supplies	500	0.00	628.73	0.00	128.73	125.75
TOTAL SUPPLIES & MINOR EQPT	500	0.00	628.73	0.00	128.73	125.75
TOTAL COUNCIL	55,086	8,767.83	35,650.81	0.00	19,435.19	64.72

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

100-GENERAL FUND
 DEPARTMENT - MAYOR

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-1310-511100 Regular Employees	8,400	641.46	6,185.50	0.00	2,214.50	73.64
100-5-1310-512200 Social Security FICA C	521	39.78	383.49	0.00	137.51	73.61
100-5-1310-512300 Medicare	122	9.30	89.62	0.00	32.38	73.46
TOTAL PERSONNEL SERVICES	9,043	690.54	6,658.61	0.00	2,384.39	73.63
CONTRACTED SERVICES						
100-5-1310-523500 Travel	500	0.00	752.00	0.00 (	252.00)	150.40
100-5-1310-523700 Education & Training	1,500	660.00	1,092.62	0.00	407.38	72.84
TOTAL CONTRACTED SERVICES	2,000	660.00	1,844.62	0.00	155.38	92.23
SUPPLIES & MINOR EQPT						
100-5-1310-531100 Supplies	7,500	0.00	4,094.99	0.00	3,405.01	54.60
TOTAL SUPPLIES & MINOR EQPT	7,500	0.00	4,094.99	0.00	3,405.01	54.60
TOTAL MAYOR	18,543	1,350.54	12,598.22	0.00	5,944.78	67.94

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

100-GENERAL FUND
DEPARTMENT - CITY CLERK

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-1330-511100 Regular Employees	63,000	5,514.30	50,723.66	0.00	12,276.34	80.51
100-5-1330-511300 Overtime	7,000	1,158.60	5,792.96	0.00	1,207.04	82.76
100-5-1330-512100 Group Insurance	11,238	1,132.29	9,213.63	0.00	2,024.37	81.99
100-5-1330-512200 Social Security FICA C	3,806	387.64	3,274.57	0.00	531.43	86.04
100-5-1330-512300 Medicare	890	90.66	765.81	0.00	124.19	86.05
100-5-1330-512400 Retirement Contribution	5,905	1,315.92	3,892.47	0.00	2,012.53	65.92
100-5-1330-512700 Worker's Compensation	1,904	0.00	513.83	0.00	1,390.17	26.99
TOTAL PERSONNEL SERVICES	93,743	9,599.41	74,176.93	0.00	19,566.07	79.13
CONTRACTED SERVICES						
100-5-1330-521200 Professional	15,000	2,364.54	13,751.59	0.00	1,248.41	91.68
100-5-1330-523200 Communications	500	0.00	0.00	0.00	500.00	0.00
100-5-1330-523300 Advertising	750	0.00	2,199.32	0.00	1,449.32	293.24
100-5-1330-523400 Printing & Binding	5,000	0.00	702.00	0.00	4,298.00	14.04
100-5-1330-523500 Travel	0	0.00	276.06	0.00	276.06	0.00
100-5-1330-523600 Dues & Fees	0	0.00	10.00	0.00	10.00	0.00
100-5-1330-523700 Education & Training	0	0.00	705.00	0.00	705.00	0.00
TOTAL CONTRACTED SERVICES	21,250	2,364.54	17,623.97	0.00	3,626.03	82.94
SUPPLIES & MINOR EQPT						
100-5-1330-531100 Supplies	1,750	26.43	619.37	0.00	1,130.63	35.39
100-5-1330-531400 Books & Periodicals	250	0.00	0.00	0.00	250.00	0.00
100-5-1330-531700 Other Supplies	500	0.00	0.00	0.00	500.00	0.00
TOTAL SUPPLIES & MINOR EQPT	2,500	26.43	619.37	0.00	1,880.63	24.77
CAPITAL OUTLAYS > \$5000						
OTHER COSTS (NOC)						
TOTAL CITY CLERK	117,493	11,990.38	92,420.27	0.00	25,072.73	78.66

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

100-GENERAL FUND
 DEPARTMENT - ELECTIONS

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
CONTRACTED SERVICES						
100-5-1400-523300 Advertising	600	0.00	23.19	0.00	576.81	3.87
100-5-1400-523850 Contract Labor	7,000	0.00	6,271.10	0.00	728.90	89.59
TOTAL CONTRACTED SERVICES	7,600	0.00	6,294.29	0.00	1,305.71	82.82
TOTAL ELECTIONS	7,600	0.00	6,294.29	0.00	1,305.71	82.82

100-GENERAL FUND
DEPARTMENT - FINANCIAL ADMINISTRATION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-1510-511100 Regular Employees	254,547	18,764.64	161,845.61	0.00	92,701.39	63.58
100-5-1510-511300 Overtime	4,000	563.28	2,257.48	0.00	1,742.52	56.44
100-5-1510-512100 Group Insurance	50,570	2,170.09	20,101.00	0.00	30,469.00	39.75
100-5-1510-512200 Social Security FICA C	14,238	1,082.71	9,543.96	0.00	4,694.04	67.03
100-5-1510-512300 Medicare	3,330	2,253.21	2,232.02	0.00	1,097.98	67.03
100-5-1510-512400 Retirement Contribution	27,089	5,934.48	17,554.13	0.00	9,534.87	64.80
100-5-1510-512500 Money Purchase Pension	5,000	1,450.00	6,700.00	0.00	1,700.00	134.00
100-5-1510-512600 Unemployment Insurance	7,898	0.00	0.00	0.00	7,898.00	0.00
100-5-1510-512700 Worker's Compensation	0	0.00	1,606.31	0.00	1,606.31	0.00
100-5-1510-512740 Car Allowance	4,800	400.00	3,600.00	0.00	1,200.00	75.00
100-5-1510-512750 Housing Allowance	7,800	650.00	5,850.00	0.00	1,950.00	75.00
100-5-1510-512760 Moving Allowance	0	0.00	344.46	0.00	344.46	0.00
100-5-1510-512800 Vacant positions	65,000	0.00	0.00	0.00	65,000.00	0.00
TOTAL PERSONNEL SERVICES	444,272	31,268.41	231,634.97	0.00	212,637.03	52.14
CONTRACTED SERVICES						
100-5-1510-521100 Contract Services	17,000	1,600.00	7,480.00	0.00	9,520.00	44.00
100-5-1510-521200 Professional Services	155,000	16,288.55	155,739.88	0.00	739.88	100.48
100-5-1510-521205 Bank Charges	45,000	3,628.42	32,707.06	0.00	12,292.94	72.68
100-5-1510-522200 Repairs & Maintenance	2,000	0.00	188.04	0.00	1,811.96	9.40
100-5-1510-523110 Insurance-Liability	201,333	5,728.50	11,012.40	0.00	190,320.60	5.47
100-5-1510-523200 Communications	5,000	0.00	5,580.59	0.00	580.59	111.61
100-5-1510-523300 Advertising	2,000	0.00	780.78	0.00	1,219.22	39.04
100-5-1510-523400 Printing & Binding	1,500	0.00	314.90	0.00	1,185.10	20.99
100-5-1510-523500 Travel	3,000	234.00	2,450.93	0.00	549.07	81.70
100-5-1510-523600 Dues & Fees	2,000	748.00	17,967.04	0.00	15,967.04	898.35
100-5-1510-523700 Education & Training	1,500	1,340.00	3,189.47	0.00	1,689.47	212.63
100-5-1510-523900 Other	500	0.00	492.62	0.00	7.38	98.52
TOTAL CONTRACTED SERVICES	435,833	29,567.47	237,903.71	0.00	197,929.29	54.59
SUPPLIES & MINOR EQPT						
100-5-1510-531100 Supplies	15,000	1,083.47	11,863.89	0.00	3,136.11	79.09
100-5-1510-531220 Natural Gas	4,000	161.50	1,162.12	0.00	2,837.88	29.05
100-5-1510-531230 Electricity	17,000	1,441.87	12,834.68	0.00	4,165.32	75.50
100-5-1510-531270 Gasoline/Diesel	0	17.18	642.77	0.00	642.77	0.00
100-5-1510-531400 Books & Periodicals	500	0.00	242.59	0.00	257.41	48.52
TOTAL SUPPLIES & MINOR EQPT	36,500	2,704.02	26,746.05	0.00	9,753.95	73.28
CAPITAL OUTLAYS > \$5000						
100-5-1510-542400 Computers	0	0.00	1,328.80	0.00	1,328.80	0.00
100-5-1510-542500 Equipment	2,000	0.00	0.00	0.00	2,000.00	0.00
100-5-1510-542525 Equipment lease	13,000	961.88	9,356.56	0.00	3,643.44	71.97
TOTAL CAPITAL OUTLAYS > \$5000	15,000	961.88	10,685.36	0.00	4,314.64	71.24

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

100-GENERAL FUND
DEPARTMENT - FINANCIAL ADMINISTRATION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
OTHER COSTS (NOC)						
DEBT SERVICE						

TOTAL FINANCIAL ADMINISTRATION	931,605	64,501.78	506,970.09	0.00	424,634.91	54.42
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CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

100-GENERAL FUND
 DEPARTMENT - LAW

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
100-5-1530-521200 Professional - City At	207,200	25,375.00	201,391.26	0.00	5,808.74	97.20
100-5-1530-521220 Alcohol Review Board	0	(2,500.00)	160.00	0.00	160.00	0.00
100-5-1530-521500 Other Professional Svc	0	40,825.16	153,267.23	0.00	153,267.23	0.00
100-5-1530-523900 Other	0	0.00	57.13	0.00	57.13	0.00
TOTAL CONTRACTED SERVICES	207,200	63,700.16	354,875.62	0.00	147,675.62	171.27
SUPPLIES & MINOR EQPT						
CAPITAL OUTLAYS > \$5000						
TOTAL LAW	207,200	63,700.16	354,875.62	0.00	147,675.62	171.27



100-GENERAL FUND
DEPARTMENT - HUMAN RESOURCES

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-1540-511100 Regular Employees	76,354	2,889.93	21,908.69	0.00	54,445.31	28.69
100-5-1540-511300 Overtime	1,000	32.63	275.00	0.00	725.00	27.50
100-5-1540-511500 Sick	15,000	0.00	0.00	0.00	15,000.00	0.00
100-5-1540-512100 Group Insurance	11,238	599.68	4,913.05	0.00	6,324.95	43.72
100-5-1540-512150 Group Insurance - Reti	240,000	16,799.01	159,979.40	0.00	80,020.60	66.66
100-5-1540-512160 Health Reimbur Acct -	0	0.00	60,817.50	0.00	60,817.50	0.00
100-5-1540-512200 Social Security FICA C	5,943	154.98	1,282.33	0.00	4,660.67	21.58
100-5-1540-512300 Medicare	890	36.24	299.92	0.00	590.08	33.70
100-5-1540-512400 Retirement Contribution	5,901	1,845.82	5,459.91	0.00	441.09	92.53
100-5-1540-512700 Worker's Compensation	2,112	0.00	210.45	0.00	1,901.55	9.96
TOTAL PERSONNEL SERVICES	358,438	22,358.29	255,146.25	0.00	103,291.75	71.18
CONTRACTED SERVICES						
100-5-1540-521200 Professional	20,000	0.00	0.00	0.00	20,000.00	0.00
100-5-1540-523300 Advertising	1,000	0.00	470.00	0.00	530.00	47.00
100-5-1540-523500 Travel	400	0.00	0.00	0.00	400.00	0.00
100-5-1540-523600 Dues & Fees	500	190.00	240.00	0.00	260.00	48.00
100-5-1540-523700 Education & Training	0	600.00	0.00	0.00	0.00	0.00
100-5-1540-523900 Other	4,500	0.00	0.00	0.00	4,500.00	0.00
TOTAL CONTRACTED SERVICES	26,400	410.00	710.00	0.00	25,690.00	2.69
SUPPLIES & MINOR EQPT						
100-5-1540-531100 Supplies	1,500	503.93	1,304.00	0.00	196.00	86.93
TOTAL SUPPLIES & MINOR EQPT	1,500	503.93	1,304.00	0.00	196.00	86.93
CAPITAL OUTLAYS > \$5000						
OTHER COSTS (NOC)						
TOTAL HUMAN RESOURCES	386,338	22,452.22	257,160.25	0.00	129,177.75	66.56

100-GENERAL FUND
DEPARTMENT - INFORMATION TECHNOLOGY

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-1565-511100 Regular Employees	21,048	0.00	0.00	0.00	21,048.00	0.00
100-5-1565-511300 Overtime	4,000	0.00	0.00	0.00	4,000.00	0.00
100-5-1565-512100 Group Insurance	22,476	0.00	0.00	0.00	22,476.00	0.00
100-5-1565-512200 Social Security FICA C	6,876	0.00	0.00	0.00	6,876.00	0.00
100-5-1565-512300 Medicare	943	0.00	0.00	0.00	943.00	0.00
100-5-1565-512400 Retirement Contribution	7,820	1,598.56	4,728.53	0.00	3,091.47	60.47
100-5-1565-512700 Worker's Compensation	2,137	0.00	0.00	0.00	2,137.00	0.00
TOTAL PERSONNEL SERVICES	65,300	1,598.56	4,728.53	0.00	60,571.47	7.24
CONTRACTED SERVICES						
100-5-1565-521100 Contract Services	40,000	4,214.72	131,547.99	0.00	91,547.99	328.87
100-5-1565-521200 Professional	20,000	0.00	951.00	0.00	19,049.00	4.76
100-5-1565-52200 Repairs & Maintenance	15,000	0.00	0.00	0.00	15,000.00	0.00
100-5-1565-523200 Communications	150,000	13,704.85	117,142.40	0.00	32,857.60	78.09
100-5-1565-523700 Education & training	3,000	0.00	0.00	0.00	3,000.00	0.00
TOTAL CONTRACTED SERVICES	228,000	17,919.57	249,641.39	0.00	21,641.39	109.49
SUPPLIES & MINOR EQPT						
100-5-1565-531100 Supplies	7,000	0.00	0.00	0.00	7,000.00	0.00
TOTAL SUPPLIES & MINOR EQPT	7,000	0.00	0.00	0.00	7,000.00	0.00
CAPITAL OUTLAYS > \$5000						
100-5-1565-541355 WiFi	0	0.00	2,382.41	0.00	2,382.41	0.00
100-5-1565-542400 Computers	25,000	0.00	7,286.62	0.00	17,713.38	29.15
100-5-1565-542410 Technology	50,000	0.00	1,298.00	0.00	48,702.00	2.60
100-5-1565-543200 Equipment lease	35,000	3,407.76	41,585.83	0.00	6,585.83	118.82
TOTAL CAPITAL OUTLAYS > \$5000	110,000	3,407.76	47,788.04	0.00	62,211.96	43.44
DEBT SERVICE						
OTHER FINANCING USES						
TOTAL INFORMATION TECHNOLOGY	410,300	22,925.89	302,157.96	0.00	108,142.04	73.64

100-GENERAL FUND
DEPARTMENT - MUNICIPAL COURT

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-2650-511100 Regular Employees	117,274	6,595.05	62,496.65	0.00	54,777.35	53.29
100-5-2650-511300 Overtime	1,000	221.33	3,292.25	0.00	2,292.25	329.23
100-5-2650-512100 Group Insurance	22,476	645.61	7,096.20	0.00	15,379.80	31.57
100-5-2650-512200 Social Security FICA C	7,457	420.01	4,060.69	0.00	3,396.31	54.45
100-5-2650-512300 Medicare	1,744	98.23	949.69	0.00	794.31	54.45
100-5-2650-512400 Retirement Contribution	11,569	2,349.76	6,950.56	0.00	4,618.44	60.08
100-5-2650-512700 Worker's Compensation	4,105	0.00	669.11	0.00	3,435.89	16.30
TOTAL PERSONNEL SERVICES	165,625	10,329.99	85,515.15	0.00	80,109.85	51.63
CONTRACTED SERVICES						
100-5-2650-521200 Professional	20,000	1,179.96	12,119.96	0.00	7,880.04	60.60
100-5-2650-523210 Information Technology	0	568.00	8,819.95	0.00	8,819.95	0.00
100-5-2650-523400 Printing & Binding	500	0.00	343.63	0.00	156.37	68.73
100-5-2650-523500 Travel	200	0.00	0.00	0.00	200.00	0.00
100-5-2650-523600 Dues & Fees	1,500	110.43	773.93	0.00	726.07	51.60
100-5-2650-523700 Education & Training	750	0.00	0.00	0.00	750.00	0.00
TOTAL CONTRACTED SERVICES	22,950	1,637.53	22,057.47	0.00	892.53	96.11
SUPPLIES & MINOR EQPT						
100-5-2650-531100 Supplies	1,000	0.00	36.53	0.00	963.47	3.65
TOTAL SUPPLIES & MINOR EQPT	1,000	0.00	36.53	0.00	963.47	3.65
CAPITAL OUTLAYS > \$5000						
OTHER COSTS (NOC)						
TOTAL MUNICIPAL COURT	189,575	11,967.52	107,609.15	0.00	81,965.85	56.76

100-GENERAL FUND
DEPARTMENT - POLICE ADMINISTRATION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-3210-511100 Regular Employees	1,656,111	142,763.48	1,305,420.10	0.00	350,690.90	78.82
100-5-3210-511200 Part-time employees	90,800	0.00	0.00	0.00	90,800.00	0.00
100-5-3210-511300 Overtime	35,000	2,732.97	25,875.17	0.00	9,124.83	73.93
100-5-3210-511325 Incentive Wages	27,500	0.00	620.34	0.00	26,879.66	2.26
100-5-3210-512100 Group Insurance	460,750	24,747.75	243,587.47	0.00	217,162.53	52.87
100-5-3210-512200 Social Security FICA C	49,192	3,356.41	25,273.43	0.00	23,918.57	51.38
100-5-3210-512300 Medicare	28,547	2,035.15	18,558.49	0.00	9,988.51	65.01
100-5-3210-512400 Retirement Contribution	172,038	38,159.31	112,874.83	0.00	59,163.17	65.61
100-5-3210-512700 Worker's Compensation	60,414	0.00	13,841.04	0.00	46,572.96	22.91
TOTAL PERSONNEL SERVICES	2,580,352	213,795.07	1,746,050.87	0.00	834,301.13	67.67
CONTRACTED SERVICES						
100-5-3210-521200 Professional	10,000	2,723.72	8,318.32	0.00	1,681.68	83.18
100-5-3210-522200 Repairs & Maintenance	45,000	4,491.12	31,944.36	0.00	13,055.64	70.99
100-5-3210-522310 Fingerprinting Expense	0	0.00	1,994.00	0.00	1,994.00	0.00
100-5-3210-523200 Communications	12,000	0.00	27,284.17	0.00	15,284.17	227.37
100-5-3210-523230 E-911 Communications	0	13,361.86	55,835.41	0.00	55,835.41	0.00
100-5-3210-523300 Advertising	500	0.00	0.00	0.00	500.00	0.00
100-5-3210-523400 Printing & Binding	3,000	738.75	1,049.70	0.00	1,950.30	34.99
100-5-3210-523500 Travel	3,000	292.00	872.00	0.00	2,128.00	29.07
100-5-3210-523600 Dues & Fees	9,700	1,029.20	3,321.69	0.00	6,378.31	34.24
100-5-3210-523700 Education & Training	3,000	0.00	152.00	0.00	2,848.00	5.07
100-5-3210-523900 Prisoner Housing	50,000	0.00	31,205.00	0.00	18,795.00	62.41
TOTAL CONTRACTED SERVICES	136,200	22,636.65	161,976.65	0.00	25,776.65	118.93
SUPPLIES & MINOR EQPT						
100-5-3210-531100 Supplies	38,300	2,112.54	25,786.47	0.00	12,513.53	67.33
100-5-3210-531220 Natural Gas	3,000	91.53	769.87	0.00	2,230.13	25.66
100-5-3210-531230 Electricity	0	2,083.42	6,575.43	0.00	6,575.43	0.00
100-5-3210-531270 Gasoline/Diesel	70,000	3,127.30	39,969.81	0.00	30,030.19	57.10
100-5-3210-531400 Books & Periodicals	2,000	0.00	0.00	0.00	2,000.00	0.00
100-5-3210-531600 Small Equipment<5000	6,000	396.06	3,182.37	0.00	2,817.63	53.04
100-5-3210-531700 Other Supplies--Uniform	20,000	881.65	4,344.39	0.00	15,655.61	21.72
TOTAL SUPPLIES & MINOR EQPT	139,300	8,692.50	80,628.34	0.00	58,671.66	57.88
CAPITAL OUTLAYS > \$5000						
100-5-3210-542200 Vehicles	128,000	0.00	0.00	0.00	128,000.00	0.00
100-5-3210-542500 Equipment	16,000	1,060.00	1,515.97	0.00	14,484.03	9.47
TOTAL CAPITAL OUTLAYS > \$5000	144,000	1,060.00	1,515.97	0.00	142,484.03	1.05

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

100-GENERAL FUND
 DEPARTMENT - POLICE ADMINISTRATION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
OTHER COSTS (NOC)						
DEBT SERVICE						
100-5-3210-580402 P&I Phase 2 Lease	25,000	2,097.33	20,973.30	0.00	4,026.70	83.89
TOTAL DEBT SERVICE	25,000	2,097.33	20,973.30	0.00	4,026.70	83.89
TOTAL POLICE ADMINISTRATION	3,024,852	248,281.55	2,011,145.13	0.00	1,013,706.87	66.49



100-GENERAL FUND
DEPARTMENT - FIRE ADMINISTRATION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-3510-511100 Regular Employees	1,478,828	127,357.39	1,161,993.09	0.00	316,834.91	78.58
100-5-3510-511300 Overtime	49,000	3,048.16	29,124.08	0.00	19,875.92	59.44
100-5-3510-512100 Group Insurance	370,848	27,682.00	251,336.68	0.00	119,511.32	67.77
100-5-3510-512200 Social Security FICA C	1,946	169.09	3,000.08	0.00	1,054.08	154.17
100-5-3510-512300 Medicare	18,909	1,623.71	14,803.94	0.00	4,105.06	78.29
100-5-3510-512400 Retirement Contribution	147,532	39,341.67	116,372.24	0.00	31,159.76	78.88
100-5-3510-512700 Worker's Compensation	51,759	0.00	11,976.73	0.00	39,782.27	23.14
TOTAL PERSONNEL SERVICES	2,118,822	199,222.02	1,588,606.84	0.00	530,215.16	74.98
CONTRACTED SERVICES						
100-5-3510-521200 Professional Fees	0	0.00	42.50	0.00	42.50	0.00
100-5-3510-522200 Repairs & Maintenance	60,000	12,798.94	54,810.34	0.00	5,189.66	91.35
100-5-3510-523100 Insurance Other Than E	0	0.00	2,030.60	0.00	2,030.60	0.00
100-5-3510-523200 Communications	0	0.00	1,276.88	0.00	1,276.88	0.00
100-5-3510-523500 Travel	4,000	54.45	720.45	0.00	3,279.55	18.01
100-5-3510-523600 Dues & Fees	3,000	0.00	2,350.01	0.00	649.99	78.33
100-5-3510-523700 Education & Training	10,000	1,041.00	8,302.07	0.00	1,697.93	83.02
TOTAL CONTRACTED SERVICES	77,000	13,894.39	69,532.85	0.00	7,467.15	90.30
SUPPLIES & MINOR EQPT						
100-5-3510-531100 Supplies	9,000	1,334.27	5,193.30	0.00	3,806.70	57.70
100-5-3510-531220 Natural Gas	10,000	622.88	4,622.07	0.00	5,377.93	46.22
100-5-3510-531230 Electricity	15,000	1,377.24	15,033.58	0.00	33.58	100.22
100-5-3510-531270 Gasoline/Diesel	16,000	492.32	7,382.27	0.00	8,617.73	46.14
100-5-3510-531400 Books & Periodicals	1,000	0.00	0.00	0.00	1,000.00	0.00
100-5-3510-531600 Small Equipment<5000	2,000	0.00	1,905.57	0.00	94.43	95.28
100-5-3510-531700 Uniform Supplies	25,000	618.00	19,018.49	0.00	5,981.51	76.07
100-5-3510-531710 EMS	45,000	3,216.24	28,700.47	0.00	16,299.53	63.78
TOTAL SUPPLIES & MINOR EQPT	123,000	7,660.95	81,855.75	0.00	41,144.25	66.55
CAPITAL OUTLAYS > \$5000						
100-5-3510-542300 Furniture & Fixtures	3,000	951.10	1,661.58	0.00	1,338.42	55.39
100-5-3510-542500 Equipment	40,000	0.00	31,045.76	0.00	8,954.24	77.61
TOTAL CAPITAL OUTLAYS > \$5000	43,000	951.10	32,707.34	0.00	10,292.66	76.06
OTHER COSTS (NOC)						
DEBT SERVICE						
100-5-3510-580401 P&I Phase 1 Lease	70,000	3,846.84	42,316.51	0.00	27,683.49	60.45
100-5-3510-580402 P&I Phase 2 Lease	28,000	2,364.44	23,644.40	0.00	4,355.60	84.44
100-5-3510-580403 P & I FIRE TRUCK	91,665	0.00	0.00	0.00	91,664.66	0.00
TOTAL DEBT SERVICE	189,665	6,211.28	65,960.91	0.00	123,703.75	34.78
TOTAL FIRE ADMINISTRATION	2,551,487	227,939.74	1,838,663.69	0.00	712,822.97	72.06

100-GENERAL FUND
DEPARTMENT - HIGHWAY AND STREETS ADMIN

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-4210-511100 Regular Employees	284,534	22,925.94	197,348.10	0.00	87,185.90	69.36
100-5-4210-511300 Overtime	8,000	241.70	4,817.22	0.00	3,182.78	60.22
100-5-4210-512100 Group Insurance	95,521	8,305.56	64,593.87	0.00	30,927.13	67.52
100-5-4210-512200 Social Security FICA C	17,771	1,385.72	12,109.35	0.00	5,661.65	68.14
100-5-4210-512300 Medicare	4,156	324.08	2,831.95	0.00	1,324.05	68.14
100-5-4210-512400 Retirement Contributio	28,137	5,384.88	15,928.42	0.00	12,208.58	56.61
100-5-4210-512700 Worker's Compensation	9,959	0.00	2,492.69	0.00	7,466.31	25.03
TOTAL PERSONNEL SERVICES	448,078	38,567.88	300,121.60	0.00	147,956.40	66.98
CONTRACTED SERVICES						
100-5-4210-521200 Professional	2,000	0.00	102.00	0.00	1,898.00	5.10
100-5-4210-522200 Repairs & Maintenance	27,000	941.00	21,831.17	0.00	5,168.83	80.86
100-5-4210-523600 Dues & Fees	300	0.00	133.00	0.00	167.00	44.33
100-5-4210-523700 Education & Training	0	0.00	95.00	0.00	95.00	0.00
TOTAL CONTRACTED SERVICES	29,300	941.00	22,161.17	0.00	7,138.83	75.64
SUPPLIES & MINOR EQPT						
100-5-4210-531100 Supplies	13,000	157.68	12,760.26	0.00	239.74	98.16
100-5-4210-531110 Hapeville Clean & Beau	10	0.00	0.00	0.00	10.00	0.00
100-5-4210-531230 Electricity	200,000	18,238.03	162,750.63	0.00	37,249.37	81.38
100-5-4210-531270 Gasoline/Diesel	14,000	447.75	10,047.82	0.00	3,952.18	71.77
100-5-4210-531600 Small Equipment<5000	3,000	0.00	0.00	0.00	3,000.00	0.00
TOTAL SUPPLIES & MINOR EQPT	230,010	18,843.46	185,558.71	0.00	44,451.29	80.67
CAPITAL OUTLAYS > \$5000						
100-5-4210-541200 Site Improvements	6,000	0.00	7,056.90	0.00	1,056.90	117.62
TOTAL CAPITAL OUTLAYS > \$5000	6,000	0.00	7,056.90	0.00	1,056.90	117.62
OTHER COSTS (NOC)						
DEBT SERVICE						
100-5-4210-580401 Trf to Dev Auth- 2004	0	168,220.90	207,318.63	0.00	207,318.63	0.00
100-5-4210-580402 Trf to Dev uth - 2007	174,000	67,200.00	173,641.23	0.00	358.77	99.79
100-5-4210-580403 P&I Phase 1 Lease	3,000	202.99	2,589.28	0.00	410.72	86.31
100-5-4210-580404 P&I Phase 2 Lease	4,000	422.44	4,224.40	0.00	224.40	105.61
TOTAL DEBT SERVICE	181,000	236,046.33	387,773.54	0.00	206,773.54	214.24
TOTAL HIGHWAY AND STREETS ADMIN	894,388	294,398.67	902,671.92	0.00	8,283.92	100.93

100-GENERAL FUND
DEPARTMENT - PARTICIPANT RECREATION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-6120-511100 Regular Employees	170,693	22,481.80	207,030.97	0.00 (	36,337.97)	121.29
100-5-6120-511200 Part Time Employees	113,574	0.00	0.00	0.00	113,574.00	0.00
100-5-6120-511300 Overtime	2,000	90.54	254.42	0.00	1,745.58	12.72
100-5-6120-512100 Group Insurance	44,951	4,088.58	33,380.32	0.00	11,570.68	74.26
100-5-6120-512200 Social Security FICA C	18,090	1,352.18	12,423.77	0.00	5,666.23	68.68
100-5-6120-512300 Medicare	4,231	316.25	2,905.51	0.00	1,325.49	68.67
100-5-6120-512400 Retirement Contribution	17,140	4,067.08	12,030.37	0.00	5,109.63	70.19
100-5-6120-512700 Worker's Compensation	5,974	0.00	2,141.70	0.00	3,832.30	35.85
TOTAL PERSONNEL SERVICES	376,653	32,396.43	270,167.06	0.00	106,485.94	71.73
CONTRACTED SERVICES						
100-5-6120-521301 Technical - Baseball	6,500	0.00	0.00	0.00	6,500.00	0.00
100-5-6120-521302 Technical - Basketball	6,000	96.91	5,881.91	0.00	118.09	98.03
100-5-6120-521303 Technical - Football	6,000	0.00	5,945.00	0.00	55.00	99.08
100-5-6120-521304 Technical -Girl's Soft	2,400	0.00	220.00	0.00	2,180.00	9.17
100-5-6120-521305 Technical - Tournaments	1,500	100.00	1,411.82	0.00	88.18	94.12
100-5-6120-521306 Technical - Adult Soft	5,000	1,025.24	1,025.24	0.00	3,974.76	20.50
100-5-6120-521307 Technical - Soccer	2,000	0.00	1,075.00	0.00	925.00	53.75
100-5-6120-522200 Repairs & Maintenance	2,000	0.00	1,002.94	0.00	997.06	50.15
100-5-6120-523200 Communications	2,000	0.00	416.79	0.00	1,583.21	20.84
100-5-6120-523300 Advertising	250	0.00	58.65	0.00	191.35	23.46
100-5-6120-523500 Travel	1,000	0.00	746.14	0.00	253.86	74.61
100-5-6120-523600 Dues & Fees	2,000	190.00	2,181.00	0.00 (	181.00)	109.05
100-5-6120-523700 Education & Training	3,000	1,722.28	2,870.82	0.00	129.18	95.69
100-5-6120-523850 Contract Labor	8,000	1,364.70	5,912.15	0.00	2,087.85	73.90
100-5-6120-523900 Other - Seniors	5,000	1,530.69	3,631.00	0.00	1,369.00	72.62
TOTAL CONTRACTED SERVICES	52,650	6,029.82	32,378.46	0.00	20,271.54	61.50
SUPPLIES & MINOR EQPT						
100-5-6120-531100 Supplies	7,000	44.40	2,031.65	0.00	4,968.35	29.02
100-5-6120-531101 Supplies-Baseball/Girl	7,000	0.00	35.00	0.00	6,965.00	0.50
100-5-6120-531102 Supplies - Basketball	6,000	0.00	5,918.29	0.00	81.71	98.64
100-5-6120-531103 Supplies - Football	12,000	0.00	12,000.00	0.00	0.00	100.00
100-5-6120-531104 Supplies - Adult Softb	2,000	0.00	1,986.00	0.00	14.00	99.30
100-5-6120-531105 Supplies - Tournaments	1,500	0.00	960.00	0.00	540.00	64.00
100-5-6120-531106 Supplies - Senior Citi	1,500	0.00	1,443.69	0.00	56.31	96.25
100-5-6120-531107 Supplies - Soccer	2,000	0.00	0.00	0.00	2,000.00	0.00
100-5-6120-531108 Supplies - Children's	4,000	0.00	2,611.22	0.00	1,388.78	65.28
100-5-6120-531109 Supplies-Cheerleading/	2,500	0.00	2,750.00	0.00 (	250.00)	110.00
100-5-6120-531110 Equip Exp - Coach's Re	5,000	0.00	0.00	0.00	5,000.00	0.00
100-5-6120-531220 Natural Gas	14,800	804.02	5,642.87	0.00	9,157.13	38.13
100-5-6120-531230 Electricity	33,000	2,619.08	24,930.56	0.00	8,069.44	75.55
100-5-6120-531270 Gasoline/Diesel	3,500	142.19	1,265.14	0.00	2,234.86	36.15
100-5-6120-531590 Other	7,100	900.44	4,131.16	0.00	2,968.84	58.19
100-5-6120-531600 Small Equipment<5000	2,000	0.00	1,754.06	0.00	245.94	87.70
100-5-6120-531700 Other Supplies	5,000	0.00	1,286.23	0.00	3,713.77	25.72
TOTAL SUPPLIES & MINOR EQPT	115,900	4,510.13	68,745.87	0.00	47,154.13	59.31

100-GENERAL FUND
 DEPARTMENT - PARTICIPANT RECREATION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CAPITAL OUTLAYS > \$5000						
100-5-6120-541200 Site Improvements	0	0.00	360.00	0.00 (	360.00)	0.00
100-5-6120-542300 Furniture & Fixtures	2,000	0.00	0.00	0.00	2,000.00	0.00
TOTAL CAPITAL OUTLAYS > \$5000	2,000	0.00	360.00	0.00	1,640.00	18.00
OTHER COSTS (NOC)						
DEBT SERVICE						
100-5-6120-580401 P&I Phase 2 Lease	0	419.43	4,194.30	0.00 (	4,194.30)	0.00
TOTAL DEBT SERVICE	0	419.43	4,194.30	0.00 (	4,194.30)	0.00
TOTAL PARTICIPANT RECREATION	547,203	43,355.81	375,845.69	0.00	171,357.31	68.68



100-GENERAL FUND
DEPARTMENT - PARK AREAS & GROUNDS

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-6220-511100 Regular Employees	214,032	20,485.94	181,487.44	0.00	32,544.56	84.79
100-5-6220-511200 Part Time Employees	29,285	0.00	0.00	0.00	29,285.00	0.00
100-5-6220-511300 Overtime	8,000	522.61	4,480.74	0.00	3,519.26	56.01
100-5-6220-512100 Group Insurance	78,665	5,791.04	52,014.51	0.00	26,650.49	66.12
100-5-6220-512200 Social Security FICA C	15,703	1,247.72	11,045.63	0.00	4,657.37	70.34
100-5-6220-512300 Medicare	3,677	291.81	2,583.23	0.00	1,093.77	70.25
100-5-6220-512400 Retirement Contribution	21,356	7,073.55	20,923.48	0.00	432.52	97.97
100-5-6220-512700 Worker's Compensation	7,491	0.00	2,085.78	0.00	5,405.22	27.84
TOTAL PERSONNEL SERVICES	378,209	35,412.67	274,620.81	0.00	103,588.19	72.61
CONTRACTED SERVICES						
100-5-6220-522200 Repairs & Maintenance	55,000	5,329.76	70,223.62	0.00	15,223.62	127.68
100-5-6220-522320 Rental Equipment & Veh	1,000	0.00	0.00	0.00	1,000.00	0.00
100-5-6220-523200 Communications	1,000	0.00	0.00	0.00	1,000.00	0.00
100-5-6220-523500 Travel	1,000	0.00	0.00	0.00	1,000.00	0.00
100-5-6220-523600 Dues & Fees	22,000	0.00	76.00	0.00	22,076.00	0.35
100-5-6220-523800 Technical Inspections	1,000	1,363.75	20,437.50	0.00	19,437.50	2,043.75
100-5-6220-523850 Contract Labor	0	155.00	2,785.00	0.00	2,785.00	0.00
TOTAL CONTRACTED SERVICES	81,000	6,848.51	93,370.12	0.00	12,370.12	115.27
SUPPLIES & MINOR EQPT						
100-5-6220-531100 Supplies	105,000	7,767.15	73,664.76	0.00	31,335.24	70.16
100-5-6220-531220 Natural Gas	5,000	749.09	2,258.63	0.00	2,741.37	45.17
100-5-6220-531230 Electricity	24,000	2,300.07	16,615.48	0.00	7,384.52	69.23
100-5-6220-531270 Gasoline/Diesel	12,000	367.94	6,186.89	0.00	5,813.11	51.56
TOTAL SUPPLIES & MINOR EQPT	146,000	11,184.25	98,725.76	0.00	47,274.24	67.62
CAPITAL OUTLAYS > \$5000						
100-5-6220-541200 Site Improvements	70,000	883.30	32,898.98	0.00	37,101.02	47.00
100-5-6220-542500 Equipment	5,000	0.00	0.00	0.00	5,000.00	0.00
TOTAL CAPITAL OUTLAYS > \$5000	75,000	883.30	32,898.98	0.00	42,101.02	43.87
OTHER COSTS (NOC)						
TOTAL PARK AREAS & GROUNDS	680,209	54,328.73	499,615.67	0.00	180,593.33	73.45

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

100-GENERAL FUND
DEPARTMENT - INSPECTION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>	_____	_____	_____	_____	_____	_____
<u>CONTRACTED SERVICES</u>	_____	_____	_____	_____	_____	_____
<u>SUPPLIES & MINOR EQPT</u>	_____	_____	_____	_____	_____	_____



100-GENERAL FUND
DEPARTMENT - PLANNING & ZONING

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
<u>CONTRACTED SERVICES</u>						
100-5-7400-521200 Professional	90,000	6,750.24	63,845.65	0.00	26,154.35	70.94
100-5-7400-521201 Planning/Zoning Board	3,750	300.00	1,975.00	0.00	1,775.00	52.57
100-5-7400-521202 Appeals Board	0	25.00	150.00	0.00	150.00	0.00
100-5-7400-521203 City Planning	10,000	0.00	0.00	0.00	10,000.00	0.00
100-5-7400-521300 Technical	16,600	0.00	500.00	0.00	16,100.00	3.01
100-5-7400-523300 Advertising	1,000	0.00	600.60	0.00	399.40	60.06
100-5-7400-523700 Education & Training	1,000	600.00	600.00	0.00	400.00	60.00
TOTAL CONTRACTED SERVICES	122,350	7,675.24	67,671.25	0.00	54,678.75	55.31
<u>SUPPLIES & MINOR EQPT</u>						
100-5-7400-531100 Supplies	0	57.45	64.95	0.00	64.95	0.00
TOTAL SUPPLIES & MINOR EQPT	0	57.45	64.95	0.00	64.95	0.00
<u>CAPITAL OUTLAYS > \$5000</u>						
<u>OTHER COSTS (NOC)</u>						
TOTAL PLANNING & ZONING	122,350	7,732.69	67,736.20	0.00	54,613.80	55.36

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

100-GENERAL FUND
DEPARTMENT - CODE ENFORCEMENT

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
100-5-7450-511100 Regular Employees	70,928	4,739.52	46,843.70	0.00	24,084.30	66.04
100-5-7450-511300 Overtime	1,500	224.39	1,347.55	0.00	152.45	89.84
100-5-7450-512100 Group Insurance	22,476	1,745.85	18,998.10	0.00	3,477.90	84.53
100-5-7450-512200 Social Security FICA C	4,460	301.50	2,680.04	0.00	1,779.96	60.09
100-5-7450-512300 Medicare	1,043	70.51	626.80	0.00	416.20	60.10
100-5-7450-512400 Retirement Contribution	6,918	1,678.34	4,964.51	0.00	1,353.49	71.76
100-5-7450-512700 Worker's Compensation	2,482	0.00	547.54	0.00	1,934.46	22.06
TOTAL PERSONNEL SERVICES	109,807	8,760.11	76,008.24	0.00	33,798.76	69.22
CONTRACTED SERVICES						
100-5-7450-521200 Professional	25,000	0.00	28,736.74	0.00 (	3,736.74)	114.95
100-5-7450-521300 Technical	7,500	0.00	3,976.74	0.00	3,523.26	53.02
100-5-7450-522200 Repairs & Maintenance	2,500	313.95	672.48	0.00	1,827.52	26.90
100-5-7450-523200 Communications	0	0.00	326.96	0.00 (	326.96)	0.00
100-5-7450-523500 Travel	1,000	0.00	0.00	0.00	1,000.00	0.00
100-5-7450-523600 Dues & Fees	2,000	0.00	0.00	0.00	2,000.00	0.00
100-5-7450-523700 Education & Training	1,000	0.00	0.00	0.00	1,000.00	0.00
TOTAL CONTRACTED SERVICES	39,000	313.95	33,712.92	0.00	5,287.08	86.44
SUPPLIES & MINOR EQPT						
100-5-7450-531100 Supplies	500	0.00	0.00	0.00	500.00	0.00
100-5-7450-531270 Gasoline/Diesel	5,000	132.24	2,490.38	0.00	2,509.62	49.81
100-5-7450-531700 Other Supplies	600	0.00	0.00	0.00	600.00	0.00
TOTAL SUPPLIES & MINOR EQPT	6,100	132.24	2,490.38	0.00	3,609.62	40.83
CAPITAL OUTLAYS > \$5000						
OTHER COSTS (NOC)						
TOTAL CODE ENFORCEMENT	154,907	9,206.30	112,211.54	0.00	42,695.46	72.44

100-GENERAL FUND
DEPARTMENT - ECONOMIC DEVELOPMENT

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
CONTRACTED SERVICES						
SUPPLIES & MINOR EQPT						
CAPITAL OUTLAYS > \$5000						
OTHER COSTS (NOC)						
DEBT SERVICE						
OTHER FINANCING USES						



CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

100-GENERAL FUND
DEPARTMENT - MAIN STREET

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
<u>CONTRACTED SERVICES</u>						
<u>SUPPLIES & MINOR EQPT</u>						
<u>CAPITAL OUTLAYS > \$5000</u>						
<u>OTHER COSTS (NOC)</u>						



CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

100-GENERAL FUND
 DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>INTERFUND TRANSACTIONS</u>						
100-5-9100-590290 Transfer to Trade & To	30,000	0.00	0.00	0.00	30,000.00	0.00
100-5-9100-590295 Transfer to Dev Auth	0	(249,783.40)	0.00	0.00	0.00	0.00
100-5-9100-591001 Reserve for Contingenc	116,200	0.00	0.00	0.00	116,200.00	0.00
TOTAL INTERFUND TRANSACTIONS	146,200	(249,783.40)	0.00	0.00	146,200.00	0.00
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TOTAL OTHER FINANCING USES	146,200	(249,783.40)	0.00	0.00	146,200.00	0.00
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TOTAL EXPENDITURES	10,445,336	843,116.41	7,483,626.50	0.00	2,961,709.16	71.65
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REVENUE OVER/ (UNDER) EXPENDITURES	195,042	(80,490.78)	1,830,587.28	0.00	(1,635,545.28)	938.56



CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

290-TRADE AND TOURISM
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
INTERGOVERNMENTAL REV	0	0.00	4,000.00	0.00 (	4,000.00)	0.00
MISC REVENUE	1,500	950.00	5,200.00	0.00 (	3,700.00)	346.67
OTHER FINANCING SOURCES	1,633,500	84,753.89	913,072.62	0.00	720,427.38	55.90
TOTAL REVENUES	1,635,000	85,703.89	922,272.62	0.00	712,727.38	56.41
<u>EXPENDITURE SUMMARY</u>						
Hoyt Smith Center						
<u>CS - Parks & Grounds</u>						
PERSONNEL SERVICES	168,992	17,562.05	115,576.98	0.00	53,415.02	68.39
TOTAL CS - Parks & Grounds	168,992	17,562.05	115,576.98	0.00	53,415.02	68.39
<u>Economic Development</u>						
PERSONNEL SERVICES	282,988	21,437.34	147,005.93	0.00	135,982.07	51.95
CONTRACTED SERVICES	293,250	6,839.00	181,992.21	0.00	111,257.79	62.06
SUPPLIES & MINOR EQPT	12,400	891.54	6,093.39	0.00	6,306.61	49.14
CAPITAL OUTLAYS > \$5000	21,500	0.00	390.00	0.00	21,110.00	1.81
DEBT SERVICE	0	0.00	45,137.21	0.00 (	45,137.21)	0.00
TOTAL Economic Development	610,138	29,167.88	380,618.74	0.00	229,519.26	62.38
<u>Main Street</u>						
CONTRACTED SERVICES	12,300	416.00	4,115.74	0.00	8,184.26	33.46
SUPPLIES & MINOR EQPT	1,500	0.00	519.38	0.00	980.62	34.63
CAPITAL OUTLAYS > \$5000	26,200	0.00	3,725.00	0.00	22,475.00	14.22
TOTAL Main Street	40,000	416.00	8,360.12	0.00	31,639.88	20.90
<u>Other Financing Uses</u>						
INTERFUND TRANSACTIONS	821,870	0.00	225,232.65	0.00	596,637.35	27.40
TOTAL Other Financing Uses	821,870	0.00	225,232.65	0.00	596,637.35	27.40
TOTAL EXPENDITURES	1,641,000	47,145.93	729,788.49	0.00	911,211.51	44.47
REVENUE OVER/(UNDER) EXPENDITURES	(6,000)	38,557.96	192,484.13	0.00 (	198,484.13)	3,208.07-

290-TRADE AND TOURISM

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
TAXES						
INTERGOVERNMENTAL REV						
290-335100 Arts Council Grant Revenue	0	0.00	4,000.00	0.00	4,000.00	0.00
TOTAL INTERGOVERNMENTAL REV	0	0.00	4,000.00	0.00	4,000.00	0.00
MISC REVENUE						
290-381001 Facilities Rental Fees	1,500	950.00	950.00	0.00	550.00	63.33
290-382170 Coffee & Chrome Revenue	0	0.00	4,250.00	0.00	4,250.00	0.00
TOTAL MISC REVENUE	1,500	950.00	5,200.00	0.00	3,700.00	346.67
OTHER FINANCING SOURCES						
290-391100 Transfer from General Fund	30,000	0.00	0.00	0.00	30,000.00	0.00
290-391275 Transfer from Hotel/Motel Fd	1,395,500	84,753.89	913,072.62	0.00	482,427.38	65.43
290-399000 PY Balance Forward	208,000	0.00	0.00	0.00	208,000.00	0.00
TOTAL OTHER FINANCING SOURCES	1,633,500	84,753.89	913,072.62	0.00	720,427.38	55.90
TOTAL REVENUE	1,635,000	85,703.89	922,272.62	0.00	712,727.38	56.41

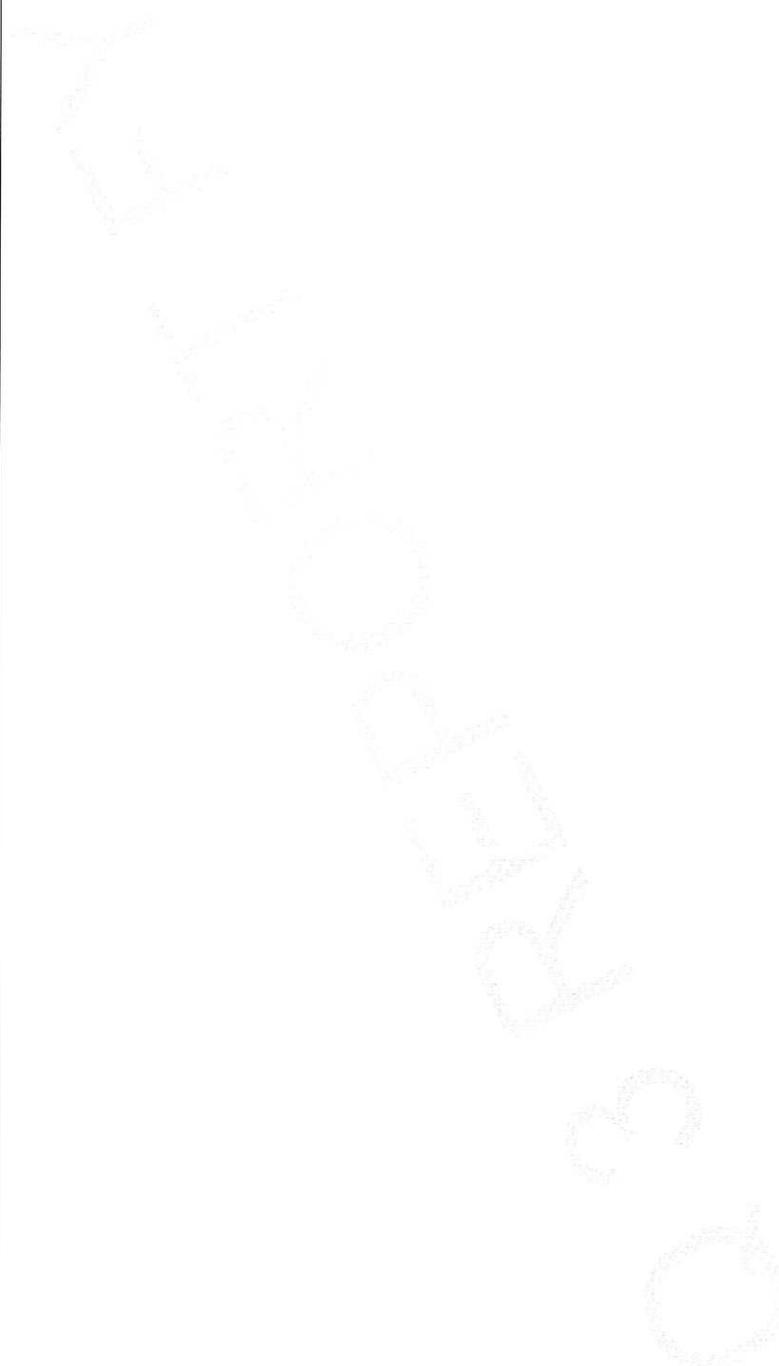


CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

290-TRADE AND TOURISM
DEPARTMENT - Hoyt Smith Center

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
<u>CONTRACTED SERVICES</u>						
<u>SUPPLIES & MINOR EQPT</u>						
<u>CAPITAL OUTLAYS > \$5000</u>						



CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

290-TRADE AND TOURISM
 DEPARTMENT - CS - Parks & Grounds

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
290-5-6221-511100 Regular Employees	102,710	11,328.88	81,176.00	0.00	21,534.00	79.03
290-5-6221-512100 Group Insurance	44,951	3,674.16	22,506.98	0.00	22,444.02	50.07
290-5-6221-512200 Social Security FICA C	6,368	676.34	4,876.71	0.00	1,491.29	76.58
290-5-6221-512300 Medicare	1,489	158.18	1,140.50	0.00	348.50	76.60
290-5-6221-512400 Retirement Contribution	9,879	1,724.49	5,101.03	0.00	4,777.97	51.64
290-5-6221-512700 Worker's Compensation	3,595	0.00	775.76	0.00	2,819.24	21.58
TOTAL PERSONNEL SERVICES	168,992	17,562.05	115,576.98	0.00	53,415.02	68.39
<u>CONTRACTED SERVICES</u>						
TOTAL CS - Parks & Grounds	168,992	17,562.05	115,576.98	0.00	53,415.02	68.39

290-TRADE AND TOURISM
DEPARTMENT - Economic Development

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
290-5-7520-511100 Regular Employees	186,686	10,284.35	94,385.23	0.00	92,300.77	50.56
290-5-7520-511300 Overtime	10,000	695.61	7,630.67	0.00	2,369.33	76.31
290-5-7520-512100 Group Insurance	44,951	2,040.45	13,998.61	0.00	30,952.39	31.14
290-5-7520-512200 Social Security FICA C	11,761	661.90	6,197.19	0.00	5,563.81	52.69
290-5-7520-512300 Medicare	2,750	154.80	1,449.36	0.00	1,300.64	52.70
290-5-7520-512400 Retirement Contributio	18,245	7,100.23	21,002.40	0.00	2,757.40	115.11
290-5-7520-512500 Money Purchase Pensio	5,000	500.00	1,380.00	0.00	3,620.00	27.60
290-5-7520-512700 Worker's Compensation	3,595	0.00	962.47	0.00	2,632.53	26.77
TOTAL PERSONNEL SERVICES	282,988	21,437.34	147,005.93	0.00	135,982.07	51.95
CONTRACTED SERVICES						
290-5-7520-521200 Professional Services	10,000	0.00	29,953.63	0.00	19,953.63	299.54
290-5-7520-521204 Consulting	80,000	0.00	0.00	0.00	80,000.00	0.00
290-5-7520-521205 Bank Charges	0	9.00	27.00	0.00	27.00	0.00
290-5-7520-521400 Arts Council Grant Exp	0	0.00	6,530.47	0.00	6,530.47	0.00
290-5-7520-522000 Festivals and Events	52,000	0.00	28,362.34	0.00	23,637.66	54.54
290-5-7520-522125 Special Exhibits- Sout	20,000	1,155.00	17,774.88	0.00	2,225.12	88.87
290-5-7520-522160 Special Events- Council	50,000	0.00	26,763.08	0.00	23,231.92	53.54
290-5-7520-522170 Coffe & Chrome Expense	0	0.00	2,776.68	0.00	2,776.68	0.00
290-5-7520-522200 Repairs and Maintenan	3,000	0.00	0.00	0.00	3,000.00	0.00
290-5-7520-523200 Communications	0	0.00	246.45	0.00	246.45	0.00
290-5-7520-523300 Advertising	49,500	0.00	27,926.85	0.00	21,573.15	56.42
290-5-7520-523400 Printing and Binding	18,000	0.00	2,667.41	0.00	15,332.59	14.82
290-5-7520-523500 Travel Expense	2,000	0.00	0.00	0.00	2,000.00	0.00
290-5-7520-523600 Dues and Fees	750	0.00	506.00	0.00	244.00	67.47
290-5-7520-523700 Education and Training	8,000	1,000.00	1,151.87	0.00	6,848.13	14.40
290-5-7520-523850 Contract Labor	0	4,675.00	37,300.55	0.00	37,300.55	0.00
TOTAL CONTRACTED SERVICES	293,250	6,839.00	181,992.21	0.00	111,257.79	62.06
SUPPLIES & MINOR EQPT						
290-5-7520-531100 Supplies	3,500	26.43	1,825.72	0.00	1,674.28	52.16
290-5-7520-531200 Christ Church	2,500	0.00	250.00	0.00	2,250.00	10.00
290-5-7520-531230 Electricity	6,000	865.11	3,967.56	0.00	2,032.44	66.13
290-5-7520-531270 Gasoline and Diesel	0	0.00	50.11	0.00	50.11	0.00
290-5-7520-531400 Books & Periodicals	150	0.00	0.00	0.00	150.00	0.00
290-5-7520-531700 Other Supplies	250	0.00	0.00	0.00	250.00	0.00
TOTAL SUPPLIES & MINOR EQPT	12,400	891.54	6,093.39	0.00	6,306.61	49.14
CAPITAL OUTLAYS > \$5000						
290-5-7520-541200 Site Improvements	18,500	0.00	390.00	0.00	18,110.00	2.11
290-5-7520-542200 Capital Outlays >\$5k	3,000	0.00	0.00	0.00	3,000.00	0.00
TOTAL CAPITAL OUTLAYS > \$5000	21,500	0.00	390.00	0.00	21,110.00	1.81

290-TRADE AND TOURISM
 DEPARTMENT - Economic Development

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
DEBT SERVICE						
290-5-7520-580401 P&I Series 2004 B Cont	0	0.00	45,137.21	0.00 (	45,137.21)	0.00
TOTAL DEBT SERVICE	0	0.00	45,137.21	0.00 (	45,137.21)	0.00

OTHER FINANCING USES

TOTAL Economic Development	610,138	29,167.88	380,618.74	0.00	229,519.26	62.38
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CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

290-TRADE AND TOURISM
 DEPARTMENT - Main Street

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CONTRACTED SERVICES						
290-5-7550-521200 Professional	2,100	416.00	966.15	0.00	1,133.85	46.01
290-5-7550-522000 Festivals & Events	400	0.00	258.35	0.00	141.65	64.59
290-5-7550-523300 Advertising	500	0.00	0.00	0.00	500.00	0.00
290-5-7550-523400 Printing & Binding	5,000	0.00	2,331.24	0.00	2,668.76	46.62
290-5-7550-523500 Travel	2,000	0.00	0.00	0.00	2,000.00	0.00
290-5-7550-523600 Dues & Fees	300	0.00	180.00	0.00	120.00	60.00
290-5-7550-523700 Education & Training	2,000	0.00	380.00	0.00	1,620.00	19.00
TOTAL CONTRACTED SERVICES	12,300	416.00	4,115.74	0.00	8,184.25	33.46
SUPPLIES & MINOR EQPT						
290-5-7550-531100 Supplies	1,000	0.00	519.38	0.00	480.62	51.94
290-5-7550-531400 Books & Periodicals	500	0.00	0.00	0.00	500.00	0.00
TOTAL SUPPLIES & MINOR EQPT	1,500	0.00	519.38	0.00	980.62	34.63
CAPITAL OUTLAYS > \$5000						
290-5-7550-541200 Site Improvements	26,200	0.00	3,725.00	0.00	22,475.00	14.22
TOTAL CAPITAL OUTLAYS > \$5000	26,200	0.00	3,725.00	0.00	22,475.00	14.22
TOTAL Main Street	40,000	416.00	8,360.12	0.00	31,639.88	20.90



CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

290-TRADE AND TOURISM
 DEPARTMENT - Other Financing Uses

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
INTERFUND TRANSACTIONS						
290-5-9100-590009 Transfer to Capital Pr	526,870	0.00	0.00	0.00	526,870.00	0.00
290-5-9100-590295 Transfer to Dev Author	295,000	0.00	225,232.65	0.00	69,767.35	76.35
TOTAL INTERFUND TRANSACTIONS	821,870	0.00	225,232.65	0.00	596,637.35	27.40
TOTAL Other Financing Uses	821,870	0.00	225,232.65	0.00	596,637.35	27.40
TOTAL EXPENDITURES	1,641,000	47,145.93	729,788.49	0.00	911,211.51	44.47
REVENUE OVER/(UNDER) EXPENDITURES	(6,000)	38,557.96	192,484.13	0.00	198,484.13	3,208.07-

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

301-CAPITAL PROJECTS FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
INTERGOVERNMENTAL REV	3,380,000	384,289.70	593,443.39	0.00	2,786,556.61	17.56
OTHER FINANCING SOURCES	2,372,046	0.00	218,631.22	0.00	2,153,414.78	9.22
TOTAL REVENUES	5,752,046	384,289.70	812,074.61	0.00	4,939,971.39	14.12
<u>EXPENDITURE SUMMARY</u>						
<u>CAPITAL PROJECTS</u>						
<u>CAPITAL PROJECTS</u>						
CONTRACTED SERVICES	789,250	2,366.69	17,107.94	0.00	772,142.06	2.17
CAPITAL OUTLAYS > \$5000	4,962,796	161,560.37	995,775.83	0.00	3,967,020.17	20.06
TOTAL CAPITAL PROJECTS	5,752,046	163,927.06	1,012,883.77	0.00	4,739,162.23	17.61
TOTAL EXPENDITURES	5,752,046	163,927.06	1,012,883.77	0.00	4,739,162.23	17.61
REVENUE OVER/(UNDER) EXPENDITURES	0	220,362.64 (	200,809.16)	0.00	200,809.16	0.00

301-CAPITAL PROJECTS FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
INTERGOVERNMENTAL REV						
301-331360 N Central LCI Grant Revenue	200,000	125,441.82	328,051.83	0.00 (	128,051.83)	164.03
301-331365 Earmark Loop Road Grant Rev	80,000	0.00	0.00	0.00	80,000.00	0.00
301-331390 Loop Road Project Grant	0	0.00	6,543.68	0.00 (	6,543.68)	0.00
301-331480 Grant Revenue-Dogwood Drive	160,000	0.00	0.00	0.00	160,000.00	0.00
301-331485 N. Fulton Streetscape TE Gra	340,000	258,847.88	258,847.88	0.00	81,152.12	76.13
301-331486 CDBG - Sidewalks--CDBG	100,000	0.00	0.00	0.00	100,000.00	0.00
301-331497 Rail Facilities Grant Revenue	2,500,000	0.00	0.00	0.00	2,500,000.00	0.00
TOTAL INTERGOVERNMENTAL REV	3,380,000	384,289.70	593,443.39	0.00	2,786,556.61	17.56
OTHER FINANCING SOURCES						
301-391147 DOT - LMIG Program Revenues	53,000	0.00	52,178.22	0.00	821.78	98.45
301-391150 Series 2014 Bond Proceeds	60,000	0.00	0.00	0.00	60,000.00	0.00
301-391160 LEASE PROCEEDS LADDER TRUCK	1,010,796	0.00	0.00	0.00	1,010,796.00	0.00
301-391200 Transfer from HATT	459,000	0.00	0.00	0.00	459,000.00	0.00
301-391250 2014 excess W/S bond proceed	789,250	0.00	0.00	0.00	789,250.00	0.00
301-391295 Transfer from Development Au	0	0.00	166,453.00	0.00 (	166,453.00)	0.00
TOTAL OTHER FINANCING SOURCES	2,372,046	0.00	218,631.22	0.00	2,153,414.78	9.22
TOTAL REVENUE	5,752,046	384,289.70	812,074.61	0.00	4,939,971.39	14.12

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

301-CAPITAL PROJECTS FUND
DEPARTMENT - CAPITAL PROJECTS

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
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CONTRACTED SERVICES



CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

301-CAPITAL PROJECTS FUND
DEPARTMENT - CAPITAL PROJECTS

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CONTRACTED SERVICES						
301-5-5920-522200 597 Building Project	0	866.69	2,959.04	0.00	(2,959.04)	0.00
301-5-5920-522204 City Hall Improvements	457,470	0.00	543.90	0.00	456,926.10	0.12
301-5-5920-522205 597 No central Ave	331,780	1,500.00	13,605.00	0.00	318,175.00	4.10
TOTAL CONTRACTED SERVICES	789,250	2,366.69	17,107.94	0.00	772,142.06	2.17
CAPITAL OUTLAYS > \$5000						
301-5-5920-541215 HFD- LADDER FIRE TRUCK	1,010,796	0.00	0.00	0.00	1,010,796.00	0.00
301-5-5920-541260 North Central Ave Stre	250,000	38,060.98	336,542.78	0.00	86,542.78)	134.62
301-5-5920-541272 Earmark Loop Road Expe	100,000	9,300.00	26,068.00	0.00	73,932.00)	26.07
301-5-5920-541273 Railroad Construction	2,500,000	5,190.00	18,580.00	0.00	2,481,420.00	0.74
301-5-5920-541275 Dogwood-North Ave Stre	200,000	5,200.00	21,575.00	0.00	178,425.00	10.79
301-5-5920-541280 599 N Central Ave	0	250.72	2,892.67	0.00	2,892.67)	0.00
301-5-5920-541287 N.Fulton Streetscape T	727,000	103,558.67	427,118.53	0.00	299,881.47	58.75
301-5-5920-541355 WiFi Improvements	0	0.00	16,858.88	0.00	16,858.88)	0.00
301-5-5920-541360 CDBG - Sidewalks	100,000	0.00	75,252.36	0.00	24,741.64	75.26
301-5-5920-541375 DOT -LMIG Program Expe	75,000	0.00	70,881.61	0.00	4,118.39	94.51
TOTAL CAPITAL OUTLAYS > \$5000	4,962,796	161,560.37	935,775.83	0.00	3,967,020.17	20.06

TOTAL CAPITAL PROJECTS 5,752,046 163,927.06 1,012,883.77 0.00 4,739,162.23 17.61

TOTAL EXPENDITURES 5,752,046 163,927.06 1,012,883.77 0.00 4,739,162.23 17.61

REVENUE OVER/(UNDER) EXPENDITURES 0 220,362.64 (200,809.16) 0.00 200,809.16 0.00

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

505-WATER & SEWER FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
CHARGES FOR SERVICES	4,455,000	338,565.00	3,345,287.40	0.00	1,109,712.60	75.09
OTHER FINANCING SOURCES	0	0.00	352,933.15	0.00	(352,933.15)	0.00
TOTAL REVENUES	4,455,000	338,565.00	3,698,220.55	0.00	756,779.45	83.01
<u>EXPENDITURE SUMMARY</u>						
<u>SEWAGE COLLECTION & DISPO</u>						
SUPPLIES & MINOR EQPT	500,000	90,192.55	399,475.56	0.00	100,524.44	79.90
TOTAL SEWAGE COLLECTION & DISPO	500,000	90,192.55	399,475.56	0.00	100,524.44	79.90
<u>WATER SUPPLY</u>						
PERSONNEL SERVICES	539,617	48,973.41	356,291.92	0.00	183,325.08	66.03
CONTRACTED SERVICES	230,600	47,738.53	312,450.75	0.00	(81,850.75)	135.49
SUPPLIES & MINOR EQPT	64,500	3,520.53	58,180.85	0.00	6,319.15	90.20
CAPITAL OUTLAYS > \$5000	0	0.00	71,920.21	0.00	(71,920.21)	0.00
DEBT SERVICE	1,384,402	0.00	370,469.08	0.00	1,013,932.92	26.76
TOTAL WATER SUPPLY	2,219,119	100,232.47	1,169,312.81	0.00	1,049,806.19	52.69
<u>WATER DISTRIBUTION</u>						
SUPPLIES & MINOR EQPT	1,280,000	209,429.06	1,087,954.12	0.00	192,045.88	85.00
DEBT SERVICE	587,681	0.00	0.00	0.00	587,681.00	0.00
TOTAL WATER DISTRIBUTION	1,867,681	209,429.06	1,087,954.12	0.00	779,726.88	58.25
<u>OTHER FINANCING USES</u>						
INTERFUND TRANSACTIONS	0	0.00	727,714.95	0.00	(727,714.95)	0.00
TOTAL OTHER FINANCING USES	0	0.00	727,714.95	0.00	(727,714.95)	0.00
TOTAL EXPENDITURES	4,586,800	399,854.08	3,384,457.44	0.00	1,202,342.56	73.79
REVENUE OVER/(UNDER) EXPENDITURES	(131,800)	(61,289.08)	313,763.11	0.00	(445,563.11)	238.06-

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

505-WATER & SEWER FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CHARGES FOR SERVICES						
505-344210 Water Charges	2,500,000	197,635.78	1,954,822.99	0.00	545,177.01	78.19
505-344211 Water Tap Fee	100,000	0.00	40.00	0.00	99,960.00	0.04
505-344230 Sewage Charges	1,700,000	135,267.17	1,304,846.42	0.00	395,153.58	76.76
505-344231 Sewer Tap Fee	10,000	0.00	0.00	0.00	10,000.00	0.00
505-344290 Late Fee	145,000	5,662.05	85,577.99	0.00	59,422.01	59.02
TOTAL CHARGES FOR SERVICES	4,455,000	338,565.00	3,345,287.40	0.00	1,109,712.60	75.09
INVESTMENT INCOME						
MISC REVENUE						
OTHER FINANCING SOURCES						
505-391295 Transfers from Dev Authority	0	0.00	352,933.15	0.00	352,933.15	0.00
TOTAL OTHER FINANCING SOURCES	0	0.00	352,933.15	0.00	352,933.15	0.00
TOTAL REVENUE	4,455,000	338,565.00	3,698,220.55	0.00	756,779.45	83.01

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

505-WATER & SEWER FUND
 DEPARTMENT - SEWAGE COLLECTION & DISPO

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
<u>CONTRACTED SERVICES</u>						
SUPPLIES & MINOR EQPT	500,000	90,192.55	399,475.56	0.00	100,524.44	79.90
505-5-4330-531210 Water/Sewerage	500,000	90,192.55	399,475.56	0.00	100,524.44	79.90
TOTAL SUPPLIES & MINOR EQPT						
CAPITAL OUTLAYS > \$5000						

TOTAL SEWAGE COLLECTION & DISPO 500,000 90,192.55 399,475.56 0.00 100,524.44 79.90



505-WATER & SEWER FUND
DEPARTMENT - WATER SUPPLY

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
505-5-4420-511100 Regular Employees	361,993	30,785.70	251,320.71	0.00	110,672.29	69.43
505-5-4420-511300 Overtime	22,000	386.84	11,192.06	0.00	10,807.94	50.87
505-5-4420-512100 Group Insurance	89,892	6,040.32	43,700.35	0.00	46,191.65	48.61
505-5-4420-512200 Social Security FICA C	23,339	1,862.71	15,759.39	0.00	7,579.61	67.52
505-5-4420-512300 Medicare	5,543	435.62	3,685.51	0.00	1,857.49	66.49
505-5-4420-512400 Retirement Contribution	36,550	9,462.22	27,989.14	0.00	8,560.86	76.58
505-5-4420-512700 Worker's Compensation	300	0.00	2,644.76	0.00	2,344.76	881.59
TOTAL PERSONNEL SERVICES	539,617	48,973.41	356,291.92	0.00	183,325.08	66.03
CONTRACTED SERVICES						
505-5-4420-521200 Professional	90,000	33,644.18	127,754.45	0.00	37,754.45	141.95
505-5-4420-522200 Repairs & Maintenance	115,000	12,277.62	162,452.46	0.00	47,452.46	141.26
505-5-4420-523200 Communications	24,000	608.73	18,737.09	0.00	5,262.91	78.07
505-5-4420-523600 Dues & Fees	1,600	740.00	3,032.75	0.00	1,438.75	189.92
505-5-4420-523700 Education & Training	0	468.00	468.00	0.00	468.00	0.00
TOTAL CONTRACTED SERVICES	230,600	47,738.53	312,450.75	0.00	81,850.75	135.49
SUPPLIES & MINOR EQPT						
505-5-4420-531100 Supplies	40,000	1,215.09	38,816.34	0.00	1,183.66	97.04
505-5-4420-531200 Natural Gas	3,000	944.43	4,691.07	0.00	1,691.07	156.37
505-5-4420-531230 Electricity	14,000	1,056.95	19,712.85	0.00	3,287.15	76.52
505-5-4420-531270 Gasoline/Diesel	7,500	304.06	3,960.59	0.00	3,539.41	52.81
TOTAL SUPPLIES & MINOR EQPT	64,500	3,520.53	58,180.85	0.00	6,319.15	90.20
CAPITAL OUTLAYS > \$5000						
505-5-4420-541400 Infrastructure	0	0.00	70,302.76	0.00	70,302.76	0.00
505-5-4420-542400 Computers	0	0.00	1,617.45	0.00	1,617.45	0.00
TOTAL CAPITAL OUTLAYS > \$5000	0	0.00	71,920.21	0.00	71,920.21	0.00
DEPRECIATION & AMORT						
OTHER COSTS (NOC)						
DEBT SERVICE						
505-5-4420-582100 Trf to Dev Auth- 2004	0	0.00	65,440.75	0.00	65,440.75	0.00
505-5-4420-582115 Transfer out - General	381,800	0.00	0.00	0.00	381,800.00	0.00
505-5-4420-582120 Transfer to Debt Servi	265,985	0.00	0.00	0.00	265,985.00	0.00
505-5-4420-582125 Trf to Dev Auth- 2007	0	0.00	95,013.83	0.00	95,013.83	0.00
505-5-4420-582130 Transfer to Solid Waste	91,049	0.00	0.00	0.00	91,049.00	0.00
505-5-4420-582295 Transfer to Developmen	0	0.00	210,014.50	0.00	210,014.50	0.00
505-5-4420-583100 Trf to Dev Auth 2014 A	645,568	0.00	0.00	0.00	645,568.00	0.00
TOTAL DEBT SERVICE	1,384,402	0.00	370,469.08	0.00	1,013,932.92	26.76
TOTAL WATER SUPPLY	2,219,119	100,232.47	1,169,312.81	0.00	1,049,806.19	52.69

505-WATER & SEWER FUND
 DEPARTMENT - WATER DISTRIBUTION

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>PERSONNEL SERVICES</u>						
<u>CONTRACTED SERVICES</u>						
SUPPLIES & MINOR EQPT						
505-5-4440-531510 Water Purchases For Re	1,280,000	209,429.06	1,087,954.12	0.00	192,045.88	85.00
TOTAL SUPPLIES & MINOR EQPT	1,280,000	209,429.06	1,087,954.12	0.00	192,045.88	85.00
<u>CAPITAL OUTLAYS > \$5000</u>						
<u>DEPRECIATION & AMORT</u>						
DEBT SERVICE						
505-5-4440-582100 Net Revenues	587,681	0.00	0.00	0.00	587,681.00	0.00
TOTAL DEBT SERVICE	587,681	0.00	0.00	0.00	587,681.00	0.00
TOTAL WATER DISTRIBUTION	1,867,681	209,429.06	1,087,954.12	0.00	779,726.88	58.25

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

505-WATER & SEWER FUND
 DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>INTERFUND TRANSACTIONS</u>						
505-5-9100-590295 Transfer to Dev Auth	0	0.00	727,714.95	0.00	(727,714.95)	0.00
TOTAL INTERFUND TRANSACTIONS	0	0.00	727,714.95	0.00	(727,714.95)	0.00
<u>TOTAL OTHER FINANCING USES</u>						
TOTAL EXPENDITURES	4,586,800	399,854.08	3,384,457.44	0.00	1,202,342.56	73.79
REVENUE OVER/(UNDER) EXPENDITURES	(131,800)	(61,289.08)	313,763.11	0.00	(445,563.11)	238.06

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

540-SOLID WASTE FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 75.00

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
CHARGES FOR SERVICES	479,000	44,484.19	401,664.49	0.00	77,335.51	83.85
OTHER FINANCING SOURCES	91,049	0.00	0.00	0.00	91,049.00	0.00
TOTAL REVENUES	570,049	44,484.19	401,664.49	0.00	168,384.51	70.46
<u>EXPENDITURE SUMMARY</u>						
<u>SOLID WASTE/RECYCLING</u>						
PERSONNEL SERVICES	340,523	30,678.53	236,935.52	0.00	103,587.48	69.58
CONTRACTED SERVICES	168,000	10,861.64	106,557.64	0.00	61,442.36	63.43
SUPPLIES & MINOR EQPT	39,000	2,449.45	25,052.11	0.00	13,947.89	64.24
DEBT SERVICE	22,526	1,013.38	12,626.80	0.00	9,899.20	56.05
TOTAL SOLID WASTE/RECYCLING	570,049	45,003.00	381,172.07	0.00	188,876.93	66.87
<u>OTHER FINANCING USES</u>						
TOTAL EXPENDITURES	570,049	45,003.00	381,172.07	0.00	188,876.93	66.87
REVENUE OVER/ (UNDER) EXPENDITURES	0	(518.81)	20,492.42	0.00 (	20,492.42)	0.00

CITY OF HAPEVILLE
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: MARCH 31ST, 2016

540-SOLID WASTE FUND

% OF YEAR COMPLETED: 75.00

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
CHARGES FOR SERVICES						
540-344110 Refuse Collection Charges	460,000	40,189.71	362,004.64	0.00	97,995.36	78.70
540-344140 Allied Waste Commissions	19,000	1,915.94	17,364.98	0.00	1,635.02	91.39
540-344150 Clean & Green Revenue	0	1,362.07	13,128.83	0.00	(13,128.83)	0.00
540-344290 Late Fee	0	1,016.47	9,166.04	0.00	9,166.04	0.00
TOTAL CHARGES FOR SERVICES	479,000	44,484.19	401,664.49	0.00	77,335.51	83.85
OTHER FINANCING SOURCES						
540-395300 Transfers in - W/S Fund	91,049	0.00	0.00	0.00	91,049.00	0.00
TOTAL OTHER FINANCING SOURCES	91,049	0.00	0.00	0.00	91,049.00	0.00
TOTAL REVENUE	570,049	44,484.19	401,664.49	0.00	168,384.51	70.46

540-SOLID WASTE FUND
DEPARTMENT - SOLID WASTE/RECYCLING

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
PERSONNEL SERVICES						
540-5-4510-511100 Regular Employees	195,957	19,705.68	171,435.53	0.00	24,521.47	87.49
540-5-4510-511200 Part-Time Wages	17,000	0.00	0.00	0.00	17,000.00	0.00
540-5-4510-511300 Overtime	0	392.95	6,614.82	0.00	6,614.82	0.00
540-5-4510-512100 Group Insurance	84,274	3,187.51	26,338.69	0.00	57,935.31	31.25
540-5-4510-512200 Social Security FICA C	12,863	1,223.94	10,807.99	0.00	2,055.01	84.02
540-5-4510-512300 Medicare	3,088	286.25	2,527.75	0.00	560.25	81.86
540-5-4510-512400 Retirement Contribution	20,483	5,882.20	17,399.49	0.00	3,083.51	84.95
540-5-4510-512700 Worker's Compensation	6,858	0.00	1,811.25	0.00	5,046.75	26.41
TOTAL PERSONNEL SERVICES	340,523	30,678.53	236,935.52	0.00	103,587.48	69.58
CONTRACTED SERVICES						
540-5-4510-521200 Professional Fees	0	0.00	234.00	0.00	234.00	0.00
540-5-4510-522110 Disposal service	120,000	10,645.62	81,142.50	0.00	38,857.50	67.62
540-5-4510-522200 Repairs & Maintenance	40,000	216.02	25,181.14	0.00	14,818.86	62.95
540-5-4510-523210 Information Technology	8,000	0.00	0.00	0.00	8,000.00	0.00
TOTAL CONTRACTED SERVICES	168,000	10,861.64	106,557.64	0.00	61,442.36	63.43
SUPPLIES & MINOR EQPT						
540-5-4510-531100 Supplies	15,000	1,599.38	14,580.71	0.00	419.29	97.20
540-5-4510-531270 Gasoline/Diesel	24,000	850.07	10,471.40	0.00	13,528.60	43.63
TOTAL SUPPLIES & MINOR EQPT	39,000	2,449.45	25,052.11	0.00	13,947.89	64.24
CAPITAL OUTLAYS > \$5000						
DEPRECIATION & AMORT						
OTHER COSTS (NOC)						
DEBT SERVICE						
540-5-4510-580401 P&I Phase 1 Lease	22,526	1,013.38	12,626.80	0.00	9,899.20	56.05
TOTAL DEBT SERVICE	22,526	1,013.38	12,626.80	0.00	9,899.20	56.05
TOTAL SOLID WASTE/RECYCLING	570,049	45,003.00	381,172.07	0.00	188,876.93	66.87

CITY OF HAPEVILLE
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: MARCH 31ST, 2016

540-SOLID WASTE FUND
DEPARTMENT - OTHER FINANCING USES

% OF YEAR COMPLETED: 75.00

DEPARTMENTAL EXPENDITURES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
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INTERFUND TRANSACTIONS

TOTAL EXPENDITURES	570,049	45,003.00	381,172.07	0.00	188,876.93	66.87
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REVENUE OVER/ (UNDER) EXPENDITURES	0 (518.81)	20,492.42	0.00 (20,492.42)	0.00
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HAPEVILLE T SPLOST PROJECT LIST

Tier I

1. **Silent Crossings**

Est. \$1,600,000

One of the biggest challenges for a City with a railroad located in its city limits is the blowing of the train whistle. One of the newest applications for reducing the noise from the train whistle is the Silent Crossings. The four quadrant gate system allows for no blowing of the train whistle and reduces the noise dramatically. Estimates for these systems can be up to \$400,000 per crossing depending on the circuitry required. The T-Splost funds could be used to install the Silent Crossings for Hapeville.

Tier II

2. **Sidewalks/Curb & Gutter**

Est. \$2,400,000

With over 24 miles of sidewalk in the City, sidewalk replacement has been funded primarily from CDBG, LCI and TE grant funds in the past 10 years. Several of the streets in Hapeville have the granite header curb that has settled over time and layers of paving have been added to reduce the curb height. With stormwater and soil & erosion being an important issue these days, all of our streets need to have proper curb & gutter. These funds would allow the City to replace areas that the curb height has been reduced over the years.

3. **Paving & Drainage**

Est. \$1,800,000

Life expectancy for an asphalt road is 15 to 20 years depending on several factors. The LARP and LMIG programs have been the main funding source for paving of roads in Hapeville for the last 15 years and we have paved over 30 streets since 2000 with these funds and with other federal grant funds. However, with 99 streets to maintain in our City Limits, these transportation funds would allow a significant amount of asphalt resurfacing and drainage improvements to take place and improve our road conditions.

Tier III

4. **Signage/Traffic Signals/Bicycle Lanes**

Est. \$600,000

With over 400 signs and 6 City owned traffic signals, there are not a lot of grant funds available for replacement and maintenance. The transportation funds would allow us to replace old street and traffic signs with the new high intensity sheathing and upgrade our current traffic signalization.

Total \$6,400,000

7% PE, Design, Etc.

\$6,848,000

SUMMARY

This list is composed of several potential projects and some rough cost estimates for these projects. Depending on what projects are selected for construction, each project will need to be *designed, planned and engineered*. Costs for these projects could also increase depending on possible acquisition of right of way, easements and possible environmental studies. Prioritization of these potential projects will be vital in the event the City will not be able to fund everything. All projects selected must be transportation related and current sidewalk, road and other city condition inventories will be used in the process of determining what gets improved.



Department of Planning & Zoning

MEMORANDUM

TO: William Whitson, City Manager
FROM: Bill Johnston, City Planner
SUBJECT: **Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking**
DATE: Tuesday, 3 May 2016

FINDINGS

Mr. David Shepherd, representing Hapeville Hotel Limited Partnership DBA Hilton Atlanta Airport, has applied for a special use permit that would allow airport parking on the 507-guest room hotel at 1031 Virginia Avenue. The property is zoned C-2, General Commercial as are the majority of properties in this western section of the city. The Future Development Map designates the property as "Commercial" as is the case for many intensely developed hotel and office sites in Hapeville.

Ord. 2013-02 was intended to generate an incentive to new and existing office and hotel development. The Ordinance allows owners of existing such developments to allocate up to 10 percent of the parking requirement for the development as airport parking in compliance with the following standards:

1. No property which is dedicated exclusively to airport parking shall be considered for a special use permit.
2. Only properties zoned as C-2 or U-V shall be considered for a special use permit.
3. Applicants must document compliance with the current parking requirements for the permitted use and excess parking in an amount equal to the number of spaces proposed for airport parking. The number of airport parking spaces shall not exceed 10 percent of the parking requirement for the development.
4. All properties on which airport parking is operated shall fully comply with the perimeter landscaping requirement of the ordinance. This standard shall apply to all new construction and existing development which shall be retrofit to achieve compliance.

The Hilton Hotel in particular is well positioned to deliver travelers to the airport as (1) the hotel already operates a shuttle and (2) these travelers can conveniently access the hotel and be transported to the airport without creating neighborhood cut-through traffic. This assessment is based on the proximity of the hotel to northbound and southbound ramps on I-85. This routing stands in contrast to the inconvenient access to I-85 at Sylvan Road.

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

2 of 7

The Hilton property complies with the perimeter landscape requirements of Sec. 93-23-18. *Landscape requirements for vehicular use areas* of the zoning ordinance. This finding is based on an ALTA survey prepared by Millman National Land Services and dated October 4, 2013. The airport parking will be operated in conjunction with the principal use, a hotel. A total of 526 parking spaces are available on site. Sec. 93-22.1-1 of the ordinance requires "one parking space for every unit in a hospital, hotel, motel, boardinghouse, or similar establishment," 507 spaces in this case. The parking requirement for the hotel restaurants is "three parking spaces for every 1,000 square feet of enclosed restaurant floor area." The parking requirement for the restaurants is 20 spaces. The "typical maximum inventory" cited in the application as "authorized for off airport parking" is 30 spaces. This number is well below the 10 percent anticipated in Ord. 2013-02 and the hotel management recognizes accommodating hotel "guests and local patrons" as their first priority. However, applying the ratio of one space per room yields a required "excess parking" deficit of 11 spaces.

The application cites an important purpose of the proposed airport parking operation as to "expose the hotel and Hapeville to potential future guests." This expanded visitor base may include increased patronage of the Finish Line, Magnolia Grill and Andiamo Tuscan restaurants in the hotel.

Ordinance 2013-02 renders airport parking facilities in the C-2 Zone subject to approval of a special use permit by Mayor and Council and establishes development standards applicable to this use. That Ordinance is attached. The following text describes the approval process and the criteria to be considered by Mayor and Council in deciding an application for a Special Use Permit. An assessment of the application relative to those criteria is also provided below.

CONCLUSIONS

Sec. 93-3.2-5. *Special use permit procedures.*

Mayor and Council may in considering a special use permit following a public hearing impose reasonable conditions deemed necessary to the protection or benefit of owners of adjacent and nearby properties to ensure compatibility of the proposed development or use with surrounding uses.

Sec. 93-3.2-6. *Special use permit criteria and standards.*

(a) Special use permit criteria. Special uses are compatible uses of land or the improvement of structures within a zoning district that reasonably require special consideration and therefore, are not allowed "by right." The following standards shall be considered in evaluating the appropriateness of all proposed special uses of property:

The following six criteria are to be considered in deciding an application for Special Use Permit approval:

(1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns public health, safety or general welfare

The Hilton is located in an intensely developed office and hospitality district. The transportation network serving the hotel and the proposed airport parking use in particular is Interstate I-85. Access to the interstate is virtually direct via four-lane Virginia Avenue. No adverse impact on nearby Virginia Park

William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

3 of 7

neighborhood is anticipated. This assessment is based on proximity of the hotel to I-85 entrance and exit ramps and the convenience of that route as opposed to the Sylvan Road interchange. The relatively small scale of the proposed operation and the fact that hotel guests are already being transported to the airport from the hotel without adverse incident also forms the basis of this conclusion.

(2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance

The on-site parking is one space short of the ordinance requirement of Article 22.1. *Dimensional Requirements* for the hotel and the ancillary uses. Reserving 30 spaces, as is proposed, would be permitted under Ord. 2013-02 as this number is below the 10 percent of the total number of parking spaces threshold. However, those 30 spaces are not theoretically available on site when all uses are considered.

All of the dimensional requirements of the ordinance are met, including the building setback and the perimeter landscaping requirements. This property was the subject of a zoning certificate in 2013. The nonconformity as concerns building height is addressed under Standard 6, below.

(3) Compatibility with adjacent properties and other land uses in the vicinity

Uses in the vicinity are intense commercial uses, including Delta offices, Virginia Crossing (slated for redevelopment), Delta Community Credit Union, Hapeville Center, the LaQuinta Hotel and a restaurant/services commercial node. Much of the Hilton property is bounded by I-85 and the Marriott Residence Inn borders the site on the north. This context renders the site and the proposed use compatible with adjacent properties and other land uses in the vicinity.

(4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity

The scale of the proposed airport parking use indicates that minimal nuisance characteristics will be associated with the operation. The number of guests either being transported to or from the airport or accessing the property in private or rented vehicles could exceed the planned use by a factor of nearly 18. The operation, that is, travelers being transported to and from the airport, is virtually identical to hotel guests being so transported. No hazardous characteristics are associated with the proposed use.

(5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property

The volume of traffic to be generated by the proposed operation and the transportation network serving the property, including the interstate system, indicate that the impact on traffic movement will be minimal. The Hilton is accessed by four-lane Virginia Avenue and is situated near I-85 exit and entry ramps. This superior transportation network and the scale of the proposed use indicate that the impact on

William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

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traffic movement will be minimal. The signalized intersection at International Boulevard and Virginia Avenue will facilitate safe access to and from the property. As concerns the availability of off-street parking, the 526 on-site spaces falls short of accommodating the proposed airport parking, the hotel and the restaurants in the hotel.

Noteworthy is the City's past experience with the "Red Roof Inn." That hotel was granted a reduction in parking based on actual usage surveys of area hotels and a comparison of parking ratios in other airport cities, many of which have adopted a ratio of one space for every two rooms. It is also arguable that hotel guests will be the primary patrons of the restaurants and therefore, parking tied directly to the hotel use is sufficient to address those ancillary uses. As payment will be made prior to arrival of air travelers, the actual availability of spaces can be closely monitored by the hotel. Finally, guest use of all 507 spaces required by Ordinance assumes an occupancy level of 100 percent. Occupancies in the airport market hover in the high 80 percent range. This would mean that as many as 50 spaces would be available on any given day.

Access to the hotel is excellent with a convenient drop off and pick up arrangement, a controlled access gate and 24-hour monitoring in place. Site lighting improvements designed to "ensure an attractive, welcoming approach for all guests and parking customers" are underway. Signs identifying the hotel are also in place.

Landscaping of the hotel parking lot fully complies with Sec. 93-23-18 of the Ordinance concerning landscaping around the perimeter of parking lots. This landscaping is intended to screen vehicle parking areas from adjacent properties. Much of that adjacent property in this case is the Delta Community Credit Union parking lot and I-85, further reducing adverse visual impacts. The view of the property from Virginia Avenue is an abundantly landscaped site, the hotel and a plaza that forms an attractive roundabout.

Based on the nature of surrounding uses, being hotels, services and offices, the presumably 24-hour operation will not adversely impact developments in the vicinity.

(6) Conformance of the special use to other requirements of the ordinance

This is a developed site that is in compliance with the Ordinance for all practical purposes as evidenced by a zoning certificate issued on October 4, 2013. The following certificate excerpt documents that the nonconformance as to building height would come into play only in the event of a catastrophic loss.

"The maximum building height is 40 feet. The Ordinance states "Buildings over 40 feet in height must be approved by the building official and fire chief to ensure that fire safety design standards are met."

However, a variance as to height would be required in the event of a catastrophic loss and rebuilding as the building official and fire chief have no stated authority to approve such deviation from an Ordinance standard. FAA approval would also be required. Documentation concerning any variance as to building height has not been located at this time. Accordingly, the building is nonconforming as to height, subject to Article 3 of the zoning ordinance, attached."

William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

5 of 7

RECOMMENDATION

Based on the above findings and conclusions, approval of the Special Use Permit subject to compliance with Ord. 2013-02 is appropriate.

c: Rick Glavosek, Police Chief

Jennifer Elkins, City Clerk

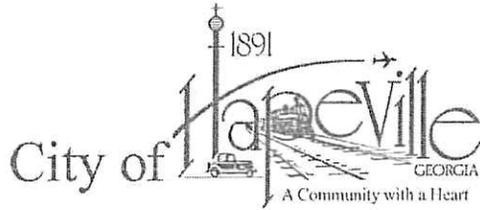
William Whitson, City Manager

Special Use Permit Application for 1031 Virginia Avenue to allow Airport Parking

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Landscaping Compliance





Department of Economic Development
Planning & Zoning Division

SPECIAL USE APPLICATION

Applicant (please print or type) _____ Hilton Atlanta Airport

Address: 1031 Virginia Ave, Hapeville, GA. 30354

Phone: 404-559-6885 Mobile: [REDACTED] Email: [REDACTED]

Property Owner(s) _____ Hapeville Hotel Limited Partnership DBA Hilton Atlanta Airport

Address _____ 1031 Virginia Ave. Hapeville, GA. 30354

Phone _____ 404-559-6885 _____ Mobile _____ n/a _____

Property Address _____ 1031 Virginia Ave. Hapeville, GA. 30354

Property Zoning: C-2 General Commercial

Present Use: Hotel

I hereby make application to the City of Hapeville, Georgia for the above referenced property. I hereby affirm that the information provided in this application is true, complete and accurate. I understand that any inaccuracies may invalidate this application and any action taken on this application. I also understand that the City of Hapeville, Georgia, reserves the right to enforce all City of Hapeville Codes and Ordinances. I further understand that it is my responsibility to fully comply with all City of Hapeville Codes and Ordinances. I hereby acknowledge that all requirements of the City of Hapeville shall be met. I further acknowledge that I am able to read and write the English language or that this document has been explained to me and that I have voluntarily and fully completed this application. I understand that making false statements or written misrepresentations to the City of Hapeville, Georgia is a felony pursuant to O.C.G.A. 16-10-20 and I may be prosecuted for any violation thereof.

Applicant Signature

Date

Sworn to and subscribed before me

This 18 day of March, 2016.



The Mayor and Council of the City of Hapeville have determined that certain uses may require the imposition of appropriate conditions deemed necessary to the protection of owners of nearby property and to ensuring compatibility of the proposed use with surrounding uses. Sec. 93-3.2-5. *Special use permit procedures* requires that a public hearing be held prior to Mayor and Council rendering a decision concerning this application. The applicant shall be notified of the decision in writing by certified U.S. mail at the address indicated in the application. Applicants aggrieved by a denial of an application shall have 30 calendar days from receipt of the notice in which to petition the Superior Court of Fulton County for writ of mandamus.

Special uses are those uses that reasonably require special consideration and therefore, are not allowed "by right." The following criteria will be considered by Mayor and Council in determining whether a special use should be approved and what, if any, conditions should be assigned to an approval of an application for a special use. Please respond to the following six (6) criteria as pertains to the use being proposed.

(1) Impact on the use or development of adjacent properties, or the surrounding area, as concerns Public health, safety or welfare;

The lot is currently is used primarily for parking of hotel guests and visitors to meeting space and restaurants; the location has on site security 24/7 which includes parking lot patrols and CCTV cameras. No development impacts are anticipated

(2) Capacity of the lot to accommodate the use and satisfy the dimensional requirements of the ordinance;

With over 500 spaces and a typical maximum inventory of 30 spaces authorized for off airport parking the lot can accommodate the volume without impacting adjacent businesses while staying below the 10% limit in the ordinance. Our priority will always be accommodating guests and local patrons

(3) Compatibility with adjacent properties and other land uses in the vicinity;

Existing conditions of parking for hotel operations, to rear of lot is parking for Residence Inn, adjacent lot is parking for Delta Credit Union

(4) Potential nuisance or hazardous characteristics, specifically as concerns the number of individuals projected to use such facility or nature of the activity;

Maximum number of users will be minimal and in compliance with ordinance limits, all users of the property are monitored by on site security to ensure appropriate behavior.

(5) Impact on traffic movement, availability of off-street parking, options for buffering or protective screening, hours and manner of operation, lighting, signs and access to the property; and

When peak drive in occupancy or social function activity is forecasted third party parking is restricted or eliminated. We are also repairing all front of hotel lighting to ensure an attractive, welcoming approach for all guests and parking customers.

(6) Conformance of the special use to other requirements of the ordinance.

_____ Parking for off airport parking is inventory controlled to ensure compliance with ordinance and primarily to ensure adequate parking for hotel guests. Typically we do not exceed 30 cars per night and never exceed the 10% requirements

WRITTEN DESCRIPTION

Please provide a detailed description of the proposed use (type or print legibly)

The Hilton Atlanta Airport desires to provide off airport parking in the current hotel parking lot. The purpose is to sell a limited amount of unused parking inventory to generate incremental revenues, and expose the hotel and Hapeville to potential future guests. This allows us to improve and grow occupancies , improve property values , and provide revenues to improve the property which leads to increased occupancy and property taxes.



Applicant Signature

mar 18/16

Date

AUTHORIZATION OF PROPERTY OWNER

I CERTIFY THAT I AM THE OWNER OF PROPERTY IDENTIFIED BELOW THAT IS THE SUBJECT OF THIS APPLICATION:

DAVID SHEPHERD

General manager, AS agent

City of Hapeville, County of Fulton, State of Georgia

I AUTHORIZE THE INDIVIDUAL NAMED BELOW TO ACT AS APPLICANT IN FILING THIS APPLICATION FOR CONSIDERATION BY MAYOR AND COUNCIL.

Applicant Hilton Atlanta Airport

Applicant Address 1031 Virginia Ave
Hapeville, GA. 30354

Phone 404-559-6885



Signature of Owner

DAVID SHEPHERD AS agent

Name of Owner (Print)

Personally appeared before me this 18 day of March, 2016.

Notary Public, TASHOYA DARDEN
MY COMMISSION EXPIRES APR 7 2017
POLK CO., GEORGIA
NOTARY PUBLIC

1 *Sec. 10-62. - Supplemental requirements for sale of distilled spirits by the drink for on-*
2 *premises consumption.*

3 *No license for the sale of distilled spirits by the drink shall issue to any applicant who does*
4 *not meet the requirements of a restaurant, hotel, private club, lounge, nightclub,*
5 *convention center, bar, brewpub, nonprofit performing arts theater, nonprofit*
6 *museum, nonprofit zoological park, nonprofit botanical garden, auditorium, sports*
7 *coliseum, suite hotel, open air café, government center, tasting room, sidewalk café,*
8 *continuing education center, or outdoor market.*

9
10 **Restaurant** *means any eating establishment that is licensed under this chapter and located*
11 *in a zoning district that permits restaurants as a conforming use or eating establishment*
12 *incidental to a hotel or motel, and such establishment:*

13
14 *(1) Derives at least 50 percent of its total annual gross sales from the sale of prepared meals*
15 *or food; or*

16 *(2) Derives at least 40 percent of its total annual gross sales from the sale of prepared meals*
17 *or food and provides chairs, tables, and counters to seat and serve 50 or more persons.*

18
19 **Lounge** *means a separate room connected with a part of and adjacent to a restaurant or*
20 *located in a hotel or located in any airport owned by the city, with all booths, stools and*
21 *tables being unobstructed and open to view. All lounges shall be air conditioned and shall*
22 *have a seating capacity for at least 50 persons. However, lounges located in any airport*
23 *owned or operated by the city shall be exempt from the seating capacity requirement. A*
24 *lounge that is operated on a different floor in the premises or in a separate building or that*
25 *is not connected to or adjacent to a restaurant shall be considered a separate establishment*
26 *and an additional license fee shall be paid therefore.*

27
28 **Bar** *means an establishment having a minimum capacity of 25 persons and a maximum*
29 *capacity of 100 persons per the City of Atlanta Fire Code that does not meet the definition of a*
30 *restaurant, nightclub, lounge, farm, winery, convention center, hotel, brewpub, open air café*
31 *or sidewalk café, that is primarily devoted to selling and dispensing alcoholic beverages by the*
32 *drink for on-premises consumption. The bar must make food available to its patrons.*

33
34 **Current Hapeville Code:**

35 *(o) City buildings and facilities. It shall be unlawful for any person to serve, possess*
36 *and/or consume any alcoholic beverage within any city building or facility unless (1)*
37 *prior written authorization of the city is first obtained, and (2) such service, possession*
38 *and/or usage is in accordance with published rules of the city recreation department.*
39 *Service of alcoholic beverages within a city building or facility shall not require an*
40 *alcohol beverage license under this chapter provided it is in accordance with the*
41 *requirements of this section. As used herein, city building or facility shall mean any and*
42 *all city parks and any building owned or leased by the city.*

43
44 **Sec. 5-6.2-1. - Regulation of on-premises arts licenses.**

45 (a) An on-premises arts license may be issued to a nonprofit arts organization whose
46 **primary purpose is to present productions or performances of an artistic or**
47 **cultural nature.**

48 (b) An on-premises arts license permits the licensee to sell alcoholic beverages only
49 to patrons of the productions or performances for consumption inside the licensed
50 premises in connection with the productions or performances.

51 (c) No licensee or employee or agent of a licensee under this section shall permit any
52 exterior or interior advertising concerning the sale of alcoholic beverages on the
53 licensed premises.

54 **(d) No licensee or employee or agent of a licensee under this section shall**
55 **engage in any of the following practices in connection with the sale or other**
56 **disposition of alcoholic beverages:**

57 **(1) The giving away of any alcoholic beverage in conjunction with the sale**
58 **of any other alcoholic beverage;**

59 **(2) The sale of two or more alcoholic beverages for a single price, including**
60 **the sale of all such beverages a customer can or desires to drink at a single**
61 **price;**

62 **(3) The sale or serving of two or more alcoholic beverages at substantially**
63 **the same price customarily charged for one such alcoholic beverage;**

64 **(4) Requiring or allowing the purchase of a second or subsequent alcoholic**
65 **beverage at the same time another alcoholic beverage is purchased or**
66 **before the first such beverage has been substantially consumed, by any**
67 **one person;**

68 **(5) The sale or delivery to any person or group of persons of an unlimited**
69 **number of alcoholic beverages during any set period of time for a fixed**
70 **price, except at private functions not open to the public; or**

71 **(6) Increase the volume of alcohol contained in a drink without increasing**
72 **proportionately the price regularly charged for such alcoholic beverage.**

73 (e) No licensee or employee or agent of a licensee under this section shall advertise
74 or promote in any way, whether within or without the licensed premises, any of the
75 practices prohibited under subsection (d) above.

76 (f) The building or proposed building shall meet all requirements of the building
77 inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator
78 and shall comply with other ordinances of the city for zoning, storage, parking, buffers
79 and other issues.

80 (g) No licensee under this section may allow BYOB on the licensed premises.

81 (h) All on-premises arts licensees shall collect and pay a tax of three percent on the
82 sale of alcoholic beverages by the drink in the city in accordance with chapter 17,
83 article 6 of the Hapeville Code of Ordinances.

84 (i) The state regulations relating to the sale and distribution of distilled spirits, as
85 revised, promulgated by the state department of revenue, are hereby incorporated
86 into and made a part of this article as if fully set out in this section.

87 (j) The regulations pertaining to special events licenses under section 5-6-5(c) shall
88 apply to on-premises arts licenses. (Ord. No. 2013-14, § 5, 1-21-2014)

89 • **Sec. 5-8-1. - Applicability.**

90 A person or entity operating an art gallery may offer complimentary alcoholic beverages
91 to patrons for consumption within the premises by obtaining an **art gallery alcohol**
92 **permit**, which shall be renewed annually. The cost of the permit shall be \$50.00 for the
93 calendar year.

94 As used herein, "art gallery" means an establishment whose primary purpose is to
95 exhibit:

96 (1) A work of visual art such as a painting, sculpture, drawing, mosaic, or
97 photograph;

98 (2) A work of calligraphy;

99 (3) A work of graphic art such as an etching, a lithograph, an offset print, a silk
100 screen, or any other work of similar nature;

101 (4) A craft work in materials, including but not limited to clay, textile, fiber, wood,
102 metal, plastic, or glass; or

103 (5) A work in mixed media such as collage or any combination of the art media set
104 forth in this subsection. (Ord. No. 2014-01, § 1, 5-6-2014)

105 • **Sec. 5-8-2. - Regulations.**

106 (a) An art gallery alcohol permittee shall not, directly or indirectly:

107 (1) Sell alcoholic beverages;

108 (2) Charge an entrance fee or cover charge in connection with the offering of
109 complimentary alcoholic beverages;

110 (3) Serve alcoholic beverages for more than four hours in any one day;

111 (4) Serve alcoholic beverages more than 15 days in any calendar year;

112 (5) Allow any alcoholic beverages to be consumed outside the facility;

113 (6) Allow BYOB; or

114 (7) Engage in any exterior or interior advertising concerning the consumption of
115 alcoholic beverages on the permitted premises.

116 (b) An art gallery alcohol permittee shall provide the city at least 15 days written
117 notice prior to any art gallery exhibit or display at which alcoholic beverages will be
118 complimentary offered.

119 (c) An art gallery alcohol permittee's building shall meet all requirements of the
120 building inspector, the fire marshal, the traffic engineer, and planning and zoning
121 coordinator and shall comply with other ordinances of the city for zoning, storage,
122 parking, buffers and other issues.

123 (d) An art gallery alcohol permit may be revoked, non-renewed, suspended, or placed
124 on probation in accordance with section 5-6-21(b). (Ord. No. 2014-01, § 1, 5-6-2014)

125

126 **Sec. 10-58. - Issuance to nonprofit performing arts theaters, museums, zoological**
127 **parks, botanical gardens, and city park organizations for sale for consumption on**
128 **premises.**

129 (a) An applicant may be issued a license for the sale of alcoholic beverages for
130 consumption on the premises of any nonprofit performing arts theater having a seating
131 capacity of not less than 175, any nonprofit museum, any nonprofit zoological park, any
132 nonprofit botanical garden, or any park facility, within the city upon meeting all of the
133 following requirements and all other requirements of this chapter dealing with the sale of
134 alcoholic beverages for consumption on the premises:

135 (1) The applicant shall be a nonprofit corporation presenting legitimate indoor live
136 performances or the applicant shall be a nonprofit museum, a nonprofit zoological park, a
137 nonprofit botanical garden, or a city park organization.

138 (2) The performances of any such theater shall be held on a regular basis a minimum of
139 three times per week for a period of 32 weeks per year.

140 (3) The applicant shall be the same group or corporation operating the nonprofit
141 theater or nonprofit museum, nonprofit zoological park, nonprofit botanical garden, or
142 park facility, and shall show that the profits from the sales under any license granted under
143 this section shall be used for no purpose other than the sustaining and promotion of the
144 theater, museum, zoological park, botanical garden, park facility, or the park in which the
145 park facility is located.

146 (4) The applicant shall show by plat the physical delineation of the area in which
147 alcoholic beverages are to be sold.

148 (5) The location of the applicant shall not be within or upon any public property, either
149 federal, state, county or municipal, unless the applicant is a zoological park, botanical
150 garden, or city park organization.

151 (6) The applicant shall be exempt from federal income taxes pursuant to section
152 501(c)(3) of the Internal Revenue Code, as amended.

153 (b) The applicant shall pay an annual license fee of \$1,000.00, and the fee shall be
154 subject to all other rules and regulations relating to license fees for alcoholic beverages set
155 forth in this chapter.

156 (c) Fees. The bureau of buildings and the department of fire shall each charge a fee of
157 \$50.00 for the inspections made to report on the compliance status of structures were
158 [where] alcoholic beverage licenses are requested.

159 (d) For the purpose of this section, and notwithstanding the definition of premises
160 contained in section 10-1, the premises of a park facility shall mean any number of the
161 definite closed or portioned-in building(s), including any area or patio immediately
162 adjacent to said building(s), which are located within one city-owned park, and which are
163 managed, operated, and/ or leased by one city park organization pursuant to one or more
164 agreements or leases with the City of Atlanta, and wherein alcoholic beverages are sold or
165 consumed,

166 (1) The area or patio need not be covered, but must be completely enclosed, except for
167 entrances and exits, by a wall, fence, shrubbery or other decorative material no less than 30
168 inches in height.

169 (2) Where any city park organization has agreements with the City of Atlanta to
170 manage, operate or lease buildings located in more than one city-owned park, the city park
171 organization must hold a separate license for each park.

172
173 ***Sec. 6-8. - Nonprofit civic organizations eligible for issuance of temporary license or***
174 ***annual license.***

175 *(a) Upon application by a nonprofit or charitable organization and approval by the city*
176 *commission, a temporary license for the retail sale of beer and wine may be issued to such*
177 *nonprofit or charitable organization. Such temporary license shall be subject to such*
178 *conditions as may be established by the city commission, and no temporary license shall be*
179 *granted for a period longer than three days. The fee for a temporary license shall be \$50.00.*

180 *(b) Upon application by a nonprofit or charitable organization, based in the City of Decatur*
181 *corporate limits, and approval by the city commission, an annual license for the retail sale of*
182 *beer and wine may be issued to such nonprofit or charitable organization at a reduced fee.*
183 *Such annual license shall be subject to such conditions as may be established by the city*
184 *commission and the fee for such annual license shall be as determined by the city commission.*

185
186 ***Sec. 10-127. - Temporary permit for nonprofit civic organizations.***

187 (a) Upon filing an application and payment of a fee of \$25.00 and after review by the license
188 review board, the mayor may issue a permit authorizing a bona fide nonprofit civic
189 organization to sell alcoholic beverages for consumption on the premises only, for a period
190 not to exceed one day, subject to any law regulating the time for selling such beverages.

191 (b) The application for such permit must have been filed with the License and Permits Unit
192 of the Atlanta Police Department at least 30 days prior to the date of the special event.

193 (c) Not more than six permits may be issued pursuant to this section to an organization in
194 any one calendar year.

195 (d) Permits issued pursuant to this section shall be valid only for the place specified in the
196 permit.

197
198 *Open air café means an establishment which serves food during all hours of operation*
199 *and which has a seating capacity of at least 40 and which is located within the pedestrian*

200 court area of a shopping and retail entertainment center. Such an establishment may be
201 licensed for on-premises consumption only.

202
203 **Outdoor dining area** means a space in which a licensee serves food and beverages as
204 part of the operation of the licensed premises as a sidewalk café. An outdoor dining area
205 must be located directly in front of a licensed restaurant and may only be separated from
206 the licensee's premises by a sidewalk. No part of a sidewalk café shall be located within a
207 public right-of-way. The width of an outdoor dining area shall not exceed the width of the
208 licensed premises. An outdoor dining area shall contain no more than 50 percent of the
209 premises total seating capacity. The space within an outdoor dining area shall be enclosed
210 within a clearly delineated area, which is surrounded by a continuous physical barrier no
211 less than 36 inches and no more than 40 inches in height. An outdoor dining area shall have
212 a single point of ingress and egress that is controlled by the licensee. Music and/or live
213 entertainment shall not be provided within an outdoor dining area.

214
215 *Sec. 6-22. - Consumption and sales on **public property, patio sales, and sidewalk table***
216 ***plan** permits.*

217 *(a) It shall be unlawful for any person to drink any alcoholic beverages or any other*
218 *intoxicating beverage at any public place within the city, or for any person to have in his*
219 *possession any unsealed*
220 *or opened container with such intoxicating beverage in it at any public place within the city,*
221 *except as provided under the terms and conditions of special permits issued by the city*
222 *commission or as outlined in this section.*

223
224 *(b) It shall be unlawful for any person to drink or possess any alcoholic beverage upon real*
225 *property of the city that is used as a public park, playground, or school.*

226
227 *(e) No consumption and/or sale of alcoholic beverages shall be allowed in **open areas,***
228 ***decks, patios or similar unenclosed spaces on the premises** of an establishment licensed*
229 *to sell alcoholic beverages unless permitted and approved by the city. The city shall review*
230 *and inspect annually such sites to ensure adherence to approved patio and sidewalk plans for*
231 *the safe and orderly operation, including, but not limited to, regulations pertaining to*
232 *maximum capacity, ingress and egress and the protection of public health.*

233
234 *(f) A **sidewalk table plan permit**, for the approval of the location of tables on city-owned*
235 *right-of-way, will be granted annually as part of the alcohol beverage license new or*
236 *renewal process and will be granted based on adherence to regulations for sidewalk table*
237 *plans as stated in subsection (g) of this section.*

238 *(g) Sidewalk table plan permits for the location of tables on city-owned right-of-way must*
239 *adhere to following regulations:*

240 *(1) The request for a sidewalk table plan permit will be included with an application for an*
241 *alcohol beverage license.*

242 *(2) The city manager or his/her designee shall review each permit based on the provisions*
243 *of Appendix A of the zoning ordinance section 10.19.2.*

- 244 (3) Smoking is prohibited at tables included in a sidewalk table plan permit area and within
245 five feet of any such area boundary.
- 246 (4) The city manager or his/her designee will perform random inspections on sidewalk
247 table plan permit areas to assure compliance with the ordinance.
- 248 (5) Sidewalk table plan permits may be revoked by city commission for failure to adhere to
249 established regulations.

250
251

252 **Outdoor market** shall mean a retail center with a structure of at least 1,000,000 square
253 feet, having a minimum of 100,000 square feet of retail uses and not less than 40,000 square
254 feet of outdoor areas used for public and private events, entertainment, farmer's markets,
255 exhibitions, performances, shows, events, concerts and community events occurring on plazas,
256 lawns, parks, rooftops, and streets (when not open to vehicular traffic) and sidewalks that are
257 in the dominion and physical control of the owner of the outdoor market, the owner's agent or
258 the owner's lessee, provided however that no adult entertainment as that term is defined and
259 used in Part 16 of this Code, shall be permitted. The applicant for a license of an outdoor
260 market shall show by plat or survey submitted with the application for a license, the physical
261 delineation of the area in which alcoholic beverages will be sold, consumed and stored and
262 such area shall be included as part of the premises as defined in this section. Licenses to sell
263 alcoholic beverages for consumption on the premises in an outdoor market may be issued to
264 the owner or property manager of the outdoor market.

265

266 **Wine specialty shop** means a retail establishment:

267

268 (1) Which shall deal in the sale of table wine, fortified wines, port, sherry for
269 consumption off the premises and/or wine accessories; and at which on-premises
270 consumption of alcoholic beverages is specifically prohibited, except that if a wine specialty
271 shop is the holder of a license under section 10-60(a)(1)c. of this Code, that licensed retail
272 establishment shall be authorized to hold wine tastings in conjunction with educational
273 programs on the subjects of enology or viticulture;

274 (2) Which shall not maintain on the premises or offer for sale malt beverages or
275 distilled spirits;

276 (3) Which shall maintain on the premises and offer for sale at all times a variety of
277 wines from not less than 100 nor more than 200 manufacturers or importers of wine or
278 any combination thereof the total of which shall not fall below 100 nor exceed 200;

279 (4) Which shall maintain and replenish an inventory of at least 36 bottles of wine from
280 each manufacturer or importer of wine referred to in subsection (3) above; provided
281 however, that any inventory which is depleted to less than 36 bottles of wine must be
282 replenished to at least 36 bottles of wine within 15 days of the date that the inventory falls
283 below 36 bottles;

284 (5) Which shall submit an inventory list of all wines maintained on the premises and
285 offered for sale to the licenses and permits unit of the police department. Such inventory
286 list shall be submitted to the licenses and permits unit on a quarterly basis by the first day
287 of each of the following months: January, April, July and October; and

288 (6) Whose total interior floor area, inclusive of storage area, shall not exceed 2,000
289 square feet.

290
291
292 **Entertainment** means the live performance by any person, whether such person be a
293 musician, dancer or otherwise, which occurs upon the premises of a licensed establishment.

294
295 **Brewpub** means any eating establishment in which beer or malt beverages are
296 manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A.
297 § 3-5-36 for retail consumption on the premises and solely in draft form. As used herein,
298 the term "eating establishment" means an establishment which is licensed to sell distilled
299 spirits, malt beverages, or wines and which derives at least 50 percent of its total annual
300 gross food and beverage sales from the sale of prepared meals or food.

301
302
303 **Sec. 6-170. - Wine tastings.**

304 *Upon filing an application and payment of a license fee of \$250.00 per year, the city manager*
305 *may issue a permit to hold wine tastings. The permit shall allow the applicant to provide*
306 *samples of wine to the public for consumption on the premises under the following conditions:*

307
308 *(1) The applicant shall be an establishment licensed to sell wine, in original packages for off-*
309 *premises consumption.*

310 *(2) The applicant shall maintain on the premises and offer for sale at all times a variety of*
311 *wines from not less than 50 manufacturers of wine.*

312 *(3) The applicant's establishment shall have minimum interior floor area of 1,500 square feet*
313 *devoted to the storage, display and sale of wine.*

314 *(4) The applicant for a wine tasting must hold a valid current wine license in the state.*

315 *(5) No wine tasting may be conducted on the premises of any place of business licensed to sell*
316 *distilled spirits in original packages for off-premises consumption.*

317 *(6) No wine tasting may be conducted on the premises of a malt beverage and wine store*
318 *operating in connection with a licensed retail liquor store.*

319 *(7) Wine tastings may only be conducted in connection with an bona fide instructional or*
320 *educational promotion.*

321 *(8) All wines secured for tasting purposes must be obtained through a retail or wholesale*
322 *wine outlet.*

323 *(9) Wine tastings must comply with all laws and regulations otherwise pertaining to the sale*
324 *and distribution of alcoholic beverages in the state.*

325 *(10) All applicants and permit holders must comply with all state statutes and sections of this*
326 *Code and other city ordinances concerning alcoholic beverages, including, but not limited to,*
327 *those dealing with hours of operation, zoning and distance requirements.*

328
329 (b) For the purpose of ensuring compliance with this section, the city manager may require
330 that a licensee furnish a **statement from a certified public accountant** that reports the
331 percentage of the licensee's total annual gross sales derived from the sale of groceries, food
332 products, or prepared meals in the licensee's most recently ended fiscal year.

333

334

335 **Sec. 6-59. - Removal of a partially consumed bottle of wine.**

336 (a) Any restaurant which is licensed to sell wine for consumption on premises may permit a
337 patron to remove one unsealed bottle of wine per patron for consumption off premises under
338 the following conditions:

339 (1) The patron has purchased a meal from the restaurant and consumed a portion of the
340 bottle of wine which has been purchased on the premises with such meal on the restaurant's
341 premises.

342 (2) The partially consumed bottle of wine that is to be removed from the premises must be
343 securely resealed by the licensee or its employees before removal from the premises.

344 (3) The partially consumed bottle of wine shall be placed in a bag or other container that is
345 secured in such a manner that it is visibly apparent if the container has been subsequently
346 tampered with or opened.

347 (4) A dated receipt for the meal and the purchase of the bottle of wine, or corkage fee, shall be
348 provided by the licensee and attached to the container.

349 (b) If transported in a motor vehicle, the container with the resealed bottle of wine shall be
350 placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat
351 of a motor vehicle that is not equipped with a trunk.

352

353 **Sec. 6-60. - Corkage services.**

354 (a) A restaurant that possesses a valid license for the retail sale of wine for consumption on
355 premises and a valid corkage license may permit patrons to bring, possess and consume
356 bottles of wine that are owned by the patron and brought onto the premises under the
357 following conditions:

358 (1) No more than 750 milliliters of wine, per patron over the age of 21 per meal, shall be
359 permitted to be uncorked.

360 (2) Only patrons seated at tables or booths shall be permitted to consume wine that has
361 been provided by the patron.

362 (3) Wine may only be consumed by individuals who order and are served a meal by the
363 licensee.

364 (4) Every bottle of wine brought onto the premises by a patron must be opened by
365 restaurant personnel.

366 (5) A patron may remove an uncorked bottle of wine from the premises only if the
367 requirements set forth in section 6-59 are met.

368 (b) Restaurants may at their discretion charge corkage fees.

369

370 **Corkage license** means an additional license option available to any restaurant which
371 holds a valid license for the sale of wine for the retail sale of wine for consumption on
372 premises that will allow patrons to bring, possess and consume the patron's own bottle of
373 "wine" on the premises.

374

375 **Current Hapeville Code:**

376 (I)

377 *Brownbagging, BYOB prohibited.* It is prohibited for any person to bring in his own
378 alcoholic beverage in any establishment requiring a license to manufacture,

379 distribute, serve, sell, handle, or otherwise deal in or process alcoholic beverages
380 under this chapter or in any commercial establishment without regard to whether
381 such establishment is licensed. This prohibition, however, shall not apply to a
382 person bringing his own alcoholic beverage into a private hotel room or a guest
383 room within a bed and breakfast.

384
385
386 **Sec. 6-23. - Brown bag establishments.**

387 *(a) Brown bag establishments shall be prohibited within the city.*

388 *(b) Notwithstanding subsection (a) above, restaurants that possess licenses as allowed by*
389 *section 6-60 may permit patrons to bring, possess, and consume bottles of wine that are*
390 *owned by the patrons into the premises pursuant to the conditions set forth in section 6-60.*

391
392
393 **Brown bag establishment** means any restaurant, music hall, theater, or other establishment
394 providing food or entertainment in the normal course of business, and in which the owners or
395 their agents knowingly allow patrons to bring in and consume the patrons' own alcoholic
396 beverages.

397
398 **Wine tasting** means an instructional or educational promotion in a an establishment
399 licensed for the retail sale of wine in original packages and not for consumption on the
400 premises.

401
402 **Brewpub** means any restaurant in which beer or malt beverages are manufactured or
403 brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail
404 consumption on the premises and solely in draft form.

405
406 **Sec. 4-276. - Ancillary wine tasting license.**

407 *(a) The holder of a package wine license, with or without a package malt beverage license,*
408 *but in no event with a package distilled spirits license, with licensed premises having a*
409 *minimum of 200 square feet of floor space dedicated to the display of wine offered for sale,*
410 *shall be eligible for an ancillary wine tasting license to provide samples of wine offered for*
411 *sale to customers under the conditions set forth in this section.*

412 *(b) Wine sampling shall be on limited occasions when a customer requests a sample of a wine*
413 *offered for sale within the premises, or in conjunction with wine education classes and*
414 *sampling designed to promote wine appreciation and education.*

415 *(c) Wine tasting for customers shall only be conducted at a wine counter area constituting no*
416 *more than ten percent of the entire floor area of the premises.*

417 *(d) Wine sampling for customers shall be limited to no more than one time per day per*
418 *customer for a period not to exceed two consecutive hours. Samples shall not exceed two*
419 *ounces, and no customer shall consume more than eight ounces in any two-hour period.*

420 *(e) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be*
421 *poured by the licensee and/or an employee.*

422 *(f) No open containers of wine shall be removed from the licensed premises.*

423 *(g) Not more than three times per week for a period of not to exceed two consecutive hours,*
424 *the holder of an ancillary wine tasting license may conduct educational classes and sampling*
425 *for classes. All conditions of sampling set forth in this section shall apply to such classes,*
426 *except for the limitation on floor areas where the classes can be conducted.*

427 *(h) Holders of an ancillary wine tasting permit shall not charge for samples or tastings, but*
428 *may accept donations for a charitable organization of their choice.*

429 *(i) Wine sampling and tasting is only permitted within the enclosed portion of the premises.*

430 *(j) The annual fee for an ancillary wine tasting license shall be set and may be revised by*
431 *resolution of the city council.*

432

433 **Sec. 10-129. - Wine tastings.**

434 Upon filing an application and payment of a filing fee of \$100.00 and a permit fee of
435 \$250.00 per day and after investigation by the department of police and review by the
436 license review board, the mayor may issue a permit to a licensed retail package wine dealer
437 or licensed wine wholesaler to hold a wine tasting. The permit shall allow the applicant to
438 provide samples of wine to the public for consumption at a location which meets legal
439 requirements for on-premises consumption, under the following conditions:

440

441 (1) The applicant for a wine tasting must hold a valid current wine license in the state.

442 (2) No wine tasting may be conducted on the premises of any place of business licensed to
443 sell distilled spirits in the unbroken container at retail.

444 (3) No permit to conduct a wine tasting will be issued to conduct a wine tasting on the
445 premises of a malt beverage and wine store operating in connection with a licensed retail
446 liquor store.

447 (4) Wine tastings may only be conducted in connection with an instructional or educational
448 promotion.

449 (5) All wines secured for tasting purposes must be obtained through a retail or wholesale
450 wine outlet.

451 (6) Any advertising of such wine tasting must receive prior approval from the
452 commissioner of the state department of revenue.

453 (7) Wine tastings must comply with all laws and regulations otherwise pertaining to the
454 sale and distribution of alcoholic beverages in the state.

455 (8) No wine tasting shall last more than two days, and no applicant may hold more than
456 two wine tastings per year.

457 (9) The permit will allow tasting of wine beyond the premises described in the annual
458 license only in the area specifically described in the application and only during the time
459 set out in the permit.

460 (10) The application for such permit must have been filed with the department of police at
461 least 30 days prior to the date of the wine tasting.

462 (11) All applicants and permit holders must comply with all state statutes and sections of
463 this Code and other city ordinances concerning alcoholic beverages, including but not
464 limited to those dealing with hours of operation, zoning and distance requirements.

465 (12) This section shall not apply to licensed wine specialty shops that hold an annual
466 license pursuant to section 10-60(a)(1)(c) of this Code.

467

468

469
470 **Sec. 4-277. - Ancillary malt beverage tasting license.**
471 *(a) The holder of a package malt beverage license, with or without a package wine license,*
472 *but in no event with a package distilled spirits license, with licensed premises having a*
473 *minimum of 400 square feet of floor space dedicated to the display of malt beverages offered*
474 *for sale or which is authorized pursuant to section 4-278 to sell growlers, shall be eligible for*
475 *an ancillary malt beverage tasting license to provide samples of malt beverages offered for*
476 *sale to customers under the conditions set forth in this section.*
477 *(b) Malt beverage sampling shall be on limited occasions when a customer request a sample*
478 *of a malt beverage offered for sale within the premises, or in conjunction with malt beverage*
479 *education classes and sampling designed to promote malt beverage appreciation and*
480 *education.*
481 *(c) Malt beverage tasting for customers shall only be conducted at a counter area constituting*
482 *no more than ten percent of the entire floor area of the premises.*
483 *(d) Malt beverage sampling for customers shall be limited to no more than one time per day*
484 *per customer for a period not to exceed two consecutive hours. Samples shall not exceed two*
485 *ounces, and no customer shall consume more than eight ounces in any two-hour period.*
486 *(e) Only the licensee or an employee shall open and handle unpackaged malt beverages, and*
487 *samples shall only be poured by the licensee and/or an employee.*
488 *(f) No open containers shall be removed from the licensed premises.*
489 *(g) Not more than three times per week for a period not to exceed two consecutive hours, the*
490 *holder of an ancillary malt beverage tasting license may conduct educational classes and*
491 *sampling for class participants. All conditions of sampling set forth in this section shall apply*
492 *to such classes, except for the limitation on floor areas where the classes can be conducted.*
493 *(h) Holders of an ancillary malt beverage tasting license shall not charge for samples or*
494 *tastings, but may accept donations for a charitable organization of their choice.*
495 *(i) Malt beverage sampling and tasting is only permitted within the designated interior*
496 *portion of the premises.*
497 *(j) The annual fee for an ancillary malt beverage tasting license shall be set, and may be*
498 *revised, by resolution of the city council.*

499
500 **Sec. 4-278. - On-premises consumption unlawful; growlers.**

501 *(a) Except as provided in section 4-279, it shall be unlawful for any person to consume any*
502 *alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package.*
503 *It shall be unlawful for any retail package licensee to open or break the package of any*
504 *alcoholic beverages for a purchaser or to permit the consumption of alcoholic beverages on*
505 *the licensed premises. This section shall not apply with respect to:*
506 *(1) Tastings provided pursuant to an ancillary wine tasting license;*
507 *(2) Tastings provided pursuant to an ancillary malt beverage tasting license; or*
508 *(3) Sales pursuant to a license for consumption on the premises.*
509 *(b) Notwithstanding the foregoing prohibition, package malt beverage licensees, who are*
510 *not also licensed to sell distilled spirits by the package, may fill growlers with draft beer at*
511 *the licensee's licensed location from kegs lawfully procured by the licensee, subject to the*
512 *following requirements:*
513 *(i) The filled growler must be securely sealed, on premises, with a tamper proof plastic cap;*

514 (ii) Either at least 90 percent of the licensee's total gross sales are from the packaged sale
515 of malt beverages and/or wine or the licensee's premises have a minimum of 400 square
516 feet of floor space dedicated to the display of malt beverages offered for sale; and
517 (iii) The licensee complies with all state, federal and local packaging and labeling laws
518 regarding alcoholic beverages.
519 Each filled growler must be removed from the premises in its securely sealed condition.
520 Except as provided in subsection (a) of this section, consumption on the premises shall be
521 prohibited.

522
523

524 **Sec. 4-279. - Craft beer market.**

525 (a) No person shall be permitted to own or operate a craft beer market without obtaining
526 from the finance director as provided in this Code for both a retail package sales of malt
527 beverages license and an ancillary tasting license.

528 (b) Notwithstanding any other provision of this Code or the Code of Ordinances for the city
529 generally, a craft beer market shall be authorized to sell samples of draft beer and pints to
530 patrons over the age of 21 years. Samples shall not exceed four ounces in volume, pints shall
531 not exceed 16 ounces, and beers having an alcohol content in excess of six percent alcohol by
532 volume shall not exceed ten ounces. One individual shall not be offered more than a total of 32
533 ounces within a 24-hour period.

534 (c) A craft beer market or growler shop may, but is not required, to serve food, so long as the
535 establishment complies with all other provisions of the city Code and such food service is
536 properly permitted by the city.

537 (d) A craft beer market or growler shop that offers for sale samples or pints shall be exempt
538 from the definitions of restaurants and late night establishments in chapter 27.

539 (e) Employees of a craft beer market that offers for sale samples or pints as defined in this
540 section shall obtain and the licensee shall maintain on premises an employee license as
541 required in section 4-185.

542
543

544 **Sec. 10-72. - Clear view of entrance and interior** of licensed premises; lighting; sale to
545 public by private clubs.

546 (a) No licensee for the sale of alcoholic beverages by the package shall operate unless the
547 front entrance to the licensed premises is clearly visible from the public street; provided
548 however, this shall not apply where the licensee is a hotel, motel, private club or is located
549 in a shopping center or multiple-story business building.

550 (b) No screen, blind, curtain, partition, article or thing preventing a clear view into the
551 interior shall be permitted in the window or upon the doors of any retail store for the sale
552 of alcoholic beverages by the package, and no booth, screen, partition or other obstruction
553 shall be permitted within the interior of the store. Each store shall be so lighted that the
554 interior of the store is visible day and night.

555 (c) Private clubs which have been granted licenses under this division to sell distilled
556 spirits at retail by the package shall not have an outside or street entrance for the retail
557 outlet to sell to the general public and shall not make any sales to any member of the
558 general public who is not a member of the private club.

559

560 **Sec. 10-126. - Temporary permit for special events.**

561 (a) Upon the filing of an application and payment of a filing fee of \$100.00 and a permit fee of
562 \$500.00 per day, up to a maximum of \$2,000.00, and after investigation by the department of
563 police and review by the license review board, the mayor may issue a permit to an individual
564 or organization for the sale of alcoholic beverages for consumption on the premises only
565 during a special event under the following conditions:

566 (1) The applicant must already hold an annual license for the sale of alcoholic beverages for
567 on-premises consumption.

568 (2) The permit will allow sale of alcoholic beverages beyond the premises described in the
569 annual license only in the area specifically described in the application and only during the
570 special event named.

571 (3) Food must be served during any period of time that alcoholic beverages are served.

572 (4) The application for such permit must have been filed with the department of police at
573 least 30 days prior to the date of the special event.

574 (5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday
575 through Saturday. Alcoholic beverages may be sold on Sundays pursuant to this section
576 between the hours of 12:30 p.m. and 11:00 p.m. in public stadiums, coliseums and auditoriums
577 with a seating capacity in excess of 3,500 persons and in eating establishments. As used in this
578 subsection, the term "eating establishment" means an establishment which is licensed to sell
579 distilled spirits, malt beverages or wines and which derives at least 50 percent of its total
580 annual gross food and beverage sales from the sale of prepared meals or food in accordance
581 with O.C.G.A. § 3-3-7.

582 (6) All applicants and permit holders must comply with all state statutes governing the sale of
583 alcoholic beverages and all sections of this Code and other city ordinances governing such
584 sales, including but not limited to sections of this Code and other ordinances relating to the
585 hours of operation, distance requirements and the permit requirements for employees
586 contained in section 10-206.

587 (7) Each special event shall last a maximum of seven consecutive days, and no more than two
588 special event permits shall be issued to any applicant in any calendar year.

589 (b) A special event permit may be immediately revoked by the police chief for due cause for a
590 violation of this chapter which results in an emergency situation in which continued
591 operation of the premises by the licensee endangers the health, welfare or safety of the public.

592

593 **Sec. 10-128. - Approved outdoor festivals.**

594 (a) Whenever an application is made for an outdoor festival permit pursuant to chapter 138,
595 article VI, an application may be made pending approval of the festival permit for a special
596 permit pursuant to this section to sell alcoholic beverages for on-premises consumption at a
597 specified location and time in connection with such festival. The location and time specified
598 must be at the place and time specified in the festival permit application. A special permit may
599 be issued under this section only after the festival permit has been issued. Such permits may be
600 issued to the following:

601 (1) Any natural person holding a license from the city for on-premises consumption of
602 alcoholic beverages simply by payment of the fee provided for in subsection (b) of this section,
603 without further review or approval. Festival organizers may contract with any such license
604 holder for this purpose.

605 (2) Any natural person listed as one of the applicants or officers of an organization applying
606 for an outdoor festival permit, provided such person shall comply with all other sections of
607 this Code for the issuance of licenses for on-premises consumption of alcoholic beverages,
608 including review by the license review board.

609 (b) Applicants approved to sell alcoholic beverages at outdoor festivals pursuant to this
610 section shall pay a special license fee of \$50.00 per day for malt beverages and wine and
611 \$50.00 per day for distilled spirits per sales location for each calendar day of the festival.

612
613

614 **Sec. 10-130. - Home-brew special events.**

615 (a) Upon filing an application and payment of a fee of \$50.00 and after review by the license
616 review board, the mayor may issue a permit authorizing home-brew special events (including
617 contests, tastings, and judgments) wherein malt beverages produced by a person in his or her
618 private residence in accordance with O.C.G.A. § 3-5-4, may be transported and delivered in
619 accordance with O.C.G.A. § 3-5-4(c).

620 (b) The application for such permit must have been filed with the License and Permits Unit of
621 the Atlanta Police Department at least 30 days prior to the date of the special event.

622 (c) Not more than six permits may be issued pursuant to this section to an individual,
623 organization or entity in any one calendar year.

624 (d) Subject to the City of Atlanta's zoning ordinances, permits issued pursuant to this section
625 may be issued for locations not otherwise licensed under this title and shall be valid only for
626 the location specified in the permit.

627 (e)(1) Consumption of malt beverages at home-brew special events is limited solely to malt
628 beverages produced pursuant to O.C.G.A. § 3-5-4.

629 (2) Malt beverages produced pursuant to O.C.G.A. § 3-5-4 shall only be consumed by the
630 participants in and judges of the home-brew special event, and may not be sold, offered for
631 sale, or made available for consumption by the general public.

632

633 **Sec. 6-16. - License and certain Code provisions to be posted.**

634 (a) Licenses to be kept in plain view. All alcoholic beverages licenses issued by the city shall
635 include a statement as to the type of license issued, the name of the licensee, the name of
636 the licensed establishment, and the address of the licensed establishment. All licenses
637 issued shall, at all times, be kept plainly exposed to view within the premises.

638 (b) Posting of approved sign. All licensees shall post in a prominent location on licensed
639 premises, in a manner whereby it may be easily viewed by patrons, an approved sign
640 setting forth or summarizing the laws of the city and the state in regard to the sale of
641 alcoholic beverages to underaged or intoxicated persons.

642 (c) Size of sign; contents. Each such sign shall be of a size and configuration approved by
643 the city manager, and shall include either the language of the applicable Code sections, or
644 summaries approved by the city manager.

645 (d) Price of signs. The city manager is authorized to design and have printed approved
646 signs, which shall be made available to licensees at a price to be established by the city
647 manager.

648

649 **Sec. 4-244. - Coin-operated or amusement machines.**

650 *No retail dealer in liquors shall permit on the premises any slot machine of any kind or*
651 *character or any coin-operated machine or any machine operated for amusement purposes.*
652 *However, cigarette vending machines may be permitted.*
653

654 **Sec. 4-136. - Happy hour promotions.**

655 (a) No licensee under this division or employee or agent of a licensee shall in connection
656 with the sale or other disposition of alcoholic beverages for consumption on the premises
657 engage in selling, offering to sell, or delivering to any person or persons any alcoholic
658 beverage at a price less than one-half the price customarily charged for such alcoholic
659 beverage, provided nothing contained herein shall be construed to prohibit reducing the
660 price of a drink or drinks by up to one-half the price customarily charged.

661 (b) In this section, the term "customarily charged" means the price regularly charged for
662 such alcoholic beverage during the same calendar week.
663

664 **Current Hapeville Code:**

665

666 **Sec. 5-3-15. - Fee chart depending upon the licenses sought. Modified**

667 All fees established throughout this chapter shall be as set forth in the chart below.
668 Some fees may be cumulative depending upon the licenses sought. Where no fee is
669 specifically set forth the fee shall be \$1,000.00. This fee schedule is subject to change
670 by ordinance adopted by the mayor and council. The most current duly adopted change
671 in the fees shall supersede any fee provision in this chapter.

Beer/Wine/Liquor—Retail, Wholesale, Manufacturer, Restaurant, Lounge, Hotel	\$5,000.00
Beer/Wine Only—Retail, Wholesale, Manufacturer, Restaurant, Lounge, Hotel	\$3,150.00
Liquor Only—Applicable Only to On-Premises Consumption Under 2,000 Square Feet/Open 6 Hours or Less in Day Licensees	\$3,000.00
Beer Only—Applicable Only to On-Premises Consumption Under 2,000 Square Feet/Open 6 Hours or Less in Day Licensees	\$1,600.00
Wine Only—Applicable Only to On-Premises Consumption Under 2,000 Square Feet/Open 6	\$1,600.00

Hours or Less in Day Licensees	
Growler License	\$1,600.00
On-Premises Arts License	\$250.00
Administration Fee	\$200.00
Handler Identification	\$25.00 (\$5.00 for each additional) and \$10.00 refundable deposit
Off-Premises and Special Events	\$50.00 annually
Late Fee	15% penalty for failure to pay amount when due and payable to city and interest at rate of 1% per month until paid

672

673 **Distance Restrictions;**

674

675 (a) *Prohibited locations.* It shall be prohibited to obtain a license for the **sale of malt**
676 **beverages** within the following areas of the city:

677 (1) Within any residential zoning district or other prohibited zoning district
678 established in the zoning ordinance.

679 (2) Within a measured 100 yards of any alcoholic treatment center owned and
680 operated by the state or any county or municipal government therein.

681 (3) Within a measured 100 yards of any school building, school ground, or
682 college campus.

683

684 (a) *Prohibited locations.* It shall be prohibited to obtain a license for a **package store**
685 within the following areas of the city:

686 (1) Within any residential zoning district or other prohibited zoning district as set
687 out in the zoning ordinance.

688 (2) Within a measured 100 yards of any church building.

689 (3) Within a measured 100 yards of any alcoholic treatment center owned and
690 operated by the state or any county or municipal government therein.

691 (4) Within a measured 200 yards of any school building, school ground, or
692 college campus.

693
694 (a) *Prohibited locations.* It shall be prohibited to obtain a license for **on-premises**
695 **consumption** within the following areas of the city:

696 (1) Within any residential zoning district or other prohibited district as set out in
697 the zoning ordinance.

698 (2) In any existing building or establishment having a history of, or reputation for,
699 prostitution or other sex offenses; fighting, shooting, stabbing or other violence;
700 gambling; illegal dealing in alcoholic beverages or drugs; or other violations of
701 the law relating to the sale or use of alcohol at the proposed location; or the
702 overtaking of existing city infrastructure and personnel.

703
704

705 **Sec. 5-5-19. - Number of package stores.**

706 The number of package stores selling malt beverages, wine, and liquor shall be
707 limited based upon population. Population shall be determined by the U.S. decennial
708 census. The census in effect for establishing enforcement of this section shall be the
709 U.S. census in effect at the adoption of this chapter until such time as a new U.S.
710 census is established. **There shall be no more than one package store outlet selling**
711 **malt beverages, wine, and liquor per 1,500 residents** of the city according to the U.S.
712 census.

713 **Sec. 5-6-2. - Regulations of restaurants; reporting food sales.**

714 (a) A restaurant holding an alcohol beverage license must **(i) be open to the public**
715 **at least six hours per day, serving at least two meals per day, with a minimum**
716 **serving time of three hours per meal; and (ii) serve meals at least six days a**
717 **week with the exception of weeks including holidays, vacations, and periods of**
718 **redecorating.** Before any repair, redecorating or any period of closure other than
719 nationally recognized or religious holidays, vacations or emergencies, such repair, or
720 redecorating shall require prereview and recommendation of the ARB.

721

722 Serving of alcoholic beverages at off-premises locations shall not be the principal
723 business of the restaurant and consumption on the premises shall only be incidental
724 thereto.

725 (b) **As used in this section, seating capacity shall mean that no more than 25**
726 **percent of such seating shall be at a common table or counter area or shall be**

727 **other than individual tables or booths designed for seating of at least two**
728 **individuals.**

729 **(c)The principle business of a restaurant shall be the sale of food. As used in**
730 **this section, principal business shall mean that at least 51 percent of the**
731 **receipts** of such business shall come from the sale of food. To be included in the
732 tabulation of receipts for the purpose of this calculation, are all receipts of all persons
733 laboring on the premises, including the services of all independent contractors,
734 performers, servers, entertainers, or other non-employee personnel not to include,
735 however, persons who are called to the premises from other licensed businesses to
736 perform services, repairs or construction on equipment or building premises. The
737 calculation of receipts for alcoholic beverages shall be made pursuant to the
738 regulations contained in this chapter. All restaurants shall submit a report to the ARB.
739 The report shall clearly indicate the sales receipts of the restaurant for food and the
740 sales receipts for alcoholic beverages. The report shall be post marked on or before
741 the last day of the calendar month after the calendar quarter. For the purposes of
742 reporting, food shall be defined as all edible substances appropriate for human
743 consumption as determined by the health department inspecting the city's restaurants
744 and lounges as sold or provided to the public in a restaurant as defined in the Code.
745 Food shall not be construed to mean: olives, cherries, limes, lemons, salt, pepper,
746 pineapples, celery, tomato juice, or any other fruit, vegetable or dairy product such as
747 ice cream, cream, yogurt, milk or soft drinks, water, tonic water, other non-alcoholic
748 carbonated or non-carbonated beverages when such items are used in alcoholic
749 beverages or mixed drink as a essential part of the beverage, mixed drink, or as a
750 garnish thereon. As used in this section, restaurants must prove that at least 51
751 percent of the receipts of such business shall come from the sale of food. To be
752 included in the tabulation of receipts for the purpose of this calculation are all receipts
753 of all persons laboring on the premises, including the services of all independent
754 contractors, performers, servers, entertainers, or other non-employee personnel not
755 to include, however, persons who are called to the premises from other licensed
756 businesses to perform services, repairs, or construction on equipment or building
757 premises.

758 **(d)For purposes of this section, the calculation of receipts for alcoholic beverages**
759 **shall be made pursuant to these regulations. If a restaurant fails to report food sales**
760 **receipts of at least 51 percent as calculated herein and as defined herein after one**
761 **quarter of a calendar year of reporting such failure shall be considered cause for**
762 **suspension, probation, revocation or other appropriate action under this chapter. The**
763 **reports described herein shall be in a form recognized by certified public accountants**
764 **and shall utilize common and generally recognized accounting principles and shall be**
765 **submitted under oath. Those submitting the reports shall be prosecuted for fraudulent**
766 **statements under O.C.G.A. § 16-10-20 by a court of competent jurisdiction, if such**
767 **reports are not true. For the purposes of determining whether a restaurant is qualified**
768 **to be open during December and on January 1 of each year the preceding one**

769 quarter receipts shall be utilized in making such determinations, unless such business
770 is new and had not been open long enough to provide the monthly reports required
771 herein. Where the business has not been open long enough to provide the quarterly
772 reports, then such reports as are available shall be used by the ARB to determine if
773 the business shall be allowed to operate in December and on January 1 each year. If
774 no quarterly reports are available, whatever sales receipts for daily sales from the
775 outset of the business will be submitted to the ARB for review in order to make the
776 determination. Suspension, probations, revocations, or other actions based solely on
777 food sales receipts will not occur until after three months receipts have been
778 submitted. However, in this section nothing shall prohibit actions under this chapter or
779 for other violations of local ordinances or state or federal law.

780

781 **Sec. 5-6-1. - Regulation of lounges; reporting food sales.**

782 *Lounge* means a separate room connected with, a part of, and adjacent to, a restaurant
783 or room located in a hotel as defined herein with all booths, stools, and tables being
784 open and unobstructed to the view of any other customers in such lounge, or the
785 manager thereof.

786

787 (a) All lounges shall submit a quarterly report to the ARB. The report shall clearly
788 indicate the sales receipts of the lounge for food and the sales receipts for alcoholic
789 beverages. The report shall be sworn to. The report shall be post marked on or before
790 the last day of the calendar month after the calendar quarter. For the purposes of
791 reporting, food shall be defined as all edible substances appropriate for human
792 consumption as determined by the health department inspecting the city's restaurants
793 and lounges as sold or provided to the public in a restaurant as defined in this
794 chapter. Food shall not be construed to mean: olives, cherries, limes, lemons, salt,
795 pepper, pineapples, celery, tomato juice, or any other fruit, vegetable or dairy product
796 such as ice cream, cream, yogurt, milk or soft drinks, water, tonic water, other non-
797 alcoholic carbonated or non-carbonated beverages when such items are used in
798 alcoholic beverages or mixed drink as a essential part of the beverage, mixed drink,
799 or as a garnish thereon. As used in this section, lounges must prove that at least 51
800 percent of the receipts of such business shall come from the sale of food. To be
801 included in the tabulation of receipts of all persons laboring on the premises, including
802 the services of all independent contractors, performers, servers, entertainers, or other
803 non-employee personnel not to include, however, persons who are called to the
804 premises from other licensed businesses to perform services repairs or construction
805 on equipment or building premises.

806 (b) For purposes of this section, the calculation of receipts for alcoholic beverages
807 shall be made pursuant to the scheduling of pricing and the regulations contained in
808 this chapter. If a lounge fails to report food sales receipts **of at least 51 percent as**
809 calculated herein and as defined herein after one quarter of a calendar year of
810 reporting such failure shall be considered cause for probation, suspension, revocation

811 or other appropriate action. The reports described herein shall be in a form
812 recognized by certified public accountants and shall utilize common and generally
813 recognized accounting principles and shall be submitted under oath. Those
814 submitting the reports shall be prosecuted for fraudulent statements under O.C.G.A. §
815 16-10-20 in a court of competent jurisdiction, if such reports are not true. For the
816 purposes of determining whether a lounge is qualified to be open during December
817 and on January 1 of each year the preceding quarter's receipts shall be utilized on
818 making such determination, unless such business is new and had not been open long
819 enough to provide the quarterly reports required herein. Where the business has not
820 been open long enough to provide quarterly reports, then such reports as are
821 available shall be used by the ARB to determine if the business shall be allowed to
822 operate in December and on January 1 each year. If no quarterly reports are
823 available, whatever sales receipts for daily sales from the outset of the business will
824 be submitted to the ARB for review in order to make the determination. In such cases,
825 suspension, probations, revocations, or other actions based solely on food sales
826 receipts will not occur until after three months of receipts have been submitted.
827 However, nothing in this section shall prohibit actions under this chapter for other
828 violations of local ordinances or state or federal law.

829
830 **Sec. 5-6.1-1. - Regulation of on-premises consumption establishments under**
831 **2,000 square feet/open less than six hours in day.**

832 (a) This article applies only to on-premises consumption establishments under 2,000
833 square feet (including any outside serving area) that are open to the public six
834 consecutive hours or less in a day.

835 (b) Only on-premises consumption establishments under 2,000 square feet (including
836 any outside serving area) that are open to the public six consecutive hours or less in
837 a day may obtain an on-premises consumption under 2,000 square feet/open six
838 hours or less in day license.

839 (c) All provisions set forth in article 6 shall apply fully to on-premises consumption
840 under 2,000 square feet/open six hours or less in day licensees, except such
841 licensees shall only be required to:

- 842 (1) Serve one meal per day;
843 (2) Be open for service five days a week; and
844 (3) Have at least 40 percent of its receipts come from the sale of food. (Ord. No.
845 2011-15, § 6, 12-6-2011)

846
847

848 **Sec. 5-6-3. - On-premises consumption regulations generally.**

849 (a) The building or proposed building where pouring will take place shall meet all
850 requirements of the building inspector, the fire marshal, the traffic engineer, and

851 planning and zoning coordinator and shall comply with other ordinances of the city for
852 zoning, storage, parking, buffers and other issues.

853 (b) No pouring of liquor, malt beverages, or wine, or any other on-premises alcohol
854 service shall be permitted between the hours of 3:00 a.m. and 8:00 a.m.

855 (c) In addition to the prohibition set forth in subsection (b), no pouring of liquor, malt
856 beverages, or wine, or any other on-premises alcohol service shall be permitted on
857 Sundays between the hours of 8:00 a.m. and 12:30 p.m.

858 (d) In no event shall drinks be mixed or sold, nor malt beverages sold, during the
859 prohibited hours, based upon the timely sale of tickets, chits, decanters or other
860 devices.

861 (e) No location manager, nor other employee of a location, shall permit violations of
862 subsections (b) through (d).

863 (f) On-premises consumption licensees may sell malt beverages by the pitcher, or
864 wine by the bottle or decanter.

865 (g) Hotels shall have the privilege of granting franchises for the operation of a lounge
866 or restaurant in their premises, provided the hotel and the franchisee meet all the
867 requirements of this chapter.

868 (h) It shall be unlawful for any person to employ knowingly in any pouring outlet in any
869 capacity whatsoever, including performers, entertainers and musicians, any person
870 who has plead guilty or has been convicted of soliciting for prostitution, pandering,
871 letting premises for prostitution, keeping a disorderly place, illegally dealing in drugs,
872 sex offenses or for any charge relating to the manufacture or sale of intoxicating
873 liquors, other alcohol related offenses or for violations of local other jurisdictions
874 ordinances regarding alcoholic beverages within the last five years prior to the
875 application.

876 **(i) It shall be the duty of the management of a pouring outlet to maintain a copy**
877 **of this chapter at the outlet and to instruct each employee on its terms.**

878 (j) The state law and regulations relating to the sale of beer, wine, and distilled spirits,
879 as revised, promulgated by the state department of revenue, and especially as
880 related to retail sale for consumption on premises are hereby incorporated into and
881 made a part of this article as if fully set out in this section.

882 (k) A on-premises consumption licensee shall make immediate report to the ARB of
883 any change in the interests in or ownership of the pouring outlet and/or any change in
884 the information as stated in the original application for license.

885 (l) The sale of alcoholic beverages for consumption by persons in any back room or
886 side room which is not open to general public use is prohibited, except that private
887 parties or conventions, which have been scheduled in advance, may be served in
888 public or private dining rooms or meeting rooms, and, provided further that this
889 prohibition shall not apply to the sale of alcoholic beverages for consumption
890 hereunder to the registered guests of any hotel in their designated rooms.

891 **(m) It shall be unlawful for any sales to be made outside of the building,**
892 **premises or place of business licensed for such sale except as permitted**
893 **herein.**

894 **(n) Serving standing patrons is discouraged. The purpose of this section being**
895 **the prohibition of bars and the encouragement of restaurants within the city.**
896 **However, 25 percent of all patrons may be served while standing when waiting**
897 **for seating as long as the maximum occupancy capacity of the premises is not**
898 **violated;** and such standing does not create a fire safety or violation under National
899 Fire Protection Association (NFPA) standard code as adopted by the city. The
900 determination of 75 percent seating shall be based upon the required seating in the
901 facility mandated by the NFPA standard.

902 **(o) All sales shall be made in bar glassware and no sales shall be made in paper**
903 **cups** or any other temporary-type receptacle, nor shall any sale be made by the
904 package, except that hotels may provide such sales for their guest for service in their
905 room.

906 **(p) All licensees hereunder shall display in prominent places their current prices of**
907 **alcoholic beverages, also minimum, admission and cover charges. The licensee shall**
908 **file a copy of same with the ARB and shall furnish to any customer that so desires an**
909 **itemized bill of charges which shall not exceed the price list furnished to the ARB.**
910 **Upon any increase or decrease of prices, a new list must be filed with the ARB.**

911 **(q) No licensee or employee or agent of a licensee shall engage in any of the**
912 **following practices in connection with the sale or other disposition of alcoholic**
913 **beverages for consumption on the premises:**

914 **(1) The giving away of any alcoholic beverage in conjunction with the sale**
915 **of any other alcoholic beverage;**

916 **(2) The sale of two or more alcoholic beverages for a single price, including**
917 **the sale of all such beverages a customer can or desires to drink at a single**
918 **price;**

919 **(3) The sale or serving of two or more alcoholic beverages at substantially**
920 **the same price customarily charged for one such alcoholic beverage;**

921 **(4) Requiring or allowing the purchase of a second or subsequent alcoholic**
922 **beverage a the same time another alcoholic beverage is purchased or**
923 **before the first such beverage has been substantially consumed, by any**
924 **one person;**

925 **(5) The sale or delivery to any person or group of persons of an unlimited**
926 **number of alcoholic beverages during any set period of time for a fixed**
927 **price, except at private functions not open to the public; or**

928 **(6) Increase the volume of alcohol contained in a drink without increasing**
929 **proportionately the price regularly charged for such alcoholic beverage.**

930 **(r) No licensee shall advertise or promote in any way, whether within or without the**
931 **licensed premises, any of the practices prohibited under subsection (q) above.**

932 (s) No provision of this section shall be construed to prohibit a licensee from offering
933 free food or entertainment at any time; or to prohibit the licensee from including an
934 alcoholic beverage as a part of a meal package; or to prohibit the sale or delivery of
935 wine by the bottle or carafe when sold with meals; or to prohibit any hotel or motel
936 from offering room service or a complimentary social hour to its registered guests.

937 **(t) No on-premises consumption license establishment may allow BYOB on the**
938 **licensed premises.**

939 (u) All on-premises consumption licenses shall collect and pay a tax of three percent
940 on the sale of alcoholic beverages by the drink in the city in accordance with chapter
941 17, article 6 of the Hapeville Code of Ordinances.

942

943 **Sec. 5-6-4. - Entertainment at pouring outlets.**

944 (a) Bands or orchestras and patron dancing shall be permitted at on-premises
945 consumption locations if the following conditions are met:

946 (1) Where adequate space exists after consideration of required NFPA
947 occupancy and seating;

948 (2) Where all fire and safety regulations are met; and

949 (3) Where the appropriate license fee has been fully paid.

950 (b) If an on-premises consumption location provides music, dancing or other
951 entertainment provisions for such security attendance and protection as, in the
952 opinion of the chief of police, are adequate to meet the need therefore can be
953 recommended to the licensee by the ARB.

954

955

Chapter 5 - ALCOHOLIC BEVERAGES

ARTICLE 2. - LICENSING GENERALLY

Sec. 5-2-1. - Licenses required. modified

Sec. 5-2-2. - Number of licenses.

Sec. 5-2-3. - Visibility.

ARTICLE 3. - DEFINITIONS APPLICABLE TO ALL CLASSES

Sec. 5-3-1. - Definitions. modified

Sec. 5-3-2. - Regulations applicable to all classes.

Sec. 5-3-3. - Drinking alcoholic beverages by licensees, managers, and employees while on duty at locations. modified

Sec. 5-3-4. - Furnishing alcoholic beverages to and purchase and possession of alcoholic beverages by persons under 21 years of age, violation; jurisdiction.

Sec. 5-3-5. - Sale of intoxicating beverages where firearms and weapons are sold.

Sec. 5-3-6. - Exception of operating prior to July 1, 1981.

Sec. 5-3-7. - Violations; punishment.

Sec. 5-3-8. - ARB establishment; composition.

Sec. 5-3-9. - Staff and advisors; duties.

Sec. 5-3-10. - Powers and duties.

Sec. 5-3-11. - Identification cards for handlers of alcoholic beverages; possession of employee identification cards; application to police department; fingerprinting; photographing; employment of person without card; expiration. modified

Sec. 5-3-12. - Prohibition of certain types of entertainment, attire and conduct.

Sec. 5-3-13. - Timing of ARB recommendation.

Sec. 5-3-14. - Violations.

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ARTICLE 4. - RETAIL BEER/WINE STORES

16

Sec. 5-4-1. - Retail sales generally of beer and/or wine from stores.

Sec. 5-4-2. - Required.

Sec. 5-4-3. - Separate license for each retail beer/wine store; surrender.

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Sec. 5-4-6. - Sham applicant; de facto applicant or location manager.

Sec. 5-4-7. - Surveyor's certificate containing false information.

Sec. 5-4-8. - Advertisement; proof thereof.

Sec. 5-4-9. - Action by ARB and city council. modified

Sec. 5-4-10. - Approval of application; expiration in 90 days; extension for cause.

Sec. 5-4-11. - Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application subject matter being litigated.

Sec. 5-4-12. - Considerations and guidelines for grant or denial.

Sec. 5-4-13. - Prohibited locations; prohibited persons; incomplete application.

Sec. 5-4-14. - Becoming a prohibited person.

Sec. 5-4-15. - Renewal; denial of renewal.

Sec. 5-4-16. - Revocation, refusal to renew, suspension, probation.

Sec. 5-4-17. - Changes of circumstances.

Sec. 5-4-18. - No broken packages.

Sec. 5-4-19. - Reserved.

ARTICLE 5. - PACKAGE STORES

24

Sec. 5-5-1. - General regulations.

Sec. 5-5-2. - Required.

Sec. 5-5-3. - Separate license for each outlet; surrender.

Sec. 5-5-4. - Classification of licenses; fees.

Sec. 5-5-5. - Initial application for license.

Sec. 5-5-6. - Sham applicant; de facto applicant or location manager.

Sec. 5-5-7. - Surveyor's certificate containing false information.

Sec. 5-5-8. - Advertisement; proof thereof.

Sec. 5-5-9. - Action by ARB and council.

Sec. 5-5-10. - Approval of application; expiration in 90 days; extension for cause.

Sec. 5-5-11. - Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application subject matter of which is being litigated.

Sec. 5-5-12. - Considerations and guidelines for grant or denial.

Sec. 5-5-13. - Prohibited locations, prohibited persons, incomplete application.

Sec. 5-5-14. - Becoming a prohibited person.

Sec. 5-5-15. - Renewal; denial of renewal.

Sec. 5-5-16. - Revocation, refusal to renew, suspension, probation.

Sec. 5-5-17. - Changes of circumstances.

Sec. 5-5-18. - No broken packages.

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ARTICLE 6. - ON-PREMISES CONSUMPTION

32

Sec. 5-6-1. - Regulation of lounges; reporting food sales.

Sec. 5-6-2. - Regulations of restaurants; reporting food sales.

Sec. 5-6-3. - On-premises consumption regulations generally.

Sec. 5-6-4. - Entertainment at pouring outlets.

Sec. 5-6-5. - Off-premises and special event licenses. modified

Sec. 5-6-6. - General regulations.

Sec. 5-6-7. - Required.

Sec. 5-6-8. - Separate license for each location; surrender.

Sec. 5-6-9. - License for on-premises consumption; fee.

Sec. 5-6-10. - Contents.

Sec. 5-6-11. - Sham applicant; de facto applicant or location manager.

Sec. 5-6-12. - Surveyor's certificate containing false information.

Sec. 5-6-13. - Application, qualification; regulation.

Sec. 5-6-14. - Action by ARB and city council.

Sec. 5-6-15. - Approval of application; expiration in 90 days; extension for cause.

Sec. 5-6-16. - Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application where subject matter being litigated.

Sec. 5-6-17. - Considerations and guidelines for grant or denial.

Sec. 5-6-18. - Prohibited locations, prohibited persons, incomplete application.

Sec. 5-6-19. - Becoming a prohibited person.

Sec. 5-6-20. - Renewal; denial of renewal.

Sec. 5-6-21. - Revocation, refusal to renew, suspension, probation.

Sec. 5-6-22. - Effect of changes of circumstances on application.

Sec. 5-6-23. - Private clubs.

ARTICLE 6.1. ON-PREMISES CONSUMPTION UNDER 2,000 SQUARE FEET/OPEN

ARTICLE 6.1. - ON-PREMISES CONSUMPTION UNDER 2,000 SQUARE FEET/OPEN SIX HOURS OR LESS IN DAY

Sec. 5-6.1-1. - Regulation of on-premises consumption establishments under 2,000 square feet/open less than six hours in day.

44

ARTICLE 6.2. - ON-PREMISES ARTS LICENSES

Sec. 5-6.2-1. - Regulation of on-premises arts licenses. added

44

ARTICLE 6.3. - GROWLERS

45

Sec. 5-6.3-1. - Growler license. added

Sec. 5-6.3-2. - General regulations. added

Sec. 5-6.3-3. - Required. added

Sec. 5-6.3-4. - Separate license for each growler store; surrender. added

Sec. 5-6.3-5. - Applications for growler license. added

Sec. 5-6.3-6. - Sham applicant; de facto applicant or location manager. added

Sec. 5-6.3-7. - Surveyor's certificate containing false information. added

Sec. 5-6.3-8. - Advertisement; proof thereof. added

Sec. 5-6.3-9. - Action by ARB and city council. added

Sec. 5-6.3-10. - Approval of application; expiration in 90 days; extension for cause. added

Sec. 5-6.3-11. - Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application subject matter being litigated. added

Sec. 5-6.3-12. - Considerations and guidelines for grant or denial. added

Sec. 5-6.3-13. - Prohibited locations; prohibited persons; incomplete application. added

Sec. 5-6.3-14. - Becoming a prohibited person. added

Sec. 5-6.3-15. - Renewal; denial of renewal. added

Sec. 5-6.3-16. - Revocation, refusal to renew, suspension, probation. added

Sec. 5-6.3-17. - Changes of circumstances. added

ARTICLE 7. - TAXES AND REPORTS

Sec. 5-7-1. - Rate of taxation for malt beverages.

Sec. 5-7-2. - Method of payment.

Sec. 5-7-3. - Payment of tax; report.

Sec. 5-7-4. - Right to audit.

Sec. 5-7-5. - Failure to make timely report; penalty.

Sec. 5-7-6. - Payment of fee to wholesaler; payment revocable.

Sec. 5-7-7. - Sale prohibited when tax not paid.

Sec. 5-7-8. - Rate of taxation for liquor.

Sec. 5-7-9. - Method of payment.

Sec. 5-7-10. - Summary of purchase invoices.

Sec. 5-7-11. - Right to audit, failure to timely report; penalty.

Sec. 5-7-12. - Payment of fee to distributor; payment revocable.

Sec. 5-7-13. - Rate of taxation for wine.

Sec. 5-7-14. - Method of payment.

Sec. 5-7-15. - Summary of purchase invoices.

Sec. 5-7-16. - Right to audit, failure to timely report; penalty.

Sec. 5-7-17. - Payment of fee to wholesaler; payment revocable.

Sec. 5-7-18. - Tax on alcoholic beverages on-premises for consumption.

ARTICLE 8. - ART GALLERY ALCOHOL PERMIT

Sec. 5-8-1. - Applicability. **added**

Sec. 5-8-2. - Regulations. **added**



1 Sec. 5-2-1. - Licenses required.

- 2 (a) Purpose. The businesses of manufacturing, distributing, selling, handling and otherwise dealing in or
3 processing alcoholic beverages are privileges and not rights pursuant to O.C.G.A. § 3-3-1, and such
4 privileges shall not be exercised within the city limits without full compliance with the licensing,
5 regulatory, and revenue requirements of this chapter.
- 6 (b) Regulatory classes. The following regulatory classes are established:
7 (1) Retail beer/wine store;
8 (2) Package store;
9 (3) On-premises consumption;
10 (4) On-premises consumption under 2,000 square feet/open six hours or less in day;
11 (5) On-premises arts;
12 (6) Growler;
13 (7) Wholesale; and
14 (8) Manufacturing.
- 15 (c) Beer/wine wholesale and manufacture.
16 (1) The regulations for class retail beer/wine shall include requirements applicable to beer/wine
17 wholesale and manufacture except where more specifically set out hereinbelow.
18 (2) The regulations for class package store shall include requirements applicable to liquor
19 wholesale and manufacture except where more specifically set out hereinbelow.
- 20 (d) [Licenses.] Licenses are issued on a calendar-year basis; however, such license may be abandoned,
21 suspended, probated, or revoked as set forth in this chapter. Licenses may be issued at any time
22 during a calendar year for the remainder of the calendar year.
- 23 (e) Display of licenses. All holders of local and state alcohol beverages licenses shall prominently
24 display the same at the licensed location in an area accessible to city personnel. State licenses need
25 not be displayed if the state prohibits such display.

26 (Ord. No. 2002-14, § 1(9-1-7), 10-1-2002; Ord. No. 2006-08, § 1, 6-13-2006; Ord. No. 2011-15,
27 § 1, 12-6-2011; Ord. No. 2013-14, § 1, 1-21-2014; Ord. No. 2014-04, § 1, 4-15-2014)

28 Sec. 5-2-2. - Number of licenses.

29 Generally, no entity may hold more than two licenses total. The two licenses may be in a single
30 class. Hotels may hold up to five licenses total as long as each licensed entity or facility is physically
31 located or operated within one building.

32 (Ord. No. 2002-14, § 1(9-1-8), 10-1-2002; Ord. No. 2002-17, § 1(9-1-8), 11-12-2002; Ord. No.
33 2004-24, § 1(9-1-8), 12-21-2004)

34 Sec. 5-2-3. - Visibility.

- 35 (a) Each facility that sells any alcoholic beverage shall have a clearly marked point(s) of entry.
36 (b) The point(s) of entry must be clearly visible from a public street; however, this requirement shall not
37 apply to hotels or where the location of the point of entry is in a shopping center or multiple-story
38 business building.

- 39 (c) At all points of entry, clear windows or clear doors are required in all facilities licensed hereunder. If a
40 facility contains a cashier's cage or other internally enclosed facility, clear windows or clear doors
41 must also be utilized except as set out below.
- 42 (d) All businesses licensed hereunder, including those entirely enclosed in another building such as a
43 restaurant located in a hotel, must keep all windows, doors, etc., free of visual obstructions so that
44 persons outside the facility may clearly see inside the facility. No tinting, shades or other devices
45 shall be used to obstruct the view into the facility. Shades, curtains, blinds, etc., may be used to
46 reduce sun glare so long as such measures do not impede visual access to the facility's interior.
- 47 (e) All businesses licensed hereunder must keep a level of lighting internally adequate to provide visual
48 access and safety to law enforcement or other emergency responders 24 hours a day seven days a
49 week. External lighting cannot be solely used to meet the standards required herein.
- 50 (f) Offices which do not contain cash registers within a facility may be excluded from subsections (c)
51 and (d).

52 (Ord. No. 2002-14, § 1(9-1-9), 10-1-2002)

53 ARTICLE 3. - DEFINITIONS APPLICABLE TO ALL CLASSES

54

55 Sec. 5-3-1. - Definitions.

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

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

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

62 ARB means the appointed regulatory body also known as the alcohol review board.

63 Bed and breakfast means a facility used for accommodating travelers as guests for a charge or
64 donation where at least one meal is served, excluding churches and nonprofit soup kitchens.

65 Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or
66 decoction of barley, malt, hops, or any other product, or any combination of such products in water
67 containing not more than six percent alcohol by volume, and including ale, porter, brown, stout, lager
68 beer, small beer, and strong beer. The term "malt beverage" does not include sake, known as Japanese
69 rice wine.

70 Booth means a seating area with a table for use by the public.

71 Bottle means a generic term for all alcoholic beverages whether or not the same are in a glass
72 container including beer, wine, and hard liquor.

73 Business location means the site of an alcohol sales business or proposed site.

74 BYOB means "bring your own bottle" and/or "bring your own beer."

75 Cashier's cage means any area where money or other things of value are exchanged for goods or
76 services in an enclosed area located within another facility the purpose of which is security and/or
77 separation of the operator of the establishment from customers.

78 Church means a building, which is controlled by a religious organization or association and primarily
79 utilized for religious services, ceremonies, or instruction.

- 80 Contiguity means a premises connected by open hallways or rooms without doors or dividers.
- 81 Distilled spirits or spirituous liquor means any alcoholic beverage obtained by distillation or
82 containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.
- 83 Election day means one hour before the polls open to one hour after the polls close.
- 84 Food means all edible substances appropriate for human consumption as determined by the health
85 department inspecting the city's restaurants and lounges as sold or provided to the public in a restaurant
86 as defined in this chapter. Food shall not be construed to mean: olives, cherries, limes, lemons, salt,
87 pepper, pineapples, celery, tomato juice, or any other fruit, vegetable or dairy product such as ice cream,
88 cream, yogurt, milk or soft drinks, water, tonic water, other non-alcoholic carbonated or non-carbonated
89 beverages when such items are used in alcoholic beverages or mixed drinks as an essential part of the
90 beverage, mixed drink, or as a garnish thereon.
- 91 Gender means a word importing male or female only which shall be applied to either sex
92 interchangeably in this chapter.
- 93 Growler means a glass bottle not to exceed two liters and not less than 12 ounces that is filled with
94 beer or wine from a barrel, keg, or cask maintained on premises by a licensee holding a growler license
95 or employee of such licensee in accordance with the provisions of article 6.3.
- 96 Hotel means every building or other structure kept, used, maintained, advertised and held out to the
97 public to be a place where food is actually served and consumed and sleeping accommodations are
98 offered for adequate pay to travelers and guests, whether conducted in the same building or in a separate
99 buildings or structures used in connection therewith that are on the same premises and are a part of the
100 hotel operation:
- 101 (1) Which maintains 50 or more rooms used for the sleeping accommodations of such guests;
 - 102 (2) Which maintains an adequate and sanitary kitchen and dining room equipment to serve food as
103 required therein;
 - 104 (3) Which operates one or more public dining rooms (excluding banquet rooms) with a combined
105 seating capacity of at least 50, where meals are regularly served to guests; provided that
106 consistent with the definition of "lounge" in this section, in no event shall the seating capacity of
107 the lounge exceed that of such public dining room;
 - 108 (4) Which employs sufficient personnel to serve food as required in this chapter; and
 - 109 (5) Which derives at least as much gross income from the sale of such meals prepared, served,
110 and consumed in the hotel as it does from its sale of alcoholic beverages.
- 111 Individual means a natural person.
- 112 Intoxication means a condition where the licensee's, manager's, or employee's alcohol concentration
113 is 0.08 grams or more at anytime while on duty.
- 114 Licensee means the individual to whom a license is issued or, in the case of partnership or
115 corporation, all partners, officers, and directors of said partnership or corporation.
- 116 Lounge means a separate room connected with, a part of, and adjacent to, a restaurant or room
117 located in a hotel as defined herein with all booths, stools, and tables being open and unobstructed to the
118 view of any other customers in such lounge, or the manager thereof.
- 119 Malt beverage. See "Beer."
- 120 Manufacturer means any maker, and/or producer, of bottled alcoholic beverage. The term also
121 means:
- 122 (1) In the case of distilled spirits, any person engaged in rectifying, or blending any distilled spirits;
 - 123 (2) In the case of malt beverages, any brewer; and
 - 124 (3) In the case of wine, any vintner.

125 Manager means the person who does or will actually manage or operate the premises on a day-to-
126 day basis.

127 Measured means measured by way of a straight line from the nearest property line of a premises to
128 the nearest property line of an involved institution.

129 Monthly means on the basis of whole months.

130 Motel means facilities meeting the qualifications set out in this definition for hotels shall be also
131 classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the
132 operation of a lounge, or restaurant in their premises, and the holder of such franchise shall be included
133 in the definition of "hotel."

134 On duty means any licensee, manager, or employee located on the premises while being
135 remunerated in any way for services rendered; who is on the premises for the benefit or at the direction of
136 the outlet or its management; who is engaging in the sale, directly or indirectly, of any food or beverage;
137 or is taking a break during a precise work period.

138 Package means a bottle, can, keg, barrel, or other original consumer container.

139 Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint
140 venture, association, company corporation, agency, syndicate, estate, trust, business trust, receiver,
141 fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether
142 public, private, or quasi-public.

143 Pour means sell for beverage purposes, sell for consumption on the premises, sell by the drink, and
144 the process of patrons bringing their own liquor, wine or malt beverages for the purposes of mixing drinks
145 and/or consuming same on the premises. The sale of mixes or setups or advertising to "bring your own"
146 or the possession by patrons on the premises of liquor, wine or malt beverages, not purchased at the
147 licensed facility shall be prima facie evidence of pouring and shall be prohibited.

148 Premises means areas with dual or more: cash registers, menus, trade names, seating, counter
149 space, cooking facilities or some combination of these elements shall be considered prima facie evidence
150 of a separate facility requiring a separate license. However evidence of contiguity may be presented to
151 rebut the presumption of separateness.

152 Principle [principal] business means that at least 51 percent of the receipts of such business shall
153 come from the sale of food in lounges and restaurants. To be included in the tabulation of receipts for the
154 purpose of this calculation are all receipts of all persons laboring on the premises, including the services
155 of all independent contractors, performers, servers, entertainers, or other nonemployee personnel not to
156 include, however, persons who are called to the premises from other licensed businesses to perform
157 services, repairs or construction on equipment or building premises.

158 Private club means any nonprofit association organized under the laws of this state which:

159 (1) Has been in existence at least one year prior to the filing of its application for a license to be
160 issued pursuant to this chapter;

161 (2) Has at least 75 regular dues-paying members;

162 (3) Owns, hires, or leases a building or space within a building for the reasonable use of its
163 members, which building or space:

164 a. Has suitable kitchen and dining room space and equipment; and

165 b. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals
166 for its members and guests; and

167 (4) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary
168 or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
169 As used herein, a "fixed salary" means the amount of compensation paid any member, officer,
170 agent, or employee of a private club as may be fixed for him by its members at a prior annual
171 meeting or by the governing body out of the general revenue of the club and shall not include

- 172 any commission or any profits from the sale of alcoholic beverages. For the purpose of this
173 definition, tips or gratuities which are added to the bill under club regulations shall not be
174 considered profits from the sale of alcoholic beverages.
- 175 Redecorate shall not include repair nor freshening, change of theme or scheme, or work of any kind
176 which is incident to a repair.
- 177 Restaurant means any public place kept, used, maintained, advertised and held out to the public as
178 a place where meals are actual and regularly served, without sleeping accommodations, such place
179 being provided with adequate and sanitary kitchen and dining room seating capacity of at least 50
180 persons, including patios which are immediately adjacent to and a part of the main licensed facility and
181 wherein the same services are offered as inside the main licensed facility, with said seating capacity
182 complying with the Code; and having employed therein a sufficient number and kind of employees to
183 prepare, cook, and serve edible food to its guests.
- 184 Retail beer/wine store means any location which sells malt beverages, wine or malt beverages and
185 wine in unbroken packages at retail only to consumers and not for resale, such as, but not limited to,
186 convenience and grocery stores, beer shops, and wine shops.
- 187 Taxpayer means any person made liable by law to file a return and pay tax.
- 188 Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale
189 dealers, to retail dealers, or to on-premises consumption locations.
- 190 Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume made
191 from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added.
192 The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such
193 beverages, vermouths, special natural wines, rectified wines, and like products. The term does not
194 include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption
195 as a beverage. A liquid shall first be deemed to be wine at the point in the manufacturing process when it
196 conforms to the condition of wine contained in this Code section.
- 197 (Ord. No. 2002-14, § 1(9-1-10), 10-1-2002; Ord. No. 2004-24, § 3(9-1-10), 12-21-2004; Ord.
198 No. 2006-08, § 2, 7-11-2006; Ord. No. 2008-16, § 1, 10-21-2008; Ord. No. 2009-14, § 1, 10-6-
199 2009; Ord. No. 2014-04, § 2, 4-15-2014)
- 200 Sec. 5-3-2. - Regulations applicable to all classes.
- 201 (a) Issuance of license. Licenses provided for in this chapter shall be issued as follows:
- 202 (1) There shall be no refund of license fees for licensed businesses, which close during a calendar
203 year.
- 204 (2) New businesses starting after the beginning of the calendar year shall pay license fees prorated
205 on the basis of the annual license fee.
- 206 (3) Where established businesses operating under an annual license are sold or otherwise
207 conveyed (thus requiring a new license), the new license fee shall be determined according to
208 monthly prorations.
- 209 (4) The sale or conveyance of an alcohol beverage sale licensed business requires a new license
210 application, license, and all associated fees.
- 211 (5) All licenses shall be subject to nonrenewal suspension, probation, or revocation at any time for
212 causes set forth in this chapter.
- 213 (6) Failure to pay the required fee shall result in revocation of the license. Sale of alcoholic
214 beverages without a license may result in criminal prosecution.

- 215 (b) Authorization of sale on election days. The sale of alcoholic beverages on election days is
216 authorized, in accordance with state law.
- 217 (c) Corporate names. Corporations are authorized to apply for and to hold the licenses contemplated
218 under this chapter in their corporate names and shall name on such application an agent and/or
219 manager actively employed in the operation of the business who shall be responsible for operation
220 under the license as is provided for in this Code and who shall qualify in all respects under the
221 provisions of this Code. In addition, each corporation operating hereunder shall identify with the
222 Georgia Secretary of State a registered agent for service. Should the manager and/or agent or
223 registered agent leave the employment or service of the corporation a new agent and/or manager or
224 registered agent shall be named by the license holder within ten days thereafter; otherwise, the
225 license provided in this chapter shall be automatically forfeited and cancelled and no refund of
226 license fees shall be made to the licensee. An appeal of the cancellation can be made to the ARB
227 and then to the city council as provided in subsection 5-3-8(d).
- 228 (d) Periodic inspection and audits. Sworn officers of the police department, the city clerk, and city
229 manager and their designees shall have the authority to inspect establishments and their financial
230 records licensed under the alcoholic beverage ordinances of the city during the hours in which the
231 premises are open for business. The inspections shall be made for the purpose of verifying
232 compliance with the requirements of this chapter.
- 233 (e) Suspension; revocation.
- 234 (1) Any untrue or misleading information contained in or material omissions left out of an original, or
235 renewal application of a license hereunder shall be cause for the denial thereof, and, if any
236 license has been granted under these circumstances, there shall be cause for the immediate
237 suspension or revocation of the license pursuant to the provisions of this chapter subject to the
238 appellate provisions set forth in subsection 5-3-8(d).
- 239 (2) All licensees hereunder must, within a six-month period after the issuance of a license, open for
240 business the establishment referred to in the license and begin the sale of the product or
241 products authorized by the license. Failure to open the establishment and begin the sale of such
242 products within the six-month period shall serve as automatic forfeiture and cancellation of the
243 unused license pursuant to the provisions of this chapter. No refund of a license fee shall be
244 made to the licensee.
- 245 (3) Whenever the state shall revoke any permit or license, the city license to deal in such products
246 shall thereupon be automatically revoked without the need of any action by the city.
- 247 (4) In the event of revocation, no refund of any portion of the license fee shall be paid.
- 248 (5) All persons, firms, partnerships, entities, and corporations engaged in the sale of alcoholic
249 beverages shall observe all rules and regulations of the state revenue commissioner as they
250 pertain to the operation of their respective businesses and any violation of such rule or
251 regulation of the state revenue commissioner shall be determined to be a violation of this
252 section and punishable in accordance with state law and this chapter.
- 253 (f) Discontinuance of business. Any licensee hereunder who shall begin the operation of the business
254 and sale of product or products as authorized in the license, but who shall, for a period of six
255 consecutive months thereafter, cease to operate the business and sale of the product or products
256 authorized in the license, shall upon completion of the six-month period automatically forfeit his
257 license, which license shall by virtue of failure to operate, be cancelled without the necessity of any
258 further action of the city. Provided, however, that where a business temporarily ceases operation
259 solely to make substantial improvements or substantially refurbish the existing improvements which
260 will enhance the taxable value of the property on which the business is located, and where there is
261 no change in the licensee or interest holders thereof any business and/or alcoholic beverage license
262 may be reissued routinely upon application therefore and payment of required fees when the
263 business is ready to resume operations; provided, however, said cease of operations shall not
264 exceed six consecutive months from the expiration date of the license then in existence at the time
265 the operations cease. In order for an applicant's license to be reissued, the licensee must submit a

- 266 written request to the ARB. Upon good cause shown by the applicant, the ARB may recommend
267 reissuance of the license or an additional six-month extension of the unused license to the mayor and
268 council.
- 269 (g) Completed application. All applications under this chapter shall not be deemed completed until all
270 required information is accurately submitted, all criminal background checks are returned and
271 attached to the application, all surveys (when required) are attached and such application has been
272 reviewed and stamped complete by the alcohol beverage clerk or his/her designee. No time frame
273 designated hereunder shall begin to run until an application is deemed complete. Premature or
274 incomplete submission of an application may result in a refusal to accept the same until the
275 application is complete.
- 276 (h) Denied application. If an applicant's license has been previously revoked or denied, upon
277 reapplication for another license, such reapplication shall not be within a period of six months from
278 the date of revocation or disapproval.
- 279 (i) (1) Designated manager(s). All alcohol beverage licensed establishments shall have a designated
280 manager(s). If a manager resigns, is terminated, dies or otherwise is replaced during the
281 calendar-year license period the license holder shall notify the alcohol beverage clerk
282 immediately. Failure to designate a manager(s) and update the clerk regarding changed
283 managers may be cause for disciplinary action up to and including revocation.
- 284 (2) Required training. In order to obtain and maintain a valid alcohol beverage license, all managers
285 of the license applicant and/or all managers of the licensee must attend annually alcohol
286 beverage license training as provided by the city.
- 287 (j) Photographs of location. Applicants shall submit front, side and rear photographs of the alcohol
288 beverage license desired location as part of the application process. If the location is located in
289 another building, such as a hotel, pictures of the exterior building located on a city street may be
290 submitted.
- 291 (k) Probable-cause audits. Where the ARB has been presented evidence providing probable cause to
292 reasonably suspect a license holder is failing to comply with accurate reporting or payment
293 requirements under this chapter for reports or sums relating to the use or sale of alcoholic beverages
294 then the ARB may order a probable-cause audit of the license holder's alcohol related business.
- 295 (l) Brownbagging, BYOB prohibited. It is prohibited for any person to bring in his own alcoholic
296 beverage in any establishment requiring a license to manufacture, distribute, serve, sell, handle, or
297 otherwise deal in or process alcoholic beverages under this chapter or in any commercial
298 establishment without regard to whether such establishment is licensed. This prohibition, however,
299 shall not apply to a person bringing his own alcoholic beverage into a private hotel room or a guest
300 room within a bed and breakfast.
- 301 (m) Payment of taxes and other debts to the city. The city clerk shall cause an inquiry to be made into
302 the tax records of the city to determine if any applicant or other parties interested in an application
303 have any outstanding taxes or special assessments that are delinquent or any other monies owing to
304 the city. No license shall be issued, nor shall a license be renewed, until all such debts are paid in
305 full.
- 306 (n) Local bonding requirements. A performance and tax liability bond payable to the city in the amount of
307 \$5,000.00 must be posted and filed with the city, along with the application, for the first five years an
308 applicant seeks an alcohol beverage license under this chapter. In addition, all applicants who have
309 been found to be in violation of any state regulation relating to the sale and distribution of alcoholic
310 beverages as promulgated by the state department of revenue or any provision of this chapter must
311 post and file with the city, along with the application, a performance and tax liability bond payable to
312 the city in the amount of \$5,000.00 for the five years immediately following the violation. The bond
313 shall be conditioned upon the faithful observance and performance by the applicant of the rules and
314 regulations contained in this chapter, and upon the payment of any taxes, license fees, or other
315 sums due to the city pursuant to this chapter. Upon violation of this chapter, or any part thereof, the
316 amount of the bond to be forfeited will be determined based on the nature of the violation after a

317 hearing is provided in accordance with the provisions of this chapter. Forfeiture of any bond pursuant
318 to this section may be in addition to any other action that may be taken against a licensee for
319 violations of this chapter.

320 (o) City buildings and facilities. It shall be unlawful for any person to serve, possess and/or consume any
321 alcoholic beverage within any city building or facility unless (1) prior written authorization of the city is
322 first obtained, and (2) such service, possession and/or usage is in accordance with published rules of
323 the city recreation department. Service of alcoholic beverages within a city building or facility shall
324 not require an alcohol beverage license under this chapter provided it is in accordance with the
325 requirements of this section. As used herein, city building or facility shall mean any and all city parks
326 and any building owned or leased by the city.

327 (Ord. No. 2002-14, § 1(9-1-11), 10-1-2002; Ord. No. 2004-02, §§ 1—3, 1-27-2004; Ord. No.
328 2004-24, § 3(9-1-11), 12-21-2004; Ord. No. 2006-08, § 3, 6-13-2006; Ord. No. 2006-08A, § 1,
329 7-11-2006; Ord. No. 2008-16, § 2, 10-21-2008; Ord. No. 2009-04, § 1, 4-7-2009; Ord. No. 2009-
330 14, §§ 2—11, 10-6-2009; Ord. No. 2011-15, § 2, 12-6-2011)

331 Sec. 5-3-3. - Drinking alcoholic beverages by licensees, managers, and employees while on duty at
332 locations.

333 (a) It shall be unlawful for the licensee or any manager or employee thereof to consume any intoxicating
334 beverage while on duty at the same, or to be on duty at the same in an intoxicated condition.
335 "Intoxication" shall be defined as when a licensee's, manager's, or employee's alcohol concentration
336 is 0.08 grams or more at any time while on duty as defined below.

337 (b) For purposes of this section, any licensee, or interest holder thereof, manager, or employee of a
338 licensee who is on the establishment's premises shall be presumed to be "on duty" if he is:

339 (1) Being paid any salary, wage or remuneration of any kind for his services rendered during the
340 time he is on the premises;

341 (2) On the establishment's premises for the benefit of or at the direction of the establishment or its
342 management (other than as a customer, patron or guest);

343 (3) Engaging in the sale, directly or indirectly, of any food or beverage; or

344 (4) Taking a break during periods of on-duty employment.

345 (c) A violation of this section shall be punished in accordance with the City Charter. A violation of this
346 section shall also constitute grounds for the suspension, revocation, and/or refusal to renew license.

347 (Ord. No. 2002-14, § 1(9-1-12), 10-1-2002; Ord. No. 2009-14, § 12, 10-6-2009; Ord. No. 2013-
348 14, § 2, 1-21-2014)

349 Sec. 5-3-4. - Furnishing alcoholic beverages to and purchase and possession of alcoholic beverages by
350 persons under 21 years of age, violation; jurisdiction.

351 The municipal court, in accordance with O.C.G.A. § 36-32-10, is granted jurisdiction to try and
352 dispose of a first offense violation of O.C.G.A. § 3-3-23, pertaining to furnishing alcoholic beverages to,
353 and purchase and possession of alcoholic beverages by, a person under 21 years of age, if the offense
354 occurs within the corporate limits of the city. O.C.G.A. § 36-32-10 is incorporated in this section by
355 reference.

356 (Ord. No. 2002-14, § 1(9-1-13), 10-1-2002)

- 357 Sec. 5-3-5. - Sale of intoxicating beverages where firearms and weapons are sold.
- 358 It shall be unlawful for any person to sell, or offer for sale, firearms, knives or other weapons and
359 intoxicating beverages at the same business establishment.
- 360 (Ord. No. 2002-14, § 1(9-1-14), 10-1-2002)
- 361 Sec. 5-3-6. - Exception of operating prior to July 1, 1981.
- 362 Restrictions in this chapter on the sale of alcoholic beverages near alcoholic treatment centers
363 owned and operated by any city, any county, or the state shall not apply to any hotel or business licensed
364 for sales of wine or malt beverages, if such license was in effect on July 1, 1981.
- 365 (Ord. No. 2002-14, § 1(9-1-15), 10-1-2002)
- 366 Sec. 5-3-7. - Violations; punishment.
- 367 Any violation of this chapter shall be punished as provided in the city Charter for violation of local
368 ordinances unless otherwise specified.
- 369 (Ord. No. 2002-14, § 1(9-1-16), 10-1-2002)
- 370 Sec. 5-3-8. - ARB establishment; composition.
- 371 (a) There is hereby established an alcohol review board (sometimes referred to as the "ARB") which
372 shall consist of five members.
- 373 (b) All members of the ARB shall be appointed by the city council. All members shall serve staggered
374 terms and occupy posts as follows:
- 375 (1) Post 1. The assistant police chief, serving at the pleasure of the city council, until December 31,
376 2004. After January 1, 2005, a resident of the city at the time of appointment and for at least six
377 months immediately preceding the date of taking office shall be appointed to post 1. The term of
378 appointment thereafter shall be one year. The post 1 holder shall remain a resident of the city
379 while serving as a member of the ARB and may be reappointed to other one-year terms at the
380 pleasure of the mayor and council of the city.
- 381 (2) Post 2. The fire marshal serving at the pleasure of the city council, until December 31, 2005.
382 After January 1, 2006, a resident of the city at the time of appointment and for at least six
383 months immediately preceding the date of taking office shall be appointed to post 2. The term of
384 appointment thereafter shall be two years. The post 2 holder shall remain a resident of the city
385 while serving as a member of the ARB and may be reappointed to other two-year terms at the
386 pleasure of the mayor and council of the city.
- 387 (3) Post 3. The commercial code enforcement officer, serving at the pleasure of the city council,
388 until December 31, 2006. After January 1, 2007, a resident of the city at the time of appointment
389 and for at least six months immediately preceding the date of taking office shall be appointed to
390 post 3. The term of the appointment thereafter shall be three years. The post 3 holder shall
391 remain a resident of the city while serving as a member of the ARB and may be reappointed to
392 other three-year terms at the pleasure of the mayor and council of the city.
- 393 (4) Post 4. A citizen of the city who has lived in the city for at least six months, serving at the
394 pleasure of the city council, until December 31, 2007. After January 1, 2008, a resident of the
395 city at the time of appointment and for at least six months immediately preceding the date of
396 taking office shall be appointed to post 4. The term of appointment thereafter shall be four

397 years. The post 4 holder shall remain a resident of the city while serving as a member of the
398 ARB and may be reappointed to other four-year terms at the pleasure of the mayor and council
399 of the city.

400 (5) Post 5. A resident of the city at the time of appointment and for at least six months immediately
401 preceding the date of taking office shall be appointed to post 5. The term of appointment shall
402 be three years. The post 5 holder shall remain a resident of the city while serving as a member
403 of the ARB and may be reappointed to other three-year terms at the pleasure of the mayor and
404 council of the city.

405 (c) Each member shall serve his specified term and until his successor is appointed and qualified.

406 (d) In all actions by the ARB all members of the ARB shall be eligible to vote. The mayor and council
407 shall make all final decisions regarding alcohol beverage licenses.

408 (1) The ARB shall conduct hearings on new licenses, renewals of licenses and disciplinary matters
409 and make administrative recommendations to the mayor and council. The administrative
410 recommendations of the ARB shall be deemed to be decisions of the mayor and council
411 regarding all alcohol hearing beverage (sic) matters, excluding ordinance changes, if the
412 applicant/license holder does not appeal such administrative recommendation to the mayor and
413 council within 30 days of the ARB recommendation by filing a written appeal with the alcohol
414 beverage clerk. If such appeal is sought, a hearing before mayor and council shall automatically
415 occur. Such appeal to mayor and council shall be a de novo review of the administrative
416 recommendation of the ARB.

417 (2) Further, if the mayor and council, by the votes of three members eligible to vote, deem it
418 appropriate, with or without request of the applicant/license holder, a de novo appeal hearing
419 may be granted.

420 If the applicant/license holder does not timely appeal and/or if the council does not elect to
421 reconsider the matter on their own motion the ARB recommendation shall be deemed the final
422 decision of the mayor and council and may be appealed by certiorari to superior court.

423 (3) For the purpose of effectuating this subsection the terms "ARB" "city council" or "mayor and city
424 council" or "mayor and council" may be used interchangeably except as the words relate to the
425 adoption of ordinances as set out in subsection (d)(4) or where the same would be nonsensical.

426 (4) It is not the intention of the mayor and council to unconstitutionally delegate its governmental
427 authority to the ARB. All final decisions relating to local alcoholic beverage regulation shall be
428 made by the mayor and council. Should any provision relating to the duties or powers of the
429 ARB be deemed to be an unconstitutional designation of powers, the mayor and council shall
430 be deemed to have exercised the powers of the ARB except where the council specifically
431 repeals the same. It is hereby declared that all sections, paragraphs, sentences, clauses, and
432 phrases of this subsection are or were upon their enactment, believed by the mayor and council
433 to be fully valid enforceable and constitutional. It is hereby declared to be the intention of the
434 mayor and council that, to the greatest extent allowed by law, each and every section,
435 paragraph, sentence, clause or phrase of this section is severable from every other section,
436 paragraph, sentence, clause or phrase of this section. It is hereby further declared to be the
437 intention of the mayor or council that, to the greatest extent allowed by law, no section,
438 paragraph, sentence, clause or phrase of this section is mutually dependent upon any other
439 section paragraph, sentence, clause or phrase of this section. In the event that any phrase,
440 clause, sentence, paragraph or section of this section shall, for any reason whatsoever, be
441 declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of
442 any court of competent jurisdiction, it is the express intent of the mayor and council that such
443 invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
444 render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,
445 clauses, sentences, paragraphs or sections of the ordinance and that, to the greatest extent
446 allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the
447 section shall remain valid, constitutional, enforceable, and of full force and effect.

- 448 (e) The members of the ARB shall elect a chairperson who may preside over the meetings and
449 promulgate such regulations as are necessary to govern its meetings.
- 450 (Ord. No. 2002-14, § 1(9-1-17), 10-1-2002; Ord. No. 2002-17, § 2, 11-12-2002; Ord. No. 2004-
451 24, § 2(9-1-17), 12-21-2004; Ord. No. 2006-08, § 4, 6-13-2006; Ord. No. 2009-14, §§ 13—15,
452 10-6-2009; Ord. No. 2011-15, § 3, 12-6-2011)
- 453 Sec. 5-3-9. - Staff and advisors; duties.
- 454 (a) The city clerk or his/her designee shall be the recorder and record keeper of the ARB and as such
455 shall attend meetings, take minutes thereof, be responsible for all files and records, receive and
456 process applications, and perform other such tasks as designated by the ARB.
- 457 (b) The ARB shall have, as it requires, additional staff consisting of the city manager, city attorney, chief
458 of police and all city employees available to it. These staff persons may participate in all discussions,
459 if called upon to do so, by the ARB but shall not have the power to vote.
- 460 (Ord. No. 2002-14, § 1(9-1-18), 10-1-2002; Ord. No. 2009-14, § 16, 10-6-2009)
- 461 Sec. 5-3-10. - Powers and duties.
- 462 (a) Responsibility and authority. The ARB is hereby vested with the following duties and powers:
- 463 (1) Initial applications.
- 464 a. To screen, verify, and review all initial applications for licenses of the manufacture, and/or
465 sale of liquor, wine and malt beverages, at wholesale and retail, by the package and by the
466 drink.
- 467 b. To make recommendations to the city council to grant or to deny licenses for the
468 manufacture, and/or malt beverages, at wholesale and retail, by the package and by the
469 drink.
- 470 (2) Renewals.
- 471 a. To hear reports and charges constituting probable cause not to renew licenses for the
472 manufacture, and/or sale of liquor, wine, and malt beverages, at wholesale and retail by
473 the package and by the drink.
- 474 b. To make recommendations to the city council to grant or to deny renewals of licenses for
475 the manufacture and/or malt beverages, at wholesale and retail, by the package and by the
476 drink.
- 477 (3) Suspension, revocation; probation.
- 478 a. To hear reports and charges constituting probable cause to suspend or revoke licenses for
479 the manufacture, and/or sale of liquor wine and malt beverages at wholesale and retail, by
480 the package and by the drink.
- 481 b. To make recommendations to the city council to suspend, revoke and/or place on
482 probation licenses for the manufacture and/or malt beverages, at wholesale and retail, by
483 the package and by the drink.
- 484 (4) Appeals. To hear appeals on the seizure of a license by the chief of police, or other duly
485 authorized suspending officers or the license inspector under sections of this chapter and to
486 make recommendations to the city council which may affirm, reverse, or modify the actions of
487 the suspending officer.

- 488 (5) Entertainment. To receive reports on entertainment at pouring outlets, all as provided in this
489 chapter, and to take or recommend such action as is appropriate.
- 490 (6) Employees. To receive reports on and to recommend approval or disapproval of employees of
491 businesses that sell alcoholic beverages by the package or by the drink, all as provided in this
492 chapter, and to take such action as is appropriate in the case of such disapproval.
- 493 (7) Ordinances and policies. To recommend to the city council modifications to the ordinances and
494 policies of the city pertaining to the regulation, control and taxing of liquor, wine and malt
495 beverages.
- 496 (8) Complaints, etc. To hear complaints, suggestions and recommendations from the city manager,
497 the city council, police department, state officials, alcoholic beverage dealers and the public at
498 large as to the operation of retail beer/wine stores, packages stores, and on-premises
499 consumption location, businesses within the city.
- 500 (9) Rules and regulations. To promulgate rules and regulations governing procedures regarding
501 matters that may arise.
- 502 (b) Meetings. The ARB shall meet on an as-needed basis.
- 503 (Ord. No. 2002-14, § 1(9-1-19), 10-1-2002; Ord. No. 2009-14, § 17, 10-6-2009)
- 504 Sec. 5-3-11. - Identification cards for handlers of alcoholic beverages; possession of employee
505 identification cards; application to police department; fingerprinting; photographing; employment of
506 person without card; expiration.
- 507 (a) Any person, manager, or employee whose responsibility is the service of alcoholic beverages in
508 restaurants, hotels, or lounges or who handles alcoholic beverages or who works as a security guard
509 or as a security employee in any location licensed under this chapter, whether or not such person is
510 an employee of such licensee, shall apply to the police department for an alcoholic beverage
511 employee identification card, which shall be renewed annually upon the anniversary date of original
512 issuance. The fee for the card shall be set forth under section 5-3-15
- 513 (b) While on duty (as defined in section 5-3-1) in any business, every person required to hold a handler's
514 identification card under subsection (a), whether or not an employee of the business, shall have their
515 handler's identification card displayed on their person at all times. The card must be displayed in
516 such a manner as to be clearly visible to any authorized city official observing the same. Upon
517 request by the location manager, handler identification cards may be issued in duplicate. However,
518 no more than two cards shall be issued for any handler per any location. The purpose of the second
519 card shall be solely for the manager's convenience as a backup if the handler fails to arrive at work
520 with an identification card.
- 521 (c) Alcoholic beverage handlers shall make themselves available for photographing, fingerprinting and
522 such other identification as may be required by the police department in accordance with state law
523 and local ordinance.
- 524 (d) The police department shall investigate the handler applicants. An alcoholic beverage handler
525 identification card shall not be issued to any person who has pled guilty to, or has been convicted of
526 a felony involving violence, gambling, theft, use of alcohol, or use of illegal substances, or of a crime
527 opposed to decency and morality or who has been convicted of a crime involving violation of the
528 ordinances of the city or other jurisdictions relating to the use, sale, taxability or possession of malt
529 beverages, wine or liquor, or violations of the laws of the state and federal government pertaining to
530 the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors,
531 or the taxability thereof, or who has pled guilty to or who has been guilty of multiple felonies involving
532 violence, use of alcohol, theft, gambling, or use of controlled substances, or of a crime opposed to
533 decency and morality unless five years shall have elapsed between the date of the applicant's most
534 recent conviction and the date of issuance of the handler identification card, provided that a handler

535 identification card shall not be issued to any person who is then serving probation of a felony
536 sentence from any felony described above. The police department shall report any other detrimental
537 information about an application to the ARB and the ARB may suggest prohibiting the issuance of an
538 alcoholic beverage employee identification card where the applicant's record indicates such
539 employment would adversely affect the public health, safety or welfare or violate the law. All
540 employees who serve alcoholic beverages must be at least 18 years old.

541 (e) No package store or on-premises consumption licensee under the provisions of this chapter shall
542 hire any person, nor permit any person to work or assist in a licensed business, until such person
543 has procured an alcoholic beverage handler identification card as prescribed in this section.

544 (f) The ARB may, after hearing (unless waived by applicant), recommend or revoke an identification
545 card. The city council may demand the card's surrender where the employee violates the provisions
546 of this chapter or for behavior which adversely affects the public health, safety and welfare.

547 (g) It shall be unlawful for a handler whose card has been revoked, and upon whom demand for
548 surrender of a card has been made, to refuse to so surrender, or to alter, conceal, deface or destroy
549 the card such action being punishable in accordance with the city Charter.

550 (h) Identification cards may be produced for multiple locations if requested by the handler. When
551 applying for any card the applicant must list all city locations for which the cards are to be applicable.

552 (i) Proof of employment is required at each location and must be provided.

553 (j) All cards are the sole and exclusive property of the city. Destruction, theft, defacement, or detriment
554 of identification cards shall be punishable as a felony under state law. One card is required for each
555 location a handler is employed.

556 (k) Fees for a card and each additional card are found in section 5-3-15

557 (Ord. No. 2002-14, § 1(9-1-20), 10-1-2002; Ord. No. 2006-08, § 5, 6-13-2006; Ord. No. 2007-
558 05, § 1, 5-1-2007; Ord. No. 2009-14, §§ 18, 19, 10-6-2009; Ord. No. 2013-14, § 3, 1-21-2014;
559 Ord. No. 2014-04, § 3, 4-15-2014)

560 Sec. 5-3-12. - Prohibition of certain types of entertainment, attire and conduct.

561 (a) Findings; public purpose. Based on the experience of other urban counties and municipalities,
562 including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Richmond
563 County, Georgia; Amarillo, Texas; Austin, Texas; Garden Grove, California; Houston, Texas; Renton,
564 Washington; Phoenix, Arizona; Indianapolis, Indiana; St. Paul, Minnesota; Tucson, Arizona; Augusta,
565 Georgia; LaGrange, Georgia; Dalton and Whitfield County, Georgia; Carrollton, Georgia; Smyrna,
566 Georgia; and Fort Lauderdale and Palm Beach, Florida, which experiences the city council believes
567 are relevant to the problems faced by the city, the city council takes note of the notorious and self-
568 evident conditions attendant to the commercial exploitation of human sexuality, which do not vary
569 greatly among generally comparable communities within our country. Moreover, it is the findings of
570 the city council that public nudity (either partial or total) under certain circumstances, particularly
571 circumstances related to the sale and consumption of alcoholic beverages, begets criminal behavior
572 and tends to create undesirable community conditions. Among the acts of criminal behavior identified
573 with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the
574 undesirable community conditions identified with nudity and alcohol are depression of property
575 values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement
576 personnel to preserve law and order, increased burden on the judicial system as a consequence of
577 the criminal behavior hereinabove described, and acceleration of community blight by the
578 concentration of such establishments in particular areas. Therefore, the limitation of nude conduct in
579 establishments licensed to sell alcoholic beverages is in the public welfare and it is a matter of
580 governmental interest and concern to prevent the occurrence of criminal behavior and undesirable
581 community conditions normally associated with establishments, which serve alcohol and also allow
582 and/or encourage nudity. To that end, this section is hereby adopted.

- 583 (b) Enactment. The following types of entertainment, attire and conduct are prohibited upon any
584 premises licensed to sell, serve or disperse alcohol beverages:
- 585 (1) The employment or use of any person, in any capacity, in the sale or service of alcohol
586 beverages while such person is unclothed or in such attire, costume or clothing, as to expose to
587 view any portion of the female breast below the top of the areola or any portion of the male or
588 female pubic hair, anus, cleft of the buttocks, vulva and genitals.
- 589 (2) Live entertainment where any person appears in the manner described in subsection (b)(1) of
590 this subsection or where such persons (or person) perform(s) acts of or acts which simulate any
591 of the following:
- 592 a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any
593 sexual act which is prohibited by law.
- 594 b. The touching, caressing or fondling of the breasts, buttocks, anus or genitals.
- 595 c. The displaying of the male or female pubic hair, anus, vulva or genitals.
- 596 (3) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event
597 or any other activity where patrons of the licensed establishment are encouraged or allowed to
598 engage in any of the conduct described in subsections (b)(1) and (b)(2) above.
- 599 (c) Severability.
- 600 (1) It is hereby declared to be the intention of the mayor and council that all sections, paragraphs,
601 sentences, clauses and phrases of this section are or were, upon their enactment, believed by
602 the mayor and council to be fully valid, enforceable and constitutional.
- 603 (2) It is hereby declared to be the intention of the mayor and council that, to the greatest extent
604 allowed by law, each and every section, paragraph, sentence, clause or phrase of this section is
605 severable from every other section, paragraph, sentence, clause or phrase of this section. It is
606 hereby further declared to be the intention of the mayor or council that, to the greatest extent
607 allowed by law, no section, paragraph, sentence, clause or phrase of this chapter is mutually
608 dependent upon any other section, paragraph, sentence, clause or phrase of this section.
- 609 (3) In the event that any phrase, clause, sentence, paragraph or section of this chapter shall, for
610 any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the
611 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
612 mayor and council that such invalidity, unconstitutionality or unenforceability shall, to the
613 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable
614 any of the remaining phrases, clauses, sentences, paragraphs or sections of the chapter and
615 that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences,
616 paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full
617 force and effect.

618 (Ord. No. 2002-14, § 1(9-1-21), 10-1-2002; Ord. No. 2009-14, § 20, 10-6-2009)

619 Sec. 5-3-13. - Timing of ARB recommendation.

620 If the ARB does not recommend to approve, deny, or renew a license within 90 days of the receipt of
621 a complete application, the same shall be considered approved by the mayor and council until revoked.

622 (Ord. No. 2002-14, § 1(9-1-22), 10-1-2002; Ord. No. 2009-14, § 21, 10-6-2009)

623 Sec. 5-3-14. - Violations.

624 Any person violating any of the provisions of this article shall be deemed guilty of an offense and,
625 upon conviction thereof, shall be punished as provided in accordance with the city Charter. Each such

626 person shall be guilty of a separate offense for each and every day during any portion of which any
 627 violation of any provision of this article is committed, continued or permitted by such person and shall be
 628 punished accordingly.

629 (Ord. No. 2002-14, § 1(9-1-23), 10-1-2002)

630 Sec. 5-3-15. - Fee chart depending upon the licenses sought.

631 All fees established throughout this chapter shall be as set forth in the chart below. Some fees may
 632 be cumulative depending upon the licenses sought. Where no fee is specifically set forth the fee shall be
 633 \$1,000.00. This fee schedule is subject to change by ordinance adopted by the mayor and council. The
 634 most current duly adopted change in the fees shall supersede any fee provision in this chapter.

Beer/Wine/Liquor—Retail, Wholesale, Manufacturer, Restaurant, Lounge, Hotel	\$5,000.00
Beer/Wine Only—Retail, Wholesale, Manufacturer, Restaurant, Lounge, Hotel	\$3,150.00
Liquor Only—Applicable Only to On-Premises Consumption Under 2,000 Square Feet/Open 6 Hours or Less in Day Licensees	\$3,000.00
Beer Only—Applicable Only to On-Premises Consumption Under 2,000 Square Feet/Open 6 Hours or Less in Day Licensees	\$1,600.00
Wine Only—Applicable Only to On-Premises Consumption Under 2,000 Square Feet/Open 6 Hours or Less in Day Licensees	\$1,600.00
Growler License	\$1,600.00
On-Premises Arts License	\$250.00
Administration Fee	\$200.00
Handler Identification	\$25.00 (\$5.00 for each additional) and \$10.00 refundable deposit
Off-Premises and Special Events	\$50.00 annually
Late Fee	15% penalty for failure to pay amount when

due and payable to city and interest at rate of
1% per month until paid

635

636 (Ord. No. 2002-14, § 1(9-1-24), 10-1-2002; Ord. No. 2005-09, § 1(9-1-24), 10-4-2005; Ord. No.
637 2006-08, § 6, 6-13-2006; Ord. No. 2006-08A, § 2, 7-11-2006; Ord. No. 2008-16, § 3, 10-21-
638 2008; Ord. No. 2009-14, § 22, 10-6-2009; Ord. No. 2011-15, § 4, 12-6-2011; Ord. No. 2013-14,
639 § 4, 1-21-2014; Ord. No. 2014-04, § 4, 4-15-2014)

640 Sec. 5-3-16. - Denial of application; appeal; resubmittal.

641 No application shall be considered until the alcohol beverage clerk deems the same complete as set
642 forth in this chapter. If the application is denied, the same or substantially same application cannot be
643 resubmitted for six months after the date of denial.

644 (Ord. No. 2002-14, § 1(9-1-12), 10-1-2002; Ord. No. 2009-14, § 23, 10-6-2009)

645 **ARTICLE 4. - RETAIL BEER/WINE STORES**

646

647 Sec. 5-4-1. - Retail sales generally of beer and/or wine from stores.

648 (a) For purposes of this chapter, retail beer and/or wine stores shall be referred to as "retail beer/wine
649 stores." Likewise, the words "beer" and "malt beverage" shall be synonymous. The building or
650 proposed building to house a retail beer/wine by the package store shall meet all requirements of the
651 building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator and
652 shall comply with other ordinances of the city for zoning, storage, parking buffers and other issues.

653 (b) No screen, partition or thing which prevents a clear view into the interior of a retail sale of beer/wine
654 store by the package from the street, nor any booth within, shall be permitted.

655 (c) No sale of malt beverage and/or wine by the package shall be permitted between the hours of 2:00
656 a.m. and 8:00 a.m. In addition, no sale of malt beverages and/or wine by the package shall be
657 permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or any other days or times prohibited
658 by state law.

659 (d) The state regulations relating to the sale and distribution of malt beverages and/or wine buy the
660 package, as revised, promulgated by the state revenue department, are hereby incorporated into
661 and made a part of this chapter as if fully set out in this section.

662 (e) Any license holder/applicant shall make an immediate report to, and receive approval by, the ARB of
663 any change in the interests in, or ownership of or of the license of a beer/wine store and/or any
664 change in the information stated in the original application for license. The ARB shall report the
665 changes and its recommendations to the city council for the city council's final approval.

666 (f) No drive-in windows for the sale of malt beverages or wine shall be allowed.

667 (g) The open parking area of any building or proposed building to house a retail beer/wine store shall
668 have an average maintained footcandle intensity of at least one footcandle with a minimum allowable
669 intensity of three-tenths of a footcandle. The covered parking area of any building or proposed

670 building to house a retail outlet shall have an average maintained footcandle intensity of at least two
671 footcandles with a minimum allowable intensity of five-tenths footcandle.

672 (h) Each retail beer/wine store shall install and maintain in a secure location security cameras in the
673 outlet of a type and number approved by the chief of police. Such cameras:

674 (1) Shall be placed in the outlet to record activities in the checkout or cash register area(s).

675 (2) Shall be capable of producing a retrievable image on film, tape, or any readable medium that
676 can be made a permanent record and enlarged through projection or other means.

677 (i) Each retail outlet shall post at least four copies of its complete price list or, in lieu thereof, place a
678 price on each package for sale.

679 (Ord. No. 2002-14, § 1(9-1-26), 10-1-2002; Ord. No. 2007-05, § 2, 5-1-2007; Ord. No. 2008-16,
680 10-21-2008; Ord. No. 2009-14, §§ 24, 25, 10-6-2009; Ord. No. 2011-14, § 1, 12-6-2011)

681 **Sec. 5-4-2. - Required.**

682 It shall be unlawful for any person to manufacture, sell or offer to sell any malt beverage or wine at
683 wholesale or retail within the corporate limits of the city without having the appropriate license for such
684 manufacture or sale, or to carry on such activity in violation of the terms of such license or of this chapter.

685 (Ord. No. 2002-14, § 1(9-1-27), 10-1-2002)

686 **Sec. 5-4-3. - Separate license for each retail beer/wine store; surrender.**

687 (a) A separate license shall be required for each retail beer/wine store outlet, and a separate application
688 shall be made for each such place.

689 (b) Immediately upon the sale or closing of a business, it shall be the duty of the licensee to surrender
690 his license to the ARB.

691 (c) Any licensee who is an employee of a corporation, and who is separated from his employment,
692 whether he resigns, retires or is fired, shall immediately notify the office of the clerk of such
693 separation Monday through Friday, 8:00 a.m. until 5:00 p.m. If such employee removes the retail
694 beer/wine license from the establishment, he shall immediately surrender such license to the clerk.
695 Failure to surrender such license, if removed from the place of business, shall be a violation and
696 shall be punished as provided by state law.

697 (Ord. No. 2002-14, § 1(9-1-28), 10-1-2002; Ord. No. 2009-14, § 26, 10-6-2009)

698 **Sec. 5-4-4. - Classification of licenses; fees.**

699 (a) Types of classification. Licenses under this article shall be classified as follows:

700 (1) Retail package. Retail beer/wine store, which shall permit only the sale of malt beverages
701 and/or wine in packages at retail.

702 (2) Wholesale. Wholesale malt beverage/wine distributor, which shall permit only the sale of malt
703 beverages and/or wine at wholesale.

704 (3) Manufacture. Manufacturers of malt beverages/wines, which shall permit only the manufacture,
705 bottling and packaging of malt beverages and/or wine.

706 (b) Fee amount. The amount of the license fee for each class shall be set forth under section 5-3-15

707 (Ord. No. 2002-14, § 1(9-1-29), 10-1-2002)

708 Sec. 5-4-5. - Applications for beer/wine license, wholesale malt beverage/wine distributor (vintner)
709 license.

710 Applications for retail beer/wine licenses and applications for wholesale malt beverage/wine
711 distributor licenses and manufacturing shall be as follows:

712 (1) Forms; submission. Each initial applicant shall make written application to the ARB for the
713 privilege of engaging in the sale (specifying wholesale, manufacturing, or retail) of malt
714 beverages/wines, such applicant using forms provided by the clerk.

715 (2) Where filed; fee. The application shall be filed with the clerk with a fee as set out in the fee
716 schedule under section 5-3-15, for review of the applicant and of the proposed location and
717 processing of the application.

718 (3) Contents. The application shall state:

719 a. As to the applicants, full name, birth date, present address and addresses for the past five
720 years, business address and business addresses of employers and their addresses for the
721 last five years, name of spouse, complete record of all arrests, convictions and guilty pleas
722 for violations of all laws, city, counties, state and federal, and other cities, counties, and
723 states of both applicant and spouse, and the disposition of all charges within the last five
724 years prior to the application.

725 b. As to the applicant's location manager (if not the same as the applicant), the same
726 information as required of the applicant in subsection a.

727 c. Exact location (street address and otherwise) of proposed business, including zoning
728 district. The location must be properly identified.

729 d. Name and address of the owner or landlord and/or resident manager of property proposed
730 for location and whether or not there is a building proposed to be used already erected
731 thereon.

732 e. Trade name (or proposed trade name) of proposed business.

733 f. Names and addresses of all persons having any financial interest in the outlet by way of
734 ownership of building, property, or stock, receipt of income from the business or otherwise.

735 g. Such other information as may be required by the city council, the ARB, the chief of police,
736 the city manager, the city attorney or the clerk.

737 (4) Approvals. The application shall contain evidence of the following persons' approval of the
738 licensee and of the owner and the manager of the malt beverage/wine establishment:

739 a. Building inspector (i.e., building permit, certificate of occupancy, or other evidence).

740 b. Traffic engineer.

741 c. Fire marshal/fire chief.

742 d. Chief of police/assistant chief of police.

743 e. Planning and zoning coordinator.

744 (5) Oath. The application shall be sworn to.

745 (6) Surveyor's certificate. The application shall be accompanied by a current certificate from a
746 registered surveyor containing the following information:

747 a. A scale drawing of the building or proposed building, as situated on the proposed lot.

- 748 b. The proposed off street parking facilities available to the building and all outdoor lighting on
749 the premises.
- 750 c. The exact location of the business, including street address, ward, and county tax map
751 number.
- 752 d. Current zoning classification of the location.
- 753 e. The distance in yards as measured in a straight line from nearest property line to nearest
754 property line from each of the following: the nearest school building, school ground or
755 college campus, and the nearest alcoholic treatment center owned and operated by the
756 state or any county or municipal government therein.
- 757 f. If a business has been licensed since July 1, 1981, or before, the survey shall be required
758 however no license will be denied based upon a failure to meet the distance requirements
759 as set forth under O.C.G.A. § 3-3-21.
- 760 (7) False information. An application under this chapter containing known false information may
761 result in the disapproval, revocation, suspension or failure to renew the license applied for and
762 prosecution as a felony.

763 (Ord. No. 2002-14, § 1(9-1-30), 10-1-2002; Ord. No. 2009-14, §§ 27, 28, 10-6-2009)

764 Sec. 5-4-6. - Sham applicant; de facto applicant or location manager.

765 A "sham" means any information provided for an application which is not true, accurate, or is
766 spurious, or deceitful.

- 767 (1) It shall be unlawful for any person to file, or permit to be filed, an application for license under
768 this division wherein a sham applicant or a sham location manager is named.
- 769 (2) It shall be unlawful for any person to file an application for license containing his name as
770 applicant, or the name of a location manager, when such person is not the de facto applicant or
771 the de facto location manager, as the case may be.
- 772 (3) It shall be unlawful for any person to permit his name to be used on an application for license
773 where such person will not be the de facto owner of the license or the de facto location
774 manager, as the case may be.
- 775 (4) It shall be unlawful for any person to file an application for license, or permit his name to be
776 used in such application, where the application contains a nominal applicant or nominal location
777 manager for the purpose of avoiding the provisions of this article restricting applicants or
778 managers to persons without criminal records, or restricting economic interests in outlets, or for
779 any other elusive purpose.

780 (Ord. No. 2002-14, § 1(9-1-31), 10-1-2002)

781 Sec. 5-4-7. - Surveyor's certificate containing false information.

- 782 (a) It shall be unlawful for any applicant under this article to submit with his application any surveyor's
783 certificate containing known false information and/or measurements.
- 784 (b) It shall be unlawful for any surveyor to submit, or allow to be submitted, a certificate containing
785 known false information.
- 786 (c) A violation of subsection (b) may result in prosecution as for a felony offense.
- 787 (d) Substantial errors in measured distances, as determined by the city engineer, shall be prima facie
788 evidence that the distances submitted are known to be false.

789 (Ord. No. 2002-14, § 1(9-1-32), 10-1-2002)

790 Sec. 5-4-8. - Advertisement; proof thereof.

791 (a) Each applicant under this article shall advertise his application for license at his own expense in the
792 legal organ newspaper once a week for two weeks. Advertisements shall not be required for
793 renewals. The advertisement shall appear after the application is filed and before the public hearing
794 provided for in this article. The advertisement shall contain the name of the applicant, the purpose of
795 the application, the proposed location of the business, and its owner's name, and the name of the
796 proposed location manager. An advertisement shall run for each initial application.

797 (b) The applicant, before consideration will be given to his application, shall file with the clerk a copy of
798 the advertisement together with affidavits from the newspaper to the effect that it has been printed as
799 required.

800 (Ord. No. 2002-14, § 1(9-1-33), 10-1-2002; Ord. No. 2009-14, § 29, 10-6-2009)

801 Sec. 5-4-9. - Action by ARB and city council.

802 (a) After proof of advertisement is filed, the clerk shall notify the chief of police, who shall investigate the
803 applicant and the reputation of the location and make a full report to the ARB. The clerk shall also
804 circulate the application to the building inspector, the fire marshal, the traffic engineer, and the
805 planning and zoning coordinator for their investigation and recommendation.

806 (b) The clerk or his/her designee, when assured that all requirements have been complied with and the
807 application is complete, shall refer the application, together with any objections filed, to the ARB. The
808 ARB shall, after review of the applicant and the proposed location, recommend action to the city
809 council. The ARB shall afford the applicant a hearing prior to making a recommendation. Pursuant to
810 subsection 5-3-8(d), the recommendation of the ARB shall be deemed to be the decision of the
811 mayor and council if the applicant does not appeal such recommendation to the mayor and council
812 within 30 days of the ARB recommendation by filing a written appeal with the alcohol beverage clerk.

813 (Ord. No. 2002-14, § 1(9-1-34), 10-1-2002; Ord. No. 2009-14, § 30, 10-6-2009)

814 Sec. 5-4-10. - Approval of application; expiration in 90 days; extension for cause.

815 Approval of an application under this article by the city council shall expire after 90 days from the
816 date of such approval, unless the applicant has procured, and paid the fee for, the approved license. If
817 the application is approved and all fees paid the same shall lapse if no action is taken on license by
818 applicant within six months of issuance. The city council may extend the approval up to 90 days for good
819 cause shown such as fire, flood, war, and other uncontrollable occurrences, provided the request is made
820 within the original 90-day period.

821 (Ord. No. 2002-14, § 1(9-1-35), 10-1-2002)

822 Sec. 5-4-11. - Substantially the same application not to be resubmitted or entertained within six months
823 of previous application; deferral of action on application subject matter being litigated.

824 (a) No applicant under this article may submit, and the ARB shall not review, an application which is
825 substantially the same as an application submitted within the previous six months that has been
826 denied, unless directed by the city council.

827 (b) Either the ARB or the city council, or both, may defer action upon any application, the subject matter
828 of which is substantially the same as the subject matter of litigation then pending in the city, state, or
829 federal courts until such time as the litigation is resolved.

830 (Ord. No. 2002-14, § 1(9-1-36), 10-1-2002)

831 Sec. 5-4-12. - Considerations and guidelines for grant or denial.

832 The ARB, and the city council in making its determinations on an initial application, shall be guided
833 by the following factors as to whether or not to grant a license under this article:

- 834 (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether
835 the same is predominantly residential, industrial or business.
- 836 (2) The proximity of school grounds, school buildings, college campuses, and alcoholic treatment
837 centers owned and operated by the state or any county or municipal government therein.
- 838 (3) Whether the proposed location has adequate off street parking facilities or other parking
839 available for its patrons.
- 840 (4) Whether the location would tend to increase and promote traffic congestion and resulting
841 hazards therefrom.
- 842 (5) The criminal record of the applicant and the location manager, and their financial responsibility;
843 provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of
844 lack of financial responsibility.
- 845 (6) A report of the chief of police, the building inspector, the fire marshal, the traffic engineer, and
846 the planning and zoning manager relating to the use or sale of alcohol at the proposed location.
- 847 (7) The information required in the application or statement and whether all requirements as to
848 notice, advertisement, fire codes, building, zoning, parking, lighting and other matters relating to
849 the use or sale of alcohol at the proposed location have been met.
- 850 (8) Evidence presented to the ARB for or against the application relating to the sale or use of
851 alcohol at the proposed location.
- 852 (9) Whether or not the granting of the application is in the best interest of the health, safety, and
853 welfare of the city.
- 854 (10) Whether any license for sale of beer or wine or alcohol previously issued for the location has
855 been revoked for cause by the city.
- 856 (11) The history or reputation of the building or establishment (proposed for business) for prostitution
857 or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in
858 alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol
859 at the proposed location; or the overtaxing of existing city infrastructure and personnel. Such
860 determination of overtaxing will be made based upon reports of crimes and emergencies
861 reported and responses made to the site when compared to the same factors found at all retail
862 facilities averaged together as found in the city established by an annual study.
- 863 (12) Whether or not the applicant or outlet location is in violation of other local ordinances or state
864 laws relating to the crimes and issues referenced in subsection (11) as related to the sale or use
865 of alcohol at the proposed location.
- 866 (13) Whether or not the applicant or location manager has violated other jurisdictions laws regarding
867 alcohol beverage licensing.

868 (Ord. No. 2002-14, § 1(9-1-37), 10-1-2002; Ord. No. 2006-08, § 7, 6-13-2006)

869 Sec. 5-4-13. - Prohibited locations; prohibited persons; incomplete application.

870 (a) Prohibited locations. It shall be prohibited to obtain a license for the sale of malt beverages within the
871 following areas of the city:

872 (1) Within any residential zoning district or other prohibited zoning district established in the zoning
873 ordinance.

874 (2) Within a measured 100 yards of any alcoholic treatment center owned and operated by the
875 state or any county or municipal government therein.

876 (3) Within a measured 100 yards of any school building, school ground, or college campus.

877 (b) Prohibited persons. It shall be prohibited for the following persons to obtain a license for the retail
878 sale of malt beverages/wine:

879 (1) A person who does not comply with any residency requirements under state law.

880 (2) A person who has been convicted of a felony relating to violence, illegal substances, gambling,
881 theft, or alcohol use, or of a crime opposed to decency and morality, or who has been convicted
882 of a crime involving violation of the ordinances of the city or any other city or county relating to
883 the use, sale, taxability or possession of malt beverages, wine or liquor, or violations of the laws
884 of the state and federal government pertaining to the manufacture, possession, transportation or
885 sale of malt beverages, wine or intoxicating liquors, or the taxability thereof within five years
886 preceding the application.

887 (3) A person whose license under this chapter has been revoked for cause or who has had a
888 license under this chapter revoked for cause.

889 (4) A person who is under 18 years of age or who is not of sound mind and memory.

890 (c) Incomplete application. An application under this article filed and submitted before containing
891 substantially all the information required may be refused by staff.

892 (Ord. No. 2002-14, § 1(9-1-38), 10-1-2002; Ord. No. 2006-08, § 8, 6-13-2006; Ord. No. 2009-
893 14, § 31, 10-6-2009)

894 Sec. 5-4-14. - Becoming a prohibited person.

895 Any licensee under this article who becomes a "prohibited person" as defined in this chapter, shall,
896 within three days of the event, make the fact known to the ARB and shall surrender his license, such
897 surrender being appealable to the city council.

898 (Ord. No. 2002-14, § 1(9-1-39), 10-1-2002)

899 Sec. 5-4-15. - Renewal; denial of renewal.

900 (a) All licenses under this article shall be issued on a calendar-year basis; however, the same may be
901 suspended or revoked at any time for violations set out in this chapter and may be renewable upon
902 payment of the appropriate fee, except as is set out in subsections (d) and (e) below.

903 (b) Each licensee shall make a written application for renewal on or before October 15 of each year on
904 forms approved by the clerk, and the license fee shall be paid in full no later than December 15 of
905 each year.

906 (c) The application shall be referred to city staff, who shall report on the licensee's activity, if any, and
907 upon activity at the location of the licensed business, if any, during the year.

- 908 (d) If any city official reports any activity which constitutes probable cause for not renewing a license, the
 909 renewal shall not be made. All renewals shall be referred to the ARB for its consideration.
- 910 (e) The ARB shall afford the licensee a public hearing, and in passing upon the application for renewal,
 911 the recommendation shall be guided by the following factors applicable to an initial application:
 912 subsections (5), (6), (8), (9), (10), (12), and (13) of section 5-4-12. The city council may grant or deny
 913 for cause the renewal of any license issued under this article.
- 914 (f) At the public hearing, the ARB may recommend to the city council granting, or denying for cause, the
 915 renewal of any license issued under this article.

916 (Ord. No. 2002-14, § 1(9-1-40), 10-1-2002; Ord. No. 2004-02, § 4, 1-27-2004; Ord. No. 2004-
 917 24, § 3(9-1-40), 12-21-2004; Ord. No. 2009-14, §§ 32, 33, 10-6-2009)

918 Sec. 5-4-16. - Revocation, refusal to renew, suspension, probation.

- 919 (a) Summary action. There shall be no summary seizure of licenses under this article, unless there
 920 exists in the city a state of emergency duly declared; after any such seizure, a hearing shall be held
 921 as soon as practicable except where the applicant/holder has allowed the license to lapse from lack
 922 of use.
- 923 (b) Action by ARB and council. The ARB shall have full power and authority to recommend to the city
 924 council: revocation, refusal to renew, suspending, or placing on probation any alcohol beverage
 925 license for violation of this chapter, city ordinance or of the state or federal laws where such violation
 926 relates to the sale, manufacture or use of alcoholic beverages or when the continued operation of the
 927 licensed business is detrimental to the health, safety or welfare of the public as determined by failure
 928 to comply with the aforementioned alcohol-beverage-related laws. Before taking any such action, the
 929 city council shall require a hearing, before it and/or the ARB, as relevant in accordance with
 930 subsection 5-3-8(d); at least five days' notice of said hearing shall have been given to the affected
 931 licensee. The ARB shall make relevant recommendations which may be reviewed pursuant to
 932 subsection 5-3-8(d). The city council shall make all final determinations either by adopting the ARB
 933 recommendations or as otherwise set out in subsection 5-3-8(d).

934 (Ord. No. 2002-14, § 1(9-1-41), 10-1-2002; Ord. No. 2006-08A, § 3, 7-11-2006; Ord. No. 2007-
 935 15, § 1, 10-2-2007; Ord. No. 2009-14, § 34, 10-6-2009)

936 Sec. 5-4-17. - Changes of circumstances.

937 The recommendation of approval of an application by the ARB, and/or the granting of a license by
 938 the clerk, may be suspended or revoked, after notice and hearing, if any change in the information
 939 supplied, or in the physical layout represented in the plat submitted, occurs without the approval of the
 940 ARB. An applicant anticipating any such change shall submit all details thereof to the ARB which shall
 941 report the same to the city council.

942 (Ord. No. 2002-14, § 1(9-1-42), 10-1-2002)

943 Sec. 5-4-18. - No broken packages.

944 No package or retail store nor beer/wine store may sell single alcoholic beverages from an ice chest,
 945 tub, or cooler. Packages of alcoholic beverages may not be broken for individual sale.

946 (Ord. No. 2002-14, § 1(9-1-43), 10-1-2002)

947 Sec. 5-4-19. - Reserved.

948 **Editor's note**— Ord. No. 2009-14, § 35, adopted Oct. 6, 2009, renumbered § 5-4-19 as § 5-5-19

949 ARTICLE 5. - PACKAGE STORES

950

951 Sec. 5-5-1. - General regulations.

952 (a) The building or proposed building to house a retail outlet for the sale of liquor by the package shall
953 meet all requirements of the building inspector, the fire marshal, and the traffic engineer, and
954 planning and zoning coordinator and shall comply with other ordinances of the city for zoning,
955 storage, parking, buffers, and other issues.

956 (b) No screen, partition or thing which prevents a clear view into the interior of a retail outlet from the
957 street, nor any booth within, shall be permitted.

958 (c) No sale of distilled spirits shall be permitted between the hours of 12:00 a.m. and 8:00 a.m. In
959 addition, no sale of distilled spirits shall be permitted on Sundays before 12:30 p.m. and after 11:30
960 p.m., or on any other days or times prohibited by state law.

961 (d) Each retail outlet shall post at least four copies of its complete price list or, in lieu thereof, place a
962 price on each package for sale.

963 (e) The state regulations relating to the sale and distribution of distilled spirits, as revised, promulgated
964 by the state department of revenue, are hereby incorporated into and made a part of this article as if
965 fully set out in this section.

966 (f) Any license holder/applicant shall make an immediate report to, and receive recommendation of
967 approval by, the ARB of any change in the interests in or ownership of the liquor location or liquor
968 business, the licensee and/or any change in the information stated in the original application for
969 license. The ARB shall report the changes and its recommendations to the city council for the city
970 council's final approval.

971 (g) No drive-in windows shall be permitted.

972 (h) The open parking area of any building or proposed building to house a package store location shall
973 have an average maintained footcandle intensity of at least one footcandle with a minimum allowable
974 intensity of three-tenths of a footcandle. The covered parking area of any building or proposed
975 building to house a retail location shall have an average maintained footcandle intensity of at least
976 two footcandles with a minimum allowable intensity of five-tenths of a footcandle.

977 (i) Each location for a package store shall install and maintain security cameras in a secure location in
978 the package store of a type and number approved by the chief of police. Such cameras:

979 (1) Shall be placed in the outlet to record activities in the checkout or cash register area(s).

980 (2) Shall be capable of producing a retrievable image on film, tape, or any readable medium that
981 can be made a permanent record and enlarged through projection or other means.

982 Such cameras shall be maintained in proper working order at all times and shall be subject to periodic
983 inspection by the chief of police or his designee. If a robbery or other felony occurs in such outlet, the film
984 or tape recording of such event shall immediately be made available to the chief of police or his designee.

985 (Ord. No. 2002-14, § 1(9-1-45), 10-1-2002; Ord. No. 2009-14, §§ 36, 37, 10-6-2009; Ord. No.
986 2011-14, § 2, 12-6-2011)

987 Sec. 5-5-2. - Required.

988 It shall be unlawful for any person to manufacture, sell or offer to sell any spirituous liquors or
989 distilled spirits at wholesale or retail within the corporate limits of the city without having the appropriate
990 license for such manufacture or sale, or to carry on such activity in violation of the terms of such license
991 or this article.

992 (Ord. No. 2002-14, § 1(9-1-46), 10-1-2002)

993 Sec. 5-5-3. - Separate license for each outlet; surrender.

- 994 (a) A separate license shall be required for each package store, and a separate application shall be
995 made for each such place.
- 996 (b) Immediately upon the sale or closing of a package store, it shall be the duty of the licensee to
997 surrender his license to the ARB.
- 998 (c) Any licensee who is an employee of a corporation, who is separated from his employment, whether
999 he resigns, retires or is fired, shall immediately notify the office of the clerk of such separation
1000 Monday through Friday, 8:00 a.m. until 5:00 p.m. If such employee removes the package store
1001 license from the establishment, he shall immediately surrender such license to the clerk. Failure to
1002 surrender such license, if removed from the place of business, will be a violation and shall be
1003 punished as provided by state law.

1004 (Ord. No. 2002-14, § 1(9-1-47), 10-1-2002; Ord. No. 2009-14, § 38, 10-6-2009)

1005 Sec. 5-5-4. - Classification of licenses; fees.

- 1006 (a) Types of classifications. Licenses under this article shall be classified as follows:
- 1007 (1) Class R. Retail liquor package store, which shall permit only the sale of liquor in packages at
1008 retail.
- 1009 (2) Class W. Wholesale liquor distributor, which shall permit only the sale of liquor at wholesale.
- 1010 (3) Class M. Manufacturers, which shall permit only the manufacture, bottling and packaging of
1011 distilled spirits.
- 1012 (b) Fee amount. The amount of the license fee for each class shall be as set forth in the license fee
1013 schedule of the city as provided in section 5-3-15

1014 (Ord. No. 2002-14, § 1(9-1-48), 10-1-2002)

1015 Sec. 5-5-5. - Initial application for license.

- 1016 Application for a Class M, Class R, or Class W license shall be as follows:
- 1017 (1) Forms; submission. Each initial applicant shall make a written application to the ARB for the
1018 privilege of engaging in the sale (specifying wholesale or retail) of liquor, such applicant using
1019 forms approved by the clerk.
- 1020 (2) Where filed; fee. The application shall be filed with the clerk with a fee as set out in the fee
1021 schedule under section 5-3-15, for review of the applicant and of the proposed location and
1022 processing of the application.
- 1023 (3) Contents. The application shall state:

- 1024 a. As to the applicants, full name, birth date, present address and addresses for the past five
 1025 years (including compliance with O.C.G.A. § 3-4-23 when the applicant has been a
 1026 resident of the city for less than 12 months immediately preceding [preceding]
 1027 application), business address and business addresses of employers and their addresses
 1028 for the last five years, names of spouse, complete record of all arrests, convictions and
 1029 guilty pleas for violations of all laws, city, other cities, counties and states, county, state
 1030 and federal, of both applicant and spouse, and the disposition of all charges within the last
 1031 five years prior to the application.
- 1032 b. As to the applicant's location manager (if not the same as the applicant), the same
 1033 information as required of the applicant in subsection a.
- 1034 c. Exact location (street address and otherwise) of proposed business, including zoning
 1035 district. The location must be properly identified.
- 1036 d. Name and address of owner or landlord and/or resident manager of property proposed for
 1037 location and whether or not there is a building proposed to be used already erected
 1038 thereon.
- 1039 e. Trade name (or proposed trade name) of proposed business.
- 1040 f. Names and addresses of all persons having any financial interest in the outlet by way of
 1041 ownership of building, property, or stock, receipt of income from the business or otherwise.
- 1042 g. Such other information as may be required by the city council, the ARB, the chief of police,
 1043 the city manager, the city attorney or the clerk.
- 1044 (4) Approvals. The application shall contain evidence of the following persons' approval of the
 1045 licensee and of the owner and the manager of the liquor establishment:
- 1046 a. Building inspector (i.e., building permit, certificate of occupancy, or other evidence).
 1047 b. Traffic engineer.
 1048 c. Fire marshal/fire chief.
 1049 d. Chief of police/assistant chief of police.
 1050 e. Planning and zoning coordinator.
- 1051 (5) Oath. The application shall be sworn to.
- 1052 (6) Surveyor's certificate. The application shall be accompanied by a current certificate from a
 1053 registered surveyor containing the following information:
- 1054 a. A scale drawing of the building or proposed building, as situated on the proposed lot.
 1055 b. The proposed off street parking facilities available to the building and all outdoor lighting on
 1056 the premises.
 1057 c. The exact location of the business, including street address, ward, and county tax map
 1058 number.
 1059 d. Current zoning classification of the location.
 1060 e. The distance as measured in a straight line in yards from nearest property line to property
 1061 line from each of the following: The nearest church building, the nearest school building,
 1062 school ground, or college campus, and the nearest alcoholic treatment center owned and
 1063 operated by the state or any county or municipal government therein.
 1064 f. If a business has been licensed since July 1, 1981, or before, the survey shall be required
 1065 however no license will be denied based upon a failure to meet the distance requirements
 1066 as set forth under O.C.G.A. § 3-3-21.

1067 (7) False information. An application under this chapter containing known false information may
1068 result in the disapproval, revocation, suspension or failure to renew the license applied for and
1069 prosecution as a felony.

1070 (Ord. No. 2002-14, § 1(9-1-49), 10-1-2002; Ord. No. 2009-14, §§ 39, 40, 10-6-2009)

1071 Sec. 5-5-6. - Sham applicant; de facto applicant or location manager.

1072 A "sham" means any information provided for an application which is not true, accurate, or is
1073 spurious, or deceitful.

- 1074 (1) It shall be unlawful for any person to file, or permit to be filed, an application for license under
1075 this article wherein a sham applicant or a sham location manager is named.
- 1076 (2) It shall be unlawful for any person to file an application for license containing his name as
1077 applicant, or the name of an outlet manager, when such person is not the de facto applicant or
1078 the de facto location manager, as the case may be.
- 1079 (3) It shall be unlawful for any person to permit his name to be used on an application for license
1080 where such person will not be the de facto owner of the license or the de facto location
1081 manager, as the case may be.
- 1082 (4) It shall be unlawful for any person to file an application for license, or permit his name to be
1083 used in such application, where the application contains a nominal applicant or nominal location
1084 manager for the purpose of avoiding the provisions of this article restricting applicants or
1085 managers to persons and without criminal records, or restricting economic interests in outlets,
1086 or for any other elusive purpose.

1087 (Ord. No. 2002-14, § 1(9-1-50), 10-1-2002)

1088 Sec. 5-5-7. - Surveyor's certificate containing false information.

- 1089 (a) It shall be unlawful for any applicant under this article to submit with his application any surveyor's
1090 certificate containing known false information and/or measurements.
- 1091 (b) It shall be unlawful for any surveyor to submit, or allow to be submitted, a certificate containing
1092 known false information.
- 1093 (c) A violation of subsection (b) may result in prosecution as for a felony offense.
- 1094 (d) Substantial errors in measured distances, as determined by the city engineer, shall be prima facie
1095 evidence that the distances submitted are known to be false.

1096 (Ord. No. 2002-14, § 1(9-1-51), 10-1-2002)

1097 Sec. 5-5-8. - Advertisement; proof thereof.

- 1098 (a) Each applicant under this article shall advertise his application at his for license expense in the legal
1099 organ newspaper once a week for two weeks. Advertisements shall not be required for renewals.
1100 The advertisement shall appear after the application is filed and before the public hearing provided
1101 for in this article. The advertisement shall contain the name of the applicant, the purpose of the
1102 application, the proposed location of the business, and its owner's name, and the name of the
1103 proposed location manager. An advertisement shall run for each application.
- 1104 (b) The applicant shall also, within three days after filing a complete application, identify the proposed
1105 location by posting a sign not less than 24 inches by 36 inches in size, with letters of at least 2½
1106 inches on the front door of the building proposed to be used (if facing the right-of-way of the city

1107 street upon which the building fronts; otherwise, within three feet of the right-of-way), or upon a
1108 prominent place on the lot where the building is proposed to be constructed, facing the street. The
1109 sign shall be captioned "Liquor License Application Pending" and shall designate the name and
1110 address of the applicant, the type of license and the date of the application, and no other
1111 advertisement or wording. The sign shall remain posted until final action by the city commission on
1112 the application.

1113 (c) The applicant, before consideration will be given to his application, shall file with the clerk:

1114 (1) A copy of the advertisement together with affidavits from the newspaper to the effect that it has
1115 been printed as required.

1116 (2) A photograph of the sign erected pursuant to this section, together with affidavits to the effect
1117 that it has been erected as required.

1118 (Ord. No. 2002-14, § 1(9-1-52), 10-1-2002; Ord. No. 2009-14, § 41, 10-6-2009)

1119 Sec. 5-5-9. - Action by ARB and council.

1120 (a) After proof of advertisement is filed under this article, the clerk shall notify the chief of police of the
1121 application, who shall investigate the applicant and the reputation of the location and make a full
1122 report to the ARB. The clerk shall also circulate the application to the building inspector, the fire
1123 marshal, the traffic engineer, and the planning and zoning coordinator for their investigation and
1124 recommendation.

1125 (b) The clerk or his/her designee when assured that all requirements have been complied with and the
1126 application is complete shall refer the application, together with any objections filed, to the ARB. The
1127 ARB shall, after review of the applicant and the proposed location, recommend action to the city
1128 council. The ARB shall afford the applicant a hearing prior to making a recommendation. Pursuant to
1129 subsection 5-3-8(d), the recommendation of the ARB shall be deemed to be the decision of the
1130 mayor and council if the applicant does not appeal such recommendation to the mayor and council
1131 within 30 days of the ARB recommendation by filing a written appeal with the alcohol beverage clerk.

1132 (Ord. No. 2002-14, § 1(9-1-53), 10-1-2002; Ord. No. 2009-14, § 42, 10-6-2009)

1133 Sec. 5-5-10. - Approval of application; expiration in 90 days; extension for cause.

1134 Approval of an application under this article by the city council shall expire after 90 days from the
1135 date of such approval, unless the applicant has procured, and paid the fee for, the approved license. If
1136 the application is approved and all fees paid the same shall lapse if no action is taken on the license by
1137 applicant within six months of issuance. The city council may extend the approval up to 90 days for good
1138 cause shown such as fire, flood, war and other uncontrollable occurrences, provided the request therefor
1139 is made within the original 90-day period.

1140 (Ord. No. 2002-14, § 1(9-1-54), 10-1-2002; Ord. No. 2009-14, § 43, 10-6-2009)

1141 Sec. 5-5-11. - Substantially the same application not to be resubmitted or entertained within six months
1142 of previous application; deferral of action on application subject matter of which is being litigated.

1143 (a) No applicant under this article may submit, and the ARB shall not review, an application which is
1144 substantially the same as an application submitted within the previous six months that has been
1145 denied, unless directed by the city council.

1146 (b) Either the ARB or the city council, or both, may defer action upon any application, the subject matter
1147 of which is substantially the same as the subject matter of litigation then pending in the city, state or
1148 federal courts until such time as the litigation is resolved.

1149 (Ord. No. 2002-14, § 1(9-1-55), 10-1-2002)

1150 Sec. 5-5-12. - Considerations and guidelines for grant or denial.

1151 The ARB, and the city council in making its determinations on an initial application, shall be guided
1152 by the following factors as to whether or not to grant a license under this article:

- 1153 (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether
1154 the same is predominantly residential, industrial or business.
- 1155 (2) The proximity of churches, school buildings, school grounds, college campuses, and alcoholic
1156 treatment centers owned and operated by the state or any county or municipal government
1157 therein.
- 1158 (3) Whether the proposed location has adequate off street parking facilities or other parking
1159 available for its patrons.
- 1160 (4) Whether the location would tend to increase and promote traffic congestion and resulting
1161 hazards therefrom.
- 1162 (5) The criminal record of the applicant and the location manager and their financial responsibility;
1163 provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of
1164 lack of financial responsibility.
- 1165 (6) A report of the chief of police, the building inspector, the fire marshal, the traffic engineer, and
1166 the planning and zoning manager relating to the use or sale of alcohol at the proposed location.
- 1167 (7) The information required in the application or statement and whether all requirements as to
1168 notice, advertisement, fire codes, building, zoning, parking, lighting and other matters relating to
1169 the use or sale of alcohol at the proposed location have been met.
- 1170 (8) Evidence presented to the ARB for or against the application relating to the sale or use of
1171 alcohol at the proposed location.
- 1172 (9) Whether or not the granting of the application is in the best interest of the health, safety and
1173 welfare of the city.
- 1174 (10) Whether any license for sale of beer or wine or alcohol previously issued for the location has
1175 been revoked for cause by the city.
- 1176 (11) The history or reputation of the building or establishment (proposed for business) for prostitution
1177 or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in
1178 alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol
1179 at the proposed location or the overtaxing of existing city infrastructure and personnel. Such
1180 determination of overtaxing will be made based upon reports of crimes and emergencies
1181 reported and responses made to the site when compared to the same factors found at all retail
1182 facilities averaged together as found in the city established by an annual study.
- 1183 (12) Whether or not the applicant or outlet location is in violation of other local ordinances or state
1184 laws relating to the crimes and issues referenced in subsection (11) as related to the sale or use
1185 of alcohol at the proposed location.
- 1186 (13) Whether or not the applicant or location manager has violated other jurisdictions laws regarding
1187 alcohol beverage licensing.

1188 (Ord. No. 2002-14, § 1(9-1-56), 10-1-2002; Ord. No. 2006-08, § 10, 6-13-2006; Ord. No. 2009-
1189 14, § 44, 10-6-2009)

1190 Sec. 5-5-13. - Prohibited locations, prohibited persons, incomplete application.

1191 (a) Prohibited locations. It shall be prohibited to obtain a license for a package store within the following
1192 areas of the city:

1193 (1) Within any residential zoning district or other prohibited zoning district as set out in the zoning
1194 ordinance.

1195 (2) Within a measured 100 yards of any church building.

1196 (3) Within a measured 100 yards of any alcoholic treatment center owned and operated by the
1197 state or any county or municipal government therein.

1198 (4) Within a measured 200 yards of any school building, school ground, or college campus.

1199 (b) Prohibited persons. It shall be prohibited for the following persons to obtain a license for a package
1200 store:

1201 (1) A person who does not comply with any residency requirements under state law.

1202 (2) A person who has been convicted of a felony relating to violence, illegal substances, gambling,
1203 theft, or alcohol use, or of a crime opposed to decency and morality, or who has been convicted
1204 of a crime involving violation of the ordinances of the city relating to the use, sale, taxability or
1205 possession of malt beverages, wine or liquor, or violations of the laws of the state and federal
1206 government pertaining to the manufacture, possession, transportation or sale of malt
1207 beverages, wine or intoxicating liquors, or the taxability thereof within five years preceding the
1208 application.

1209 (3) A person whose license under this chapter has been revoked for cause or who has had a
1210 license under this chapter revoked for cause.

1211 (4) A person who is under 18 years of age or who is not of sound mind and memory.

1212 (c) Incomplete application. An application under this article filed and submitted before containing
1213 substantially all the information required may be refused by staff.

1214 (Ord. No. 2002-14, § 1(9-1-57), 10-1-2002; Ord. No. 2006-08, § 11, 6-13-2006; Ord. No. 2009-
1215 14, § 45, 10-6-2009)

1216 Sec. 5-5-14. - Becoming a prohibited person.

1217 Any licensee under this article who becomes a "prohibited person" as defined in this chapter shall,
1218 within three days of the event, make the fact known to the ARB and shall surrender his license. Such
1219 surrender being appealable to the city council.

1220 (Ord. No. 2002-14, § 1(9-1-58), 10-1-2002)

1221 Sec. 5-5-15. - Renewal; denial of renewal.

1222 (a) All licenses under this article shall be issued on a calendar-year basis; however, the same may be
1223 suspended or revoked at any time for violations set out in the chapter and may be renewable upon
1224 payment of the appropriate fee, except as is set out in subsections (d) and (e) below.

- 1225 (b) Each licensee shall make written application for renewal of his license on or before October of each
 1226 year on forms provided by the city, and the license fee shall be paid in full on or before December 15
 1227 of each year.
- 1228 (c) The application shall be referred to city staff, who shall report on the licensee's activity, if any, and
 1229 upon activity at the location of the licensed business, if any, during the year.
- 1230 (d) If any city official reports any activity which constitutes probable cause for not renewing a license, the
 1231 renewal shall not be made. All renewals shall be referred to the ARB for its consideration.
- 1232 (e) The ARB shall afford the licensee a public hearing, and in passing upon the application for renewal,
 1233 the recommendation shall be guided by the following factors applicable to an initial application:
 1234 subsections (5), (6), (8), (9), (10), (12), and (13) of section 5-5-12. The city council may grant, or
 1235 deny for cause, the renewal of any license issued under this article.
- 1236 (f) At the public hearing, the ARB may recommend to the city council granting, or denying for cause, the
 1237 renewal of any license issued under this article.

1238 (Ord. No. 2002-14, § 1(9-1-59), 10-1-2002; Ord. No. 2004-02, § 5, 1-27-2004; Ord. No. 2004-
 1239 24, § 3(9-1-59), 12-21-2004; Ord. No. 2009-14, § 46, 10-6-2009)

1240 Sec. 5-5-16. - Revocation, refusal to renew, suspension, probation.

- 1241 (a) Summary action. There shall be no summary seizure of licenses under this article, unless there
 1242 exists in the city a state of emergency duly declared; after any such seizure, a hearing shall be held
 1243 as soon as practicable or where the applicant/holder has allowed the license to lapse from lack of
 1244 use.
- 1245 (b) Action by ARB and council. The ARB shall have full power and authority to recommend to the city
 1246 council: revocation, refusal to renew, suspending, or placing on probation any alcohol beverage
 1247 license for violation of this chapter, city ordinance or of the state or federal laws where such violation
 1248 relates to the sale, manufacture, or use of alcoholic beverages or when the continued operation of
 1249 the licensed business is detrimental to the health, safety or welfare of the public as determined by
 1250 failure to comply with the aforementioned alcohol-beverage-related laws. Before taking any such
 1251 action, the city council shall require a hearing, before it and/or the ARB, as relevant in accordance
 1252 with subsection 5-3-8(d); at least five days' notice of said hearing shall have been given to the
 1253 affected licensee. The ARB shall make relevant recommendations which may be reviewed pursuant
 1254 to subsection 5-3-8(d). The city council shall make all final determinations either by adopting the
 1255 ARB recommendation or as otherwise set out in section 5-3-8(d).

1256 (Ord. No. 2002-14, § 1(9-1-60), 10-1-2002; Ord. No. 2006-08A, § 4, 7-11-2006; Ord. No. 2007-
 1257 15, § 2, 10-2-2007; Ord. No. 2009-14, § 47, 10-6-2009)

1258 Sec. 5-5-17. - Changes of circumstances.

1259 The recommendation of approval of an application by the ARB, and/or the granting of a license by
 1260 the clerk, may be suspended or revoked, after notice and hearing, if any change in the information
 1261 supplied, or in the physical layout represented in the plat submitted, occurs without the approval of the
 1262 ARB. An applicant anticipating any such change shall submit all details thereof to the ARB, which shall
 1263 report the same to the city council.

1264 (Ord. No. 2002-14, § 1(9-1-61), 10-1-2002; Ord. No. 2009-14, § 48, 10-6-2009)

1265 Sec. 5-5-18. - No broken packages.

1266 ~~No package store nor retail beer/wine store may sell single alcoholic beverages from an ice chest,~~
1267 ~~tub, or cooler. Packages of alcoholic beverages may not be broken for individual sale.~~

1268 (Ord. No. 2002-14, § 1(9-1-62), 10-1-2002)

1269 Sec. 5-5-19. - Number of package stores.

1270 The number of package stores selling malt beverages, wine, and liquor shall be limited based upon
1271 population. Population shall be determined by the U.S. decennial census. The census in effect for
1272 establishing enforcement of this section shall be the U.S. census in effect at the adoption of this chapter
1273 until such time as a new U.S. census is established. There shall be no more than one package store
1274 outlet selling malt beverages, wine, and liquor per 1,500 residents of the city according to the U.S.
1275 census.

1276 (Ord. No. 2002-14, § 1(9-1-44), 10-1-2002; Ord. No. 2009-14, § 35, 10-6-2009)

1277 **Editor's note**— Ord. No. 2009-14, § 35, adopted Oct. 6, 2009, renumbered the provisions
1278 formerly found in § 5-4-19 to read as herein set out.

1279 **ARTICLE 6. - ON-PREMISES CONSUMPTION**

32

1280

1281 Sec. 5-6-1. - Regulation of lounges; reporting food sales.

- 1282 (a) All lounges shall submit a quarterly report to the ARB. The report shall clearly indicate the sales
1283 receipts of the lounge for food and the sales receipts for alcoholic beverages. The report shall be
1284 sworn to. The report shall be post marked on or before the last day of the calendar month after the
1285 calendar quarter. For the purposes of reporting, food shall be defined as all edible substances
1286 appropriate for human consumption as determined by the health department inspecting the city's
1287 restaurants and lounges as sold or provided to the public in a restaurant as defined in this chapter.
1288 Food shall not be construed to mean: olives, cherries, limes, lemons, salt, pepper, pineapples,
1289 celery, tomato juice, or any other fruit, vegetable or dairy product such as ice cream, cream, yogurt,
1290 milk or soft drinks, water, tonic water, other non-alcoholic carbonated or non-carbonated beverages
1291 when such items are used in alcoholic beverages or mixed drink as a essential part of the beverage,
1292 mixed drink, or as a garnish thereon. As used in this section, lounges must prove that at least 51
1293 percent of the receipts of such business shall come from the sale of food. To be included in the
1294 tabulation of receipts of all persons laboring on the premises, including the services of all
1295 independent contractors, performers, servers, entertainers, or other non-employee personnel not to
1296 include, however, persons who are called to the premises from other licensed businesses to perform
1297 services repairs or construction on equipment or building premises.
- 1298 (b) For purposes of this section, the calculation of receipts for alcoholic beverages shall be made
1299 pursuant to the scheduling of pricing and the regulations contained in this chapter. If a lounge fails to
1300 report food sales receipts of at least 51 percent as calculated herein and as defined herein after one
1301 quarter of a calendar year of reporting such failure shall be considered cause for probation,
1302 suspension, revocation or other appropriate action. The reports described herein shall be in a form
1303 recognized by certified public accountants and shall utilize common and generally recognized
1304 accounting principles and shall be submitted under oath. Those submitting the reports shall be
1305 prosecuted for fraudulent statements under O.C.G.A. § 16-10-20 in a court of competent jurisdiction,
1306 if such reports are not true. For the purposes of determining whether a lounge is qualified to be open
1307 during December and on January 1 of each year the preceding quarter's receipts shall be utilized on
1308 making such determination, unless such business is new and had not been open long enough to

1309 provide the quarterly reports required herein. Where the business has not been open long enough to
1310 provide quarterly reports, then such reports as are available shall be used by the ARB to determine if
1311 the business shall be allowed to operate in December and on January 1 each year. If no quarterly
1312 reports are available, whatever sales receipts for daily sales from the outset of the business will be
1313 submitted to the ARB for review in order to make the determination. In such cases, suspension,
1314 probations, revocations, or other actions based solely on food sales receipts will not occur until after
1315 three months of receipts have been submitted. However, nothing in this section shall prohibit actions
1316 under this chapter for other violations of local ordinances or state or federal law.

1317 (Ord. No. 2002-14, § 1(9-1-63), 10-1-2002)

1318 Sec. 5-6-2. - Regulations of restaurants; reporting food sales.

1319 (a) A restaurant holding an alcohol beverage license must (i) be open to the public at least six hours per
1320 day, serving at least two meals per day, with a minimum serving time of three hours per meal; and
1321 (ii) serve meals at least six days a week with the exception of weeks including holidays, vacations,
1322 and periods of redecorating. Before any repair, redecorating or any period of closure other than
1323 nationally recognized or religious holidays, vacations or emergencies, such repair, or redecorating
1324 shall require prereview and recommendation of the ARB.

1325 Where closure is the result of a catastrophic emergency, postclosure review can be applied for; however,
1326 such review request must be applied for by the license holder no later than 30 days postclosure or the
1327 same closure may be prosecuted as a violation of this section and may result in administrative
1328 proceedings as well.

1329 Serving of alcoholic beverages at off-premises locations shall not be the principal business of the
1330 restaurant and consumption on the premises shall only be incidental thereto.

1331 (b) As used in this section, seating capacity shall mean that no more than 25 percent of such seating
1332 shall be at a common table or counter area or shall be other than individual tables or booths
1333 designed for seating of at least two individuals.

1334 (c) The principle business of a restaurant shall be the sale of food. As used in this section, principal
1335 business shall mean that at least 51 percent of the receipts of such business shall come from the
1336 sale of food. To be included in the tabulation of receipts for the purpose of this calculation, are all
1337 receipts of all persons laboring on the premises, including the services of all independent
1338 contractors, performers, servers, entertainers, or other non-employee personnel not to include,
1339 however, persons who are called to the premises from other licensed businesses to perform
1340 services, repairs or construction on equipment or building premises. The calculation of receipts for
1341 alcoholic beverages shall be made pursuant to the regulations contained in this chapter. All
1342 restaurants shall submit a report to the ARB. The report shall clearly indicate the sales receipts of the
1343 restaurant for food and the sales receipts for alcoholic beverages. The report shall be post marked
1344 on or before the last day of the calendar month after the calendar quarter. For the purposes of
1345 reporting, food shall be defined as all edible substances appropriate for human consumption as
1346 determined by the health department inspecting the city's restaurants and lounges as sold or
1347 provided to the public in a restaurant as defined in the Code. Food shall not be construed to mean:
1348 olives, cherries, limes, lemons, salt, pepper, pineapples, celery, tomato juice, or any other fruit,
1349 vegetable or dairy product such as ice cream, cream, yogurt, milk or soft drinks, water, tonic water,
1350 other non-alcoholic carbonated or non-carbonated beverages when such items are used in alcoholic
1351 beverages or mixed drink as a essential part of the beverage, mixed drink, or as a garnish thereon.
1352 As used in this section, restaurants must prove that at least 51 percent of the receipts of such
1353 business shall come from the sale of food. To be included in the tabulation of receipts for the
1354 purpose of this calculation are all receipts of all persons laboring on the premises, including the
1355 services of all independent contractors, performers, servers, entertainers, or other non-employee
1356 personnel not to include, however, persons who are called to the premises from other licensed
1357 businesses to perform services, repairs, or construction on equipment or building premises.

1358 (d) For purposes of this section, the calculation of receipts for alcoholic beverages shall be made
1359 pursuant to these regulations. If a restaurant fails to report food sales receipts of at least 51 percent
1360 as calculated herein and as defined herein after one quarter of a calendar year of reporting such
1361 failure shall be considered cause for suspension, probation, revocation or other appropriate action
1362 under this chapter. The reports described herein shall be in a form recognized by certified public
1363 accountants and shall utilize common and generally recognized accounting principles and shall be
1364 submitted under oath. Those submitting the reports shall be prosecuted for fraudulent statements
1365 under O.C.G.A. § 16-10-20 by a court of competent jurisdiction, if such reports are not true. For the
1366 purposes of determining whether a restaurant is qualified to be open during December and on
1367 January 1 of each year the preceding one quarter receipts shall be utilized in making such
1368 determinations, unless such business is new and had not been open long enough to provide the
1369 monthly reports required herein. Where the business has not been open long enough to provide the
1370 quarterly reports, then such reports as are available shall be used by the ARB to determine if the
1371 business shall be allowed to operate in December and on January 1 each year. If no quarterly
1372 reports are available, whatever sales receipts for daily sales from the outset of the business will be
1373 submitted to the ARB for review in order to make the determination. Suspension, probations,
1374 revocations, or other actions based solely on food sales receipts will not occur until after three
1375 months receipts have been submitted. However, in this section nothing shall prohibit actions under
1376 this chapter or for other violations of local ordinances or state or federal law.

1377 (Ord. No. 2002-14, § 1(9-1-64), 10-1-2002; Ord. No. 2006-08, § 12, 6-13-2006; Ord. No. 2009-
1378 14, § 49, 10-6-2009)

1379 Sec. 5-6-3. - On-premises consumption regulations generally.

- 1380 (a) The building or proposed building where pouring will take place shall meet all requirements of the
1381 building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and
1382 shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues.
- 1383 (b) No pouring of liquor, malt beverages, or wine, or any other on-premises alcohol service shall be
1384 permitted between the hours of 3:00 a.m. and 8:00 a.m.
- 1385 (c) In addition to the prohibition set forth in subsection (b), no pouring of liquor, malt beverages, or wine,
1386 or any other on-premises alcohol service shall be permitted on Sundays between the hours of 8:00
1387 a.m. and 12:30 p.m.
- 1388 (d) In no event shall drinks be mixed or sold, nor malt beverages sold, during the prohibited hours,
1389 based upon the timely sale of tickets, chits, decanters or other devices.
- 1390 (e) No location manager, nor other employee of a location, shall permit violations of subsections (b)
1391 through (d).
- 1392 (f) On-premises consumption licensees may sell malt beverages by the pitcher, or wine by the bottle or
1393 decanter.
- 1394 (g) Hotels shall have the privilege of granting franchises for the operation of a lounge or restaurant in
1395 their premises, provided the hotel and the franchisee meet all the requirements of this chapter.
- 1396 (h) It shall be unlawful for any person to employ knowingly in any pouring outlet in any capacity
1397 whatsoever, including performers, entertainers and musicians, any person who has plead guilty or
1398 has been convicted of soliciting for prostitution, pandering, letting premises for prostitution, keeping a
1399 disorderly place, illegally dealing in drugs, sex offenses or for any charge relating to the manufacture
1400 or sale of intoxicating liquors, other alcohol related offenses or for violations of local other
1401 jurisdictions ordinances regarding alcoholic beverages within the last five years prior to the
1402 application.
- 1403 (i) It shall be the duty of the management of a pouring outlet to maintain a copy of this chapter at the
1404 outlet and to instruct each employee on its terms.

- 1405 (j) The state law and regulations relating to the sale of beer, wine, and distilled spirits, as revised,
1406 promulgated by the state department of revenue, and especially as related to retail sale for
1407 consumption on premises are hereby incorporated into and made a part of this article as if fully set
1408 out in this section.
- 1409 (k) A on-premises consumption licensee shall make immediate report to the ARB of any change in the
1410 interests in or ownership of the pouring outlet and/or any change in the information as stated in the
1411 original application for license.
- 1412 (l) The sale of alcoholic beverages for consumption by persons in any back room or side room which is
1413 not open to general public use is prohibited, except that private parties or conventions, which have
1414 been scheduled in advance, may be served in public or private dining rooms or meeting rooms, and,
1415 provided further that this prohibition shall not apply to the sale of alcoholic beverages for
1416 consumption hereunder to the registered guests of any hotel in their designated rooms.
- 1417 (m) It shall be unlawful for any sales to be made outside of the building, premises or place of business
1418 licensed for such sale except as permitted herein.
- 1419 (n) Serving standing patrons is discouraged. The purpose of this section being the prohibition of bars
1420 and the encouragement of restaurants within the city. However, 25 percent of all patrons may be
1421 served while standing when waiting for seating as long as the maximum occupancy capacity of the
1422 premises is not violated; and such standing does not create a fire safety or violation under National
1423 Fire Protection Association (NFPA) standard code as adopted by the city. The determination of 75
1424 percent seating shall be based upon the required seating in the facility mandated by the NFPA
1425 standard.
- 1426 (o) All sales shall be made in bar glassware and no sales shall be made in paper cups or any other
1427 temporary-type receptacle, nor shall any sale be made by the package, except that hotels may
1428 provide such sales for their guest for service in their room.
- 1429 (p) All licensees hereunder shall display in prominent places their current prices of alcoholic beverages,
1430 also minimum, admission and cover charges. The licensee shall file a copy of same with the ARB
1431 and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed
1432 the price list furnished to the ARB. Upon any increase or decrease of prices, a new list must be filed
1433 with the ARB.
- 1434 (q) No licensee or employee or agent of a licensee shall engage in any of the following practices in
1435 connection with the sale or other disposition of alcoholic beverages for consumption on the
1436 premises:
- 1437 (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic
1438 beverage;
- 1439 (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such
1440 beverages a customer can or desires to drink at a single price;
- 1441 (3) The sale or serving of two or more alcoholic beverages at substantially the same price
1442 customarily charged for one such alcoholic beverage;
- 1443 (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same
1444 time another alcoholic beverage is purchased or before the first such beverage has been
1445 substantially consumed, by any one person;
- 1446 (5) The sale or delivery to any person or group of persons of an unlimited number of alcoholic
1447 beverages during any set period of time for a fixed price, except at private functions not open to
1448 the public; or
- 1449 (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price
1450 regularly charged for such alcoholic beverage.
- 1451 (r) No licensee shall advertise or promote in any way, whether within or without the licensed premises,
1452 any of the practices prohibited under subsection (q) above.

1453 (s) No provision of this section shall be construed to prohibit a licensee from offering free food or
1454 entertainment at any time; or to prohibit the licensee from including an alcoholic beverage as a part
1455 of a meal package; or to prohibit the sale or delivery of wine by the bottle or carafe when sold with
1456 meals; or to prohibit any hotel or motel from offering room service or a complimentary social hour to
1457 its registered guests.

1458 (t) No on-premises consumption license establishment may allow BYOB on the licensed premises.

1459 (u) All on-premises consumption licenses shall collect and pay a tax of three percent on the sale of
1460 alcoholic beverages by the drink in the city in accordance with chapter 17, article 6 of the Hapeville
1461 Code of Ordinances.

1462 (Ord. No. 2002-14, § 1(9-1-65), 10-1-2002; Ord. No. 2004-01, § 1, 1-6-2004; Ord. No. 2004-24,
1463 § 4(9-1-65), 12-21-2004; Ord. No. 2007-13, § 1, 7-17-2007; Ord. No. 2007-17, §§ 1, 2, 10-2-
1464 2007; Ord. No. 2008-16, § 5, 10-21-2008; Ord. No. 2009-14, §§ 50, 51, 10-6-2009; Ord. No.
1465 2011-15, § 5, 12-6-2011)

1466 Sec. 5-6-4. - Entertainment at pouring outlets.

1467 (a) Bands or orchestras and patron dancing shall be permitted at on-premises consumption locations if
1468 the following conditions are met:

1469 (1) Where adequate space exists after consideration of required NFPA occupancy and seating;

1470 (2) Where all fire and safety regulations are met; and

1471 (3) Where the appropriate license fee has been fully paid.

1472 (b) If an on-premises consumption location provides music, dancing or other entertainment provisions
1473 for such security attendance and protection as, in the opinion of the chief of police, are adequate to
1474 meet the need therefore can be recommended to the licensee by the ARB.

1475 (Ord. No. 2002-14, § 1(9-1-66), 10-1-2002; Ord. No. 2009-14, § 52, 10-6-2009)

1476 Sec. 5-6-5. - Off-premises and special event licenses.

1477 (a) Notwithstanding any other provision of this Code, the city council may grant a license to permit the
1478 off-premises pouring of malt beverages, wine, and liquor under the following terms and conditions:

1479 (1) An off-premises license may only be issued to licensees who hold in good standing an alcohol
1480 pouring license issued by the city, and no such licensee shall be permitted to pour any alcoholic
1481 beverage off-premises which cannot be lawfully poured on the licensee's premises.

1482 (2) An application for an off-premises pouring license shall contain the following information:

1483 a. Name of licensee.

1484 b. Address of licensee.

1485 c. Type of on-premises pouring license held by licensee.

1486 d. Type of off-premises license required by licensee.

1487 (3) Reserved.

1488 (4) Reserved.

1489 (b) It shall be unlawful for an off-premises licensee to pour any malt beverages, wine, or liquor at any
1490 off-premises location until the licensee shall first obtain an off-premises pouring permit. Such permit
1491 may be issued by the city council for any period up to three days. Any permit for a period longer than

- 1492 three days must be issued by the city council. An off-premises permit may be issued in accordance
1493 with the following:
- 1494 (1) No permit for a particular off-premises location shall be issued if the requested building is a
1495 "prohibited location" as set out in section 5-6-18(a), or fails to meet all requirements of the
1496 building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator
1497 for an on-premises pouring outlet.
- 1498 (2) It shall be unlawful for any off-premises licensee to sell liquor at an off-premises location unless
1499 food is served at the event.
- 1500 (3) Unless otherwise provided for in this section, all regulations of this code controlling the pouring
1501 of alcoholic beverages on premises shall govern the pouring of alcoholic beverages off
1502 premises.
- 1503 (4) No off-premises license shall be valid until the licensee pays an annual license fee as set out in
1504 section 5-3-15
- 1505 (5) The amount of sales sold off premises shall be included in the licensee's gross income figures
1506 for the purpose of establishing the amount of the mixed drink taxes due from the licensee to the
1507 city.
- 1508 (c) The ARB may recommend and the city council may approve up to three special event licenses for an
1509 applicant in a single calendar year. Each special event license shall allow alcohol beverage sales for
1510 up to 12 days in a single calendar year and can be used no more than two consecutive days per
1511 calendar year up to the 12-day limit. In order to qualify to receive such license, the applicant must
1512 comply with the following terms and conditions:
- 1513 (1) The applicant must be licensed for sale of alcoholic beverages by the state;
- 1514 (2) The application must provide the information requested under subsection (a)(2) above;
- 1515 (3) All distances and hours of operation set forth for on-premises consumption must be obeyed;
- 1516 (4) All identification badge requirements must be met; and
- 1517 (5) An annual license fee, as set out in section 5-3-15, must be paid in full.
- 1518 (Ord. No. 2002-14, § 1(9-1-67), 10-1-2002; Ord. No. 2004-02, §§ 6—8, 1-27-2004; Ord. No.
1519 2004-24, § 3(9-1-67), 12-21-2004; Ord. No. 2005-09, § 2(9-1-67), 10-4-2005; Ord. No. 2009-14,
1520 §§ 53—55, 10-6-2009; Ord. No. 2014-06, § 1, 6-3-2014)
- 1521 Sec. 5-6-6. - General regulations.
- 1522 (a) The building or proposed building to house an on-premises consumption location shall meet all
1523 requirements of the building inspector, the fire marshal, and the traffic engineer, and planning and
1524 zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking,
1525 buffers, and other issues.
- 1526 (b) The state regulations relating to the sale and distribution of distilled spirits, as revised, promulgated
1527 by the state department of revenue, are hereby incorporated into and made a part of this article as if
1528 fully set out in this section.
- 1529 (c) No drive-in windows shall be permitted.
- 1530 (Ord. No. 2002-14, § 1(9-1-68), 10-1-2002)
- 1531 Sec. 5-6-7. - Required.

- (3) Unless otherwise provided for in this section, all regulations of this code controlling the pouring of alcoholic beverages on premises shall govern the pouring of alcoholic beverages off premises.
 - (4) No off-premises license shall be valid until the licensee pays an annual license fee as set out in section 5-3-15
 - (5) The amount of sales sold off premises shall be included in the licensee's gross income figures for the purpose of establishing the amount of the mixed drink taxes due from the licensee to the city.
- (c) The ARB may recommend and the city council may approve up to three special event licenses for an applicant in a single calendar year. Each special event license shall allow alcohol beverage sales for up to 12 days in a single calendar year and can be used no more than two consecutive days per calendar year up to the 12-day limit. In order to qualify to receive such license, the applicant must comply with the following terms and conditions:
- (1) The applicant must be licensed for sale of alcoholic beverages by the state;
 - (2) The application must provide the information requested under subsection (a)(2) above;
 - (3) All distances and hours of operation set forth for on-premises consumption must be obeyed;
 - (4) All identification badge requirements must be met; and
 - (5) An annual license fee, as set out in section 5-3-15, must be paid in full.

(Ord. No. 2002-14, § 1(9-1-67), 10-1-2002; Ord. No. 2004-02, §§ 6—8, 1-27-2004; Ord. No. 2004-24, § 3(9-1-67), 12-21-2004; Ord. No. 2005-09, § 2(9-1-67), 10-4-2005; Ord. No. 2009-14, §§ 53—55, 10-6-2009; Ord. No. 2014-06, § 1, 6-3-2014)

Sec. 5-6-6. - General regulations.

- (a) The building or proposed building to house an on-premises consumption location shall meet all requirements of the building inspector, the fire marshal, and the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking, buffers, and other issues.
- (b) The state regulations relating to the sale and distribution of distilled spirits, as revised, promulgated by the state department of revenue, are hereby incorporated into and made a part of this article as if fully set out in this section.
- (c) No drive-in windows shall be permitted.

(Ord. No. 2002-14, § 1(9-1-68), 10-1-2002)

Sec. 5-6-7. - Required.

It shall be unlawful for any person to pour or offer to pour any distilled spirits, wine or malt beverages within the corporate limits of the city without having an on-premises consumption license, or to carry on such activity in violation of the terms of such license or this chapter.

(Ord. No. 2002-14, § 1(9-1-69), 10-1-2002)

Sec. 5-6-8. - Separate license for each location; surrender.

- (a) A separate license shall be required for each on-premises consumption location, and a separate application shall be made for each such place.

- (b) Immediately upon the sale or closing of an on-premises consumption location, it shall be the duty of the licensee to surrender its license to the ARB.
- (c) Upon the resignation or termination of employment of a person who holds the license for a location who is not himself the owner of the location, the location owner or board of directors, if applicable, shall immediately file an application for another licensee.

(Ord. No. 2002-14, § 1(9-1-70), 10-1-2002; Ord. No. 2009-14, § 56, 10-6-2009)

Sec. 5-6-9. - License for on-premises consumption; fee.

Licenses under this article shall be classified as follows:

- (1) Liquor pouring. Location for pouring liquor, which shall permit only the sale of liquor by the drink for consumption on the premises.
- (2) Wine pouring. Location for pouring wine, which shall permit only the sale of wine by the drink for consumption on the premises.
- (3) Malt beverage pouring. Location for pouring malt beverages, which shall permit only the sale of malt beverages by the drink for consumption on the premises.

(Ord. No. 2002-14, § 1(9-1-71), 10-1-2002)

Sec. 5-6-10. - Contents.

- (a) [Application.] The application shall state:
 - (1) As to the applicant, full name, birth date, present address and addresses for the past five years (including compliance with O.C.G.A. § 3-4-23 when the applicant has been a resident of the city for less than 12 months immediately proceeding [preceding] application) business address and business addresses of employers and their addresses for the last five years, names of spouse, complete record of all arrests, convictions and guilty pleas for violations of all laws, city, other cities, counties and states, county, state and federal, of both applicant and spouse, and the disposition of all charges within the last five years prior to the application.
 - (2) As to the applicant's location manager (if not the same as the applicant), the same information as required of the applicant in subsection (1) above.
 - (3) Exact location (street address and otherwise) of proposed business, including zoning district. The location must be properly identified.
 - (4) Name and address of owner or landlord and/or resident manager of property proposed for location and whether or not there is a building proposed to be used already erected thereon.
 - (5) Trade name (or proposed trade name) of proposed business.
 - (6) Names and addresses of all persons having any financial interest in the outlet by way of ownership of building, property, or stock, receipt of income from the business or otherwise.
 - (7) Such other information as may be required by the city council, the ARB, the chief of police, the city manager, the city attorney or the clerk.
- (b) Approvals. The application shall contain evidence of the following persons' approval of the licensee and of the owner and the manager of the liquor establishment:
 - (1) Building inspector (i.e., building permit, certificate of occupancy, or other evidence).
 - (2) Traffic engineer.
 - (3) Fire marshal/fire chief.

- (4) Chief of police/assistant chief of police.
- (5) Planning and zoning coordinator.
- (c) Oath. The application shall be sworn to.
- (d) Surveyor's certificate. The application shall be accompanied by a current certificate from a registered surveyor containing the following information:
 - (1) A scale drawing of the building or proposed building, as situated on the proposed lot.
 - (2) The proposed off-street parking facilities available to the building and all outdoor lighting on the premises.
 - (3) The exact location of the business, including street address, ward, and county tax map number.
 - (4) Current zoning classification of the location.
 - (5) The straight-line distance in yards from nearest property line to property line from each of the following: the nearest school building, school ground, or college campus; and the nearest alcoholic treatment center owned and operated by the state or any county or municipal government therein.
- (e) [On-premises consumption.] Only the distance requirements set forth in O.C.G.A. § 3-3-21, if any exist, for on-premises consumption shall be applicable.
- (f) False information. An application under this chapter containing known false information may result in the disapproval, revocation, suspension or failure to renew the license applied for and prosecution as a felony.

(Ord. No. 2002-14, § 1(9-1-72), 10-1-2002; Ord. No. 2009-14, § 57, 10-6-2009)

Sec. 5-6-11. - Sham applicant; de facto applicant or location manager.

A "sham" means any information provided for an application which is not true, accurate, or is spurious, or deceitful.

- (1) It shall be unlawful for any person to file, or permit to be filed, an application for license under this article wherein a sham applicant or a sham location manager is named.
- (2) It shall be unlawful for any person to file an application for license containing his name as applicant, or the name of an outlet manager, when such person is not the de facto applicant or the de facto location manager, as the case may be.
- (3) It shall be unlawful for any person to permit his name to be used on an application for license where such person will not be the de facto owner of the license or the de facto location manager, as the case may be.
- (4) It shall be unlawful for any person to file an application for license, or permit his name to be used in such application, where the application contains a nominal applicant or nominal location manager for the purpose of avoiding the provisions of this article restricting applicants or managers to persons and without criminal records, or restricting economic interests in outlets, or for any other elusive purpose.

(Ord. No. 2002-14, § 1(9-1-73), 10-1-2002)

Sec. 5-6-12. - Surveyor's certificate containing false information.

- (a) It shall be unlawful for any applicant under this article to submit with his application any surveyor's certificate containing known false information and/or measurements.

- (b) It shall be unlawful for any surveyor to submit, or allow to be submitted, a certificate containing known false information.
- (c) A violation of subsection (b) may result in prosecution as for a felony offense.
- (d) Substantial errors in measured distances, as determined by the city engineer, shall be prima facie evidence that the distances submitted are known to be false.
- (e) The amount of the license fee for each class shall be as set forth in the license fee schedule under section 5-3-15

(Ord. No. 2002-14, § 1(9-1-74), 10-1-2002)

Sec. 5-6-13. - Application, qualification; regulation.

It is the intention of this article that alcoholic beverages be sold only at bona fide restaurants, hotels and private clubs as defined in this chapter and under the restrictions set out in this article and not at walk-in bars or sham establishments.

(Ord. No. 2002-14, § 1(9-1-75), 10-1-2002; Ord. No. 2009-14, § 58, 10-6-2009)

Sec. 5-6-14. - Action by ARB and city council.

- (a) After proof of advertisement is filed, the clerk shall notify the chief of police, who shall investigate the reputation of the location and make a full report to the ARB. The clerk shall also circulate the application to the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator for their investigation and recommendation.
- (b) The clerk or his/her designee when assured that all requirements have been complied with and the application is complete shall refer the application, together with any objections filed, to the ARB. The ARB shall, after review of the applicant and the proposed location, recommend action to city council. The ARB shall afford the applicant a hearing prior to making a recommendation. Pursuant to subsection 5-3-8(d), the recommendation of the ARB shall be deemed to be the decision of the mayor and council if the applicant does not appeal such recommendation to the mayor and council within 30 days of the ARB recommendation by filing a written appeal with the alcohol beverage clerk.

(Ord. No. 2002-14, § 1(9-1-76), 10-1-2002; Ord. No. 2009-14, § 59, 10-6-2009)

Sec. 5-6-15. - Approval of application; expiration in 90 days; extension for cause.

Approval of an application under this article by the city council shall expire after 90 days from the date of such approval, unless the applicant has procured, and paid the fee for, the approved license. If the application is approved and all fees paid the same shall lapse if no action is taken on the license by applicant within six months of issuance. The city council may extend the approval up to 90 days for good cause shown such as fire, flood, war and other uncontrollable occurrences, provided the request therefore is made within the original 90-day period.

(Ord. No. 2002-14, § 1(9-1-77), 10-1-2002; Ord. No. 2009-14, § 60, 10-6-2009)

Sec. 5-6-16. - Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application where subject matter being litigated.

- (a) No applicant under this article may submit, and the ARB shall not review, an application which is substantially the same as an application submitted within the previous six months that has been denied, unless directed by the city council.
- (b) Either the ARB or the city council, or both, may defer action upon any application, the subject matter of which is substantially the same as the subject matter of litigation then pending in the city, state, or federal courts until such time as the litigation is resolved.

(Ord. No. 2002-14, § 1(9-1-78), 10-1-2002)

Sec. 5-6-17. - Considerations and guidelines for grant or denial.

The ARB, and the city council in making its determinations on an initial application, shall be guided by the following factors as to whether or not to grant a license under this article:

- (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the same is predominantly residential, industrial or business.
- (2) The proximity of school grounds, school buildings, college campuses, and alcoholic treatment centers owned and operated by the state or any county or municipal government therein.
- (3) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons.
- (4) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
- (5) The criminal record of the applicant and the location manager and their financial responsibility; provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of lack of financial responsibility.
- (6) A report of the chief of police, the building inspector, the fire marshal, the traffic engineer, and the planning and zoning manager relating to the use or sale of alcohol at the proposed location.
- (7) The information required in the application or statement and whether all requirements as to notice, advertisement, fire codes, building, zoning, parking, lighting and other matters relating to the use or sale of alcohol at the proposed location have been met.
- (8) Evidence presented to the ARB for or against the application relating to the sale or use of alcohol at the proposed location.
- (9) Whether or not granting of the application is in the best interest of the health, safety and welfare of the city.
- (10) Whether any license for sale of liquor, beer, or wine or alcohol previously issued for the location has been revoked for cause by the ARB.
- (11) The history or reputation of the building or establishment (proposed for business) for prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol at the proposed location; or the overtaxing of existing city infrastructure and personnel. Such determination of overtaxing will be made based upon reports of crimes and emergencies reported and responses made to the site when compared to the same factors found at all retail facilities averaged together as found in the city established by an annual study.
- (12) Whether or not the applicant or outlet location is in violation of other local ordinances or state laws relating to the crimes and issues referenced in subsection (11) as related to the sale or use of alcohol at the proposed location.
- (13) Whether or not the application or location manager has violated other jurisdictions laws regarding alcohol beverage licensing.

(Ord. No. 2002-14, § 1(9-1-79), 10-1-2002; Ord. No. 2006-08, § 13, 6-13-2006; Ord. No. 2009-14, § 61, 10-6-2009)

Sec. 5-6-18. - Prohibited locations, prohibited persons, incomplete application.

- (a) Prohibited locations. It shall be prohibited to obtain a license for on-premises consumption within the following areas of the city:
- (1) Within any residential zoning district or other prohibited district as set out in the zoning ordinance.
 - (2) In any existing building or establishment having a history of, or reputation for, prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol at the proposed location; or the overtaxing of existing city infrastructure and personnel.
- (b) Prohibited persons. It shall be prohibited for the following persons to obtain a license for an on-premises consumption location:
- (1) A person who does not comply with any residency requirements under state law.
 - (2) A person who has been convicted of a felony relating to violence, illegal substances, gambling, theft, or alcohol use, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the ordinances of the city relating to the use, sale, taxability or possession of malt beverages, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof within five years preceding the application.
 - (3) A person whose license under this chapter has been revoked for cause or who has had a license under this chapter revoked for cause.
 - (4) A person who is under 18 years of age or who is not of sound mind and memory.
- (c) Incomplete application. An application under this article filed and submitted before containing substantially all the information required may be refused by staff.

(Ord. No. 2002-14, § 1(9-1-80), 10-1-2002; Ord. No. 2006-08, § 14, 6-13-2006; Ord. No. 2009-14, § 62, 10-6-2009)

Sec. 5-6-19. - Becoming a prohibited person.

Any licensee under this article who becomes a "prohibited person" as defined in section in this chapter shall, within three days of the event, make the fact known to the ARB and shall surrender his license. Such surrender being appealable to the city council.

(Ord. No. 2002-14, § 1(9-1-81), 10-1-2002)

Sec. 5-6-20. - Renewal; denial of renewal.

- (a) All licenses under this article shall be issued on a calendar-year basis; however, the same may be suspended or revoked at any time for violations set out in this chapter and may be renewable upon payment of the appropriate fee, except as is set out in subsections (d) and (e) below.
- (b) Each licensee shall make written application for renewal of his license on or before October of each year on forms provided by the city, and the license fee shall be paid in full on or before December 15 of each year.

- (c) The application shall be referred to the city staff, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
- (d) If any city official reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made. All renewals shall be referred to the ARB for its consideration.
- (e) The ARB shall afford the licensee a public hearing, and in passing upon the application for renewal, the recommended action shall be guided by the following factors applicable to an initial application: subsections (5), (6), (8), (9), (10), (12), and (13), of section 5-6-17
- (f) At the public hearing, the ARB may recommend to the city council granting, or denying for cause, the renewal of any license issued under this article.

(Ord. No. 2002-14, § 1(9-1-82), 10-1-2002; Ord. No. 2004-02, § 9, 1-27-2004; Ord. No. 2004-24, § 3(9-1-82), 12-21-2004; Ord. No. 2006-08A, § 5, 7-11-2006; Ord. No. 2007-15, § 3, 10-2-2007; Ord. No. 2009-14, § 63, 10-6-2009)

Sec. 5-6-21. - Revocation, refusal to renew, suspension, probation.

- (a) Summary action. There shall be no summary seizure of licenses under this article unless there exists in the city a state of emergency duly declared; after any such seizure, a hearing shall be held as soon as practicable except where the applicant/holder has allowed the license to lapse from lack of use.
- (b) Action by ARB and council. The ARB shall have full power and authority to recommend to the city council: revocation, refusal to renew, suspending, or placing on probation any alcoholic beverage license for a violation of this chapter, city ordinance, or of the state or federal laws, where such violation relates to the sale, manufacture, or use of alcoholic beverages or when the continued operation of the licensed business is detrimental to the health, safety, or welfare of the public as determined by failure to comply with the aforementioned alcohol-beverage-related laws. Before taking any such action, the city council shall require a hearing, before it and/or the ARB, as relevant in accordance with section 5-3-8(d), at least five days' notice of said hearing shall have been given to the affected licensee. The ARB shall make relevant recommendations which may be reviewed pursuant to subsection 5-3-8(d). The city council shall make all final determinations either by adopting the ARB recommendations or as otherwise set out in subsection 5-3-8(d).

(Ord. No. 2002-14, § 1(9-1-83), 10-1-2002; Ord. No. 2006-08, § 9, 6-13-2006; Ord. No. 2007-15, § 4, 10-2-2007; Ord. No. 2009-14, § 64, 10-6-2009)

Sec. 5-6-22. - Effect of changes of circumstances on application.

The recommendation of approval of an application by the ARB, and/or the granting of a license by the clerk, may be suspended or revoked, after notice and hearing, if any change in the information supplied, or in the physical layout represented in the plat submitted, occurs without the approval of the ARB. An applicant anticipating any such change shall submit all details thereof to the ARB which shall report the same to the city council.

(Ord. No. 2002-14, § 1(9-1-84), 10-1-2002)

Sec. 5-6-23. - Private clubs.

- (a) Private clubs shall be subject to the requirements for on-premises consumption licenses as set out in this chapter, except as otherwise provided.
- (b) Private clubs shall not be subject to section 5-6-1 and [subsection] 5-6-2(a).

- (c) Private clubs may sell alcoholic beverages only to their members, and shall be required to maintain the same percentage of food-drink sales as is required of restaurants under subsection 5-6-2(c). Private clubs shall further be required to submit monthly reports to the ARB (i) clearly indicating its sales receipts for food and its sales receipts for alcoholic beverages pursuant to subsections 5-6-2(c) and 5-6-2(d), and (ii) attesting that they have at least 75 regular dues-paying members.
- (d) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.

(Ord. No. 2009-14, § 65, 10-6-2009)

ARTICLE 6.1. - ON-PREMISES CONSUMPTION UNDER 2,000 SQUARE FEET/OPEN SIX HOURS OR LESS IN DAY

Sec. 5-6.1-1. - Regulation of on-premises consumption establishments under 2,000 square feet/open less than six hours in day.

- (a) This article applies only to on-premises consumption establishments under 2,000 square feet (including any outside serving area) that are open to the public six consecutive hours or less in a day.
- (b) Only on-premises consumption establishments under 2,000 square feet (including any outside serving area) that are open to the public six consecutive hours or less in a day may obtain an on-premises consumption under 2,000 square feet/open six hours or less in day license.
- (c) All provisions set forth in article 6 shall apply fully to on-premises consumption under 2,000 square feet/open six hours or less in day licensees, except such licensees shall only be required to:
 - (1) Serve one meal per day;
 - (2) Be open for service five days a week; and
 - (3) Have at least 40 percent of its receipts come from the sale of food.

(Ord. No. 2011-15, § 6, 12-6-2011)

ARTICLE 6.2. - ON-PREMISES ARTS LICENSES

Sec. 5-6.2-1. - Regulation of on-premises arts licenses.

- (a) An on-premises arts license may be issued to a nonprofit arts organization whose primary purpose is to present productions or performances of an artistic or cultural nature.
- (b) An on-premises arts license permits the licensee to sell alcoholic beverages only to patrons of the productions or performances for consumption inside the licensed premises in connection with the productions or performances.
- (c) No licensee or employee or agent of a licensee under this section shall permit any exterior or interior advertising concerning the sale of alcoholic beverages on the licensed premises.
- (d) No licensee or employee or agent of a licensee under this section shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages:

- (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
 - (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
 - (3) The sale or serving of two or more alcoholic beverages at substantially the same price customarily charged for one such alcoholic beverage;
 - (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been substantially consumed, by any one person;
 - (5) The sale or delivery to any person or group of persons of an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public; or
 - (6) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage.
- (e) No licensee or employee or agent of a licensee under this section shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (d) above.
 - (f) The building or proposed building shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues.
 - (g) No licensee under this section may allow BYOB on the licensed premises.
 - (h) All on-premises arts licensees shall collect and pay a tax of three percent on the sale of alcoholic beverages by the drink in the city in accordance with chapter 17, article 6 of the Hapeville Code of Ordinances.
 - (i) The state regulations relating to the sale and distribution of distilled spirits, as revised, promulgated by the state department of revenue, are hereby incorporated into and made a part of this article as if fully set out in this section.
 - (j) The regulations pertaining to special events licenses under section 5-6-5(c) shall apply to on-premises arts licenses.

(Ord. No. 2013-14, § 5, 1-21-2014)

ARTICLE 6.3. - GROWLERS

Sec. 5-6.3-1. - Growler license.

- (a) The retail sale of growlers is authorized for establishments licensed pursuant to this article. The fee amount for a growler license shall be set forth in section 5-3-15
- (b) A growler license may be obtained only by establishments engaged in the retail sale of growlers.
- (c) In addition to the retail sale of growlers, a growler licensee is permitted to engage in the retail sale of beer and/or wine by the package. A package of beer or wine may not be broken for individual sale; however, the filling of growlers by means of a tapped keg or barrel shall not constitute the breaking of a package.
- (d) A licensee obtaining a growler license cannot hold any other category of alcohol beverage license.

- (e) Growlers may only be filled with beer or wine from kegs or barrels procured by the licensee from a duly licensed wholesaler.
- (f) After a growler is filled at the licensed premises, it must be securely sealed and removed from the premises in its original condition and cannot be opened or consumed on the premises.
- (g) Only professionally sanitized and sealed growlers may be filled and made available for retail sale.
- (h) A growler licensee shall be authorized to offer without charge samples of draft beer or wine to patrons over the age of 21. Samples shall not exceed three ounces in volume nor shall any one individual be offered more than a total of 12 ounces of samples within a calendar day.
- (i) It shall be unlawful for a growler licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest); engaging in the sale, directly or indirectly, of any food or beverage; or taking a break during periods of any on-duty employment.
- (j) Subject to subsection (i) of this section, a growler licensee or employee thereof shall be permitted to taste draft beer and wine at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day.
- (k) No food purchased at an establishment possessing a growler license may be consumed on premises.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-2. - General regulations.

- (a) The building or proposed building to house a growler licensee shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking buffers and other issues.
- (b) No screen, partition or thing which prevents a clear view into the interior of a growler store from the street, nor any booth within, shall be permitted.
- (c) No sale of beer or wine shall be permitted between the hours of 2:00 a.m. and 8:00 a.m. In addition, no sale of beer or wine shall be permitted on Sundays before 12:30 p.m. and after 11:30 p.m., or any other days or times prohibited by state law.
- (d) The state regulations relating to the sale and distribution of beer and/or wine, as revised, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
- (e) Any license holder/applicant shall make an immediate report to, and receive approval by, the ARB of any change in the interests in, or ownership of or of the license of a growler store and/or any change in the information stated in the original application for license. The ARB shall report the changes and its recommendations to the city council for the city council's final approval.
- (f) No drive-in windows for the sale of beer or wine shall be allowed.
- (g) The open parking area of any building or proposed building to house a growler store shall have an average maintained footcandle intensity of at least one footcandle with a minimum allowable intensity of three-tenths of a footcandle. The covered parking area of any building or proposed building to house a retail outlet shall have an average maintained footcandle intensity of at least two footcandles with a minimum allowable intensity of five-tenths footcandle.

- (h) Each growler store shall install and maintain in a secure location security cameras in the outlet of a type and number approved by the chief of police. Such cameras:
 - (1) Shall be placed in the outlet to record activities in the checkout or cash register area(s).
 - (2) Shall be capable of producing a retrievable image on film, tape, or any readable medium that can be made a permanent record and enlarged through projection or other means.
- (i) Each growler store shall post at least four copies of its complete price list or, in lieu thereof, place a price on each package for sale.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-3. - Required.

It shall be unlawful for any person to sell or offer to sell a growler within the corporate limits of the city without having the appropriate license for such sale, or to carry on such activity in violation of the terms of such license or of this chapter.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-4. - Separate license for each growler store; surrender.

- (a) A separate license shall be required for each growler store, and a separate application shall be made for each such place.
- (b) Immediately upon the sale or closing of a business, it shall be the duty of the licensee to surrender his license to the ARB.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-5. - Applications for growler license.

Applications for growler licenses shall be as follows:

- (1) Forms; submission. Each initial applicant shall make written application to the ARB for the privilege of engaging in the sale of growlers such applicant using forms provided by the clerk.
- (2) Where filed; fee. The application shall be filed with the clerk with a fee as set out in the fee schedule under section 5-3-15, for review of the applicant and of the proposed location and processing of the application.
- (3) Contents. The application shall state:
 - a. As to the applicants, full name, birth date, present address and addresses for the past five years, business address and business addresses of employers and their addresses for the last five years, name of spouse, complete record of all arrests, convictions and guilty pleas for violations of all laws, city, counties, state and federal, and other cities, counties, and states of both applicant and spouse, and the disposition of all charges within the last five years prior to the application.
 - b. As to the applicant's location manager (if not the same as the applicant), the same information as required of the applicant in subsection a.
 - c. Exact location (street address and otherwise) of proposed business, including zoning district. The location must be properly identified.

- d. Name and address of the owner or landlord and/or resident manager of property proposed for location and whether or not there is a building proposed to be used already erected thereon.
 - e. Trade name (or proposed trade name) of proposed business.
 - f. Names and addresses of all persons having any financial interest in the outlet by way of ownership of building, property, or stock, receipt of income from the business or otherwise.
 - g. Such other information as may be required by the city council, the ARB, the chief of police, the city manager, the city attorney or the clerk.
- (4) Approvals. The application shall contain evidence of the following persons' approval of the licensee and of the owner and the manager of the malt beverage/wine establishment:
- a. Building inspector (i.e., building permit, certificate of occupancy, or other evidence).
 - b. Traffic engineer.
 - c. Fire marshal/fire chief.
 - d. Chief of police/assistant chief of police.
 - e. Planning and zoning coordinator.
- (5) Oath. The application shall be sworn to.
- (6) Surveyor's certificate. The application shall be accompanied by a current certificate from a registered surveyor containing the following information:
- a. A scale drawing of the building or proposed building, as situated on the proposed lot.
 - b. The proposed off street parking facilities available to the building and all outdoor lighting on the premises.
 - c. The exact location of the business, including street address, ward, and county tax map number.
 - d. Current zoning classification of the location.
 - e. The distance in yards as measured in a straight line from nearest property line to nearest property line from each of the following: the nearest school building, school ground or college campus, and the nearest alcoholic treatment center owned and operated by the state or any county or municipal government therein.
 - f. If a business has been licensed since July 1, 1981, or before, the survey shall be required however no license will be denied based upon a failure to meet the distance requirements as set forth under O.C.G.A. § 3-3-21.
- (7) False information. An application under this chapter containing known false information may result in the disapproval, revocation, suspension or failure to renew the license applied for and prosecution as a felony.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-6. - Sham applicant; de facto applicant or location manager.

A "sham" means any information provided for an application which is not true, accurate, or is spurious, or deceitful.

- (1) It shall be unlawful for any person to file, or permit to be filed, an application for license under this division wherein a sham applicant or a sham location manager is named.

(2) It shall be unlawful for any person to file an application for license containing his name as applicant, or the name of a location manager, when such person is not the de facto applicant or the de facto location manager, as the case may be.

(3) It shall be unlawful for any person to permit his name to be used on an application for license where such person will not be the de facto owner of the license or the de facto location manager, as the case may be.

(4) It shall be unlawful for any person to file an application for license, or permit his name to be used in such application, where the application contains a nominal applicant or nominal location manager for the purpose of avoiding the provisions of this article restricting applicants or managers to persons without criminal records, or restricting economic interests in outlets, or for any other elusive purpose.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-7. - Surveyor's certificate containing false information.

- (a) It shall be unlawful for any applicant under this article to submit with his or her application any surveyor's certificate containing known false information and/or measurements.
- (b) It shall be unlawful for any surveyor to submit, or allow to be submitted, a certificate containing known false information.
- (c) A violation of subsection (b) may result in prosecution as for a felony offense.
- (d) Substantial errors in measured distances, as determined by the city engineer, shall be prima facie evidence that the distances submitted are known to be false.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-8. - Advertisement; proof thereof.

- (a) Each applicant under this article shall advertise his or her application for license at his or her own expense in the legal organ newspaper once a week for two weeks. Advertisements shall not be required for renewals. The advertisement shall appear after the application is filed and before the public hearing provided for in this article. The advertisement shall contain the name of the applicant, the purpose of the application, the proposed location of the business, and its owner's name, and the name of the proposed location manager. An advertisement shall run for each initial application.
- (b) The applicant, before consideration will be given to his application, shall file with the clerk a copy of the advertisement together with affidavits from the newspaper to the effect that it has been printed as required.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-9. - Action by ARB and city council.

- (a) After proof of advertisement is filed, the clerk shall notify the chief of police, who shall investigate the applicant and the reputation of the location and make a full report to the ARB. The clerk shall also circulate the application to the building inspector, the fire marshal, the traffic engineer, and the planning and zoning coordinator for their investigation and recommendation.
- (b) The clerk or his/her designee, when assured that all requirements have been complied with and the application is complete, shall refer the application, together with any objections filed, to the ARB. The ARB shall, after review of the applicant and the proposed location, recommend action to the city council. The ARB shall afford the applicant a hearing prior to making a recommendation. Pursuant to

subsection 5-3-8(d), the recommendation of the ARB shall be deemed to be the decision of the mayor and council if the applicant does not appeal such recommendation to the mayor and council within 30 days of the ARB recommendation by filing a written appeal with the alcohol beverage clerk.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-10. - Approval of application; expiration in 90 days; extension for cause.

Approval of an application under this article by the city council shall expire after 90 days from the date of such approval, unless the applicant has procured, and paid the fee for, the approved license. If the application is approved and all fees paid the same shall lapse if no action is taken on license by applicant within six months of issuance. The city council may extend the approval up to 90 days for good cause shown such as fire, flood, war, and other uncontrollable occurrences, provided the request is made within the original 90-day period.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-11. - Substantially the same application not to be resubmitted or entertained within six months of previous application; deferral of action on application subject matter being litigated.

- (a) No applicant under this article may submit, and the ARB shall not review, an application which is substantially the same as an application submitted within the previous six months that has been denied, unless directed by the city council.
- (b) Either the ARB or the city council, or both, may defer action upon any application, the subject matter of which is substantially the same as the subject matter of litigation then pending in the city, state, or federal courts until such time as the litigation is resolved.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-12. - Considerations and guidelines for grant or denial.

The ARB, and the city council in making its determinations on an initial application, shall be guided by the following factors as to whether or not to grant a license under this article:

- (1) The nature of the neighborhood immediately adjacent to the proposed location, that is, whether the same is predominantly residential, industrial or business.
- (2) The proximity of school grounds, school buildings, college campuses, and alcoholic treatment centers owned and operated by the state or any county or municipal government therein.
- (3) Whether the proposed location has adequate off street parking facilities or other parking available for its patrons.
- (4) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
- (5) The criminal record of the applicant and the location manager, and their financial responsibility; provided that nonpayment of federal, state, county or city taxes shall be prima facie evidence of lack of financial responsibility.
- (6) A report of the chief of police, the building inspector, the fire marshal, the traffic engineer, and the planning and zoning manager relating to the use or sale of alcohol at the proposed location.
- (7) The information required in the application or statement and whether all requirements as to notice, advertisement, fire codes, building, zoning, parking, lighting and other matters relating to the use or sale of alcohol at the proposed location have been met.

- (8) Evidence presented to the ARB for or against the application relating to the sale or use of alcohol at the proposed location.
- (9) Whether or not the granting of the application is in the best interest of the health, safety, and welfare of the city.
- (10) Whether any license for sale of beer or wine or alcohol previously issued for the location has been revoked for cause by the city.
- (11) The history or reputation of the building or establishment (proposed for business) for prostitution or other sex offenses; fighting, shooting, stabbing or other violence; gambling; illegal dealing in alcoholic beverages or drugs; or other violations of the law relating to the sale or use of alcohol at the proposed location; or the overtaking of existing city infrastructure and personnel. Such determination of overtaking will be made based upon reports of crimes and emergencies reported and responses made to the site when compared to the same factors found at all retail facilities averaged together as found in the city established by an annual study.
- (12) Whether or not the applicant or outlet location is in violation of other local ordinances or state laws relating to the crimes and issues referenced in subsection (11) as related to the sale or use of alcohol at the proposed location.
- (13) Whether or not the applicant or location manager has violated other jurisdictions laws regarding alcohol beverage licensing.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-13. - Prohibited locations; prohibited persons; incomplete application.

- (a) Prohibited locations. It shall be prohibited to obtain a growler license within the following areas of the city:
 - (1) Within any residential zoning district or other prohibited zoning district established in the zoning ordinance.
 - (2) Within a measured 100 yards of any alcoholic treatment center owned and operated by the state or any county or municipal government therein.
 - (3) Within a measured 100 yards of any school building, school ground, or college campus.
- (b) Prohibited persons. It shall be prohibited for the following persons to obtain a growler license:
 - (1) A person who does not comply with any residency requirements under state law.
 - (2) A person who has been convicted of a felony relating to violence, illegal substances, gambling, theft, or alcohol use, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the ordinances of the city or any other city or county relating to the use, sale, taxability or possession of malt beverages, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof within five years preceding the application.
 - (3) A person whose license under this chapter has been revoked for cause or who has had a license under this chapter revoked for cause.
 - (4) A person who is under 18 years of age or who is not of sound mind and memory.
- (c) Incomplete application. An application under this article filed and submitted before containing substantially all the information required may be refused by staff.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-14. - Becoming a prohibited person.

Any licensee under this article who becomes a "prohibited person" as defined in this chapter, shall, within three days of the event, make the fact known to the ARB and shall surrender his license, such surrender being appealable to the city council.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-15. - Renewal; denial of renewal.

- (a) All licenses under this article shall be issued on a calendar-year basis; however, the same may be suspended or revoked at any time for violations set out in this chapter and may be renewable upon payment of the appropriate fee, except as is set out in subsections (d) and (e) below.
- (b) Each licensee shall make a written application for renewal on or before October 15 of each year on forms approved by the clerk, and the license fee shall be paid in full no later than December 15 of each year.
- (c) The application shall be referred to city staff, who shall report on the licensee's activity, if any, and upon activity at the location of the licensed business, if any, during the year.
- (d) If any city official reports any activity which constitutes probable cause for not renewing a license, the renewal shall not be made. All renewals shall be referred to the ARB for its consideration.
- (e) The ARB shall afford the licensee a public hearing, and in passing upon the application for renewal, the recommendation shall be guided by the following factors applicable to an initial application: subsections (5), (6), (8), (9), (10), (12), and (13) of section 5-6.3-12. The city council may grant or deny for cause the renewal of any license issued under this article.
- (f) At the public hearing, the ARB may recommend to the city council granting, or denying for cause, the renewal of any license issued under this article.

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-16. - Revocation, refusal to renew, suspension, probation.

- (a) Summary action. There shall be no summary seizure of licenses under this article, unless there exists in the city a state of emergency duly declared; after any such seizure, a hearing shall be held as soon as practicable except where the applicant/holder has allowed the license to lapse from lack of use.
- (b) Action by ARB and council. The ARB shall have full power and authority to recommend to the city council: revocation, refusal to renew, suspending, or placing on probation any alcohol beverage license for violation of this chapter, city ordinance or of the state or federal laws where such violation relates to the sale, manufacture or use of alcoholic beverages or when the continued operation of the licensed business is detrimental to the health, safety or welfare of the public as determined by failure to comply with the aforementioned alcohol-beverage-related laws. Before taking any such action, the city council shall require a hearing, before it and/or the ARB, as relevant in accordance with subsection 5-3-8(d); at least five days' notice of said hearing shall have been given to the affected licensee. The ARB shall make relevant recommendations which may be reviewed pursuant to subsection 5-3-8(d). The city council shall make all final determinations either by adopting the ARB recommendations or as otherwise set out in subsection 5-3-8(d).

(Ord. No. 2014-04, § 5, 4-15-2014)

Sec. 5-6.3-17. - Changes of circumstances.

The recommendation of approval of an application by the ARB, and/or the granting of a license by the clerk, may be suspended or revoked, after notice and hearing, if any change in the information supplied, or in the physical layout represented in the plat submitted, occurs without the approval of the ARB. An applicant anticipating any such change shall submit all details thereof to the ARB which shall report the same to the city council.

(Ord. No. 2014-04, § 5, 4-15-2014)

ARTICLE 7. - TAXES AND REPORTS

Sec. 5-7-1. - Rate of taxation for malt beverages.

In addition to the annual license fees required by this chapter, there is hereby levied upon each wholesale dealer selling malt beverages within the city an excise tax, on such malt beverages so sold, as follows:

- (1) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of five cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (2) All malt beverages sold in or from a barrel or bulk container, and being commonly known as tap or draft beer, shall not be subject to the excise tax provided for in subsection (1), but in lieu thereof there is hereby imposed upon each wholesale dealer selling such malt beverages within the city an excise tax of \$6.00 for each barrel or bulk container having a capacity of 15½ gallons sold by such wholesale dealer within the city and at a like rate for fractional parts thereof.
- (3) This tax shall apply to all malt beverages except as except under O.C.G.A. § 3-5-90.

(Ord. No. 2002-14, § 1(9-1-86), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-2. - Method of payment.

The tax levied under this article shall be paid to the city by each wholesale dealer on all malt beverages sold within the city as follows: Each wholesale dealer selling, shipping or in any way delivering malt beverages to a retailer in the city shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all such deliveries on or before the tenth day of the month next succeeding the calendar month in which such sales are made.

(Ord. No. 2002-14, § 1(9-1-87), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-3. - Payment of tax; report.

The summary report made by each wholesale dealer to the city shall show the exact quantities of malt beverages, by size and type of container, and the amount of excise tax collected.

(Ord. No. 2002-14, § 1(9-1-88), 10-1-2002)

Sec. 5-7-4. - Right to audit.

The city shall have the right to audit, and to require production of records from, each wholesaler of malt beverages supplying retailers in the city and each retailer so supplied.

(Ord. No. 2002-14, § 1(9-1-89), 10-1-2002)

Sec. 5-7-5. - Failure to make timely report; penalty.

- (a) The failure to make a timely report and remittance under this article 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 due and a further penalty of 25 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 a penalty equal to 50 percent of the amount of the remittance which would be required under an accurate and truthful report and prosecution for a felony offense.
- (b) Such failure to make a timely report or remittance, or the filing of a false or fraudulent report, shall also constitute grounds for the revocation of the license issued by the city to the wholesale dealer and prosecution for a felony offense.

(Ord. No. 2002-14, § 1(9-1-90), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-6. - Payment of fee to wholesaler; payment revocable.

The city may pay to each wholesaler for the service of computing and remitting the taxes collected from retailers under this article a fee of three percent of such remittances, such payment to be revocable by the city at any time. Such payment shall be forfeited if any report or payment of tax under this article is not submitted to the city by the time required in this article.

(Ord. No. 2002-14, § 1(9-1-91), 10-1-2002)

Sec. 5-7-7. - Sale prohibited when tax not paid.

It shall be unlawful for any person to sell at retail or otherwise within the city any malt beverage on which the tax required in this article has not been paid to the wholesaler or distributor or the city.

(Ord. No. 2002-14, § 1(9-1-92), 10-1-2002)

Sec. 5-7-8. - Rate of taxation for liquor.

In addition to the annual retail liquor license fee required by this chapter, there is hereby levied an excise tax computed at the rate of \$0.22 per liter, which shall be paid to the city on all liquor sold, displayed or stored in the city. The \$0.22 per liter shall be prorated down on miniatures, half pints, pints, fifths, half gallons and other quantities and on liquor gallons so that each bottle shall be taxed on the basis of \$0.22 per liter.

(Ord. No. 2002-14, § 1(9-1-93), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-9. - Method of payment.

The tax levied under this article shall be paid to the city by the wholesale distributor on all liquor sold to retailers in the city as follows: Each wholesale distributor selling, shipping or in any way delivering liquor to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.

(Ord. No. 2002-14, § 1(9-1-94), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-10. - Summary of purchase invoices.

Each wholesale distributor of liquor shall furnish to the city a summary of all purchase invoices for liquor sold to each retailer in the city on or before the tenth of each month following such purchases. Such invoices shall show the amount of excise tax paid.

(Ord. No. 2002-14, § 1(9-1-95), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-11. - Right to audit, failure to timely report; penalty.

The city shall have the right to audit, and to require production of records from, each wholesaler of liquor supplying retailers in the city and each retailer so supplied. The same penalties shall apply for failure to timely and accurately report and remit as are set out in section 5-7-5.

(Ord. No. 2002-14, § 1(9-1-96), 10-1-2002)

Sec. 5-7-12. - Payment of fee to distributor; payment revocable.

The city may pay to each wholesale distributor for the service of computing and remitting the taxes collected from retailers under this article a fee of three percent of the remittances, the payment to be revocable by the city at any time. Such payment shall be forfeited if any report or payment under this article is not submitted to the city by the time required in this article.

(Ord. No. 2002-14, § 1(9-1-97), 10-1-2002)

Sec. 5-7-13. - Rate of taxation for wine.

- (a) In addition to the annual retail wine license fee required by this chapter, there is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the city on all wine sold, displayed or stored in the city. The \$0.22 per liter tax rate shall be proportionally applied to smaller and larger quantities of wine so that each container shall be taxed on the basis of \$0.22 per liter.
- (b) This tax shall apply to all wine except as exempt under O.C.G.A. § 3-6-70.

(Ord. No. 2002-14, § 1(9-1-98), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-14. - Method of payment.

The tax levied under this article shall be paid to the city by each wholesale distributor on all wine sold to retailers in the city as follows: Each wholesale distributor selling, shipping or in any way delivering wine to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.

(Ord. No. 2002-14, § 1(9-1-99), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-15. - Summary of purchase invoices.

Each wholesale distributor of wine shall furnish to the city a summary of all purchase invoices for wine sold to each retailer in the city on or before the tenth of each month following such purchases. Such invoices shall show the amount of excise tax paid.

(Ord. No. 2002-14, § 1(9-1-100), 10-1-2002; Ord. No. 2002-17, § 3, 11-12-2002)

Sec. 5-7-16. - Right to audit, failure to timely report; penalty.

The city shall have the right to audit, and to require production of records from, each wholesaler of wine supplying retailers in the city and each retailer so supplied. The same penalties shall apply for failure to timely and accurately report and remit as are set out in section 5-7-5.

(Ord. No. 2002-14, § 1(9-1-101), 10-1-2002)

Sec. 5-7-17. - Payment of fee to wholesaler; payment revocable.

The city may pay to each wholesaler for the service of computing and remitting taxes collected from retailers under this article a fee of three percent of such remittances, such payment to be revocable by the city at any time. Such payment shall be forfeited if any payment of tax under this article is not submitted to the city by the time required herein.

(Ord. No. 2002-14, § 1(9-1-102), 10-1-2002)

Sec. 5-7-18. - Tax on alcoholic beverages on-premises for consumption.

Chapter 17, article 6 (section 17-6-1 through section 17-6-10 of this Code) shall govern taxes on the sale of alcoholic beverages by the drink.

(Ord. No. 2002-14, § 1(9-1-103), 10-1-2002)

ARTICLE 8. - ART GALLERY ALCOHOL PERMIT

Sec. 5-8-1. - Applicability.

A person or entity operating an art gallery may offer complimentary alcoholic beverages to patrons for consumption within the premises by obtaining an art gallery alcohol permit, which shall be renewed annually. The cost of the permit shall be \$50.00 for the calendar year.

As used herein, "art gallery" means an establishment whose primary purpose is to exhibit:

- (1) A work of visual art such as a painting, sculpture, drawing, mosaic, or photograph;
- (2) A work of calligraphy;
- (3) A work of graphic art such as an etching, a lithograph, an offset print, a silk screen, or any other work of similar nature;
- (4) A craft work in materials, including but not limited to clay, textile, fiber, wood, metal, plastic, or glass; or
- (5) A work in mixed media such as collage or any combination of the art media set forth in this subsection.

(Ord. No. 2014-01, § 1, 5-6-2014)

Sec. 5-8-2. - Regulations.

- (a) An art gallery alcohol permittee shall not, directly or indirectly:
 - (1) Sell alcoholic beverages;
 - (2) Charge an entrance fee or cover charge in connection with the offering of complimentary alcoholic beverages;
 - (3) Serve alcoholic beverages for more than four hours in any one day;
 - (4) Serve alcoholic beverages more than 15 days in any calendar year;
 - (5) Allow any alcoholic beverages to be consumed outside the facility;
 - (6) Allow BYOB; or
 - (7) Engage in any exterior or interior advertising concerning the consumption of alcoholic beverages on the permitted premises.
- (b) An art gallery alcohol permittee shall provide the city at least 15 days written notice prior to any art gallery exhibit or display at which alcoholic beverages will be complimentary offered.
- (c) An art gallery alcohol permittee's building shall meet all requirements of the building inspector, the fire marshal, the traffic engineer, and planning and zoning coordinator and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues.
- (d) An art gallery alcohol permit may be revoked, non-renewed, suspended, or placed on probation in accordance with section 5-6-21(b).

(Ord. No. 2014-01, § 1, 5-6-2014)

Benefit Renewal



City of Hapeville

2016-2017 Plan Year

Presented By: MSI Benefits Group, Inc.

May 17, 2016





Kaiser 2016 Medical Renewal – Option A



Current Plans - Renewal - SAME CONTRIBUTION %						
HMO			Multi-Choice			
Coverage	Current	Renewal	Current	Renewal	Current	Renewal
Employee	67	484.31	581.17	12	623.85	748.63
Employee + Spouse	14	968.60	1,162.34	6	1,247.69	1,497.25
Employee + Child(ren)	10	871.75	1,046.11	1	1,122.93	1,347.53
Employee + Family	15	1,452.91	1,743.51	1	1,871.55	2,245.88
Monthly Premium	106	76,520.32	91,824.90	20	17,966.82	21,560.47
Percent of Change			20.00%			20.00%
In-Network	Kaiser		Kaiser		PHCS	
Deductible (Individual / Family)	\$1,000 / \$ 2,000		\$1,000 / \$ 3,000		\$3,000 / \$ 6,000	
Coinsurance	90%		90%		80%	
PCP Copay	\$20		\$20		\$30	
Preventive Care	100%		100%		100%	
Specialist Copay	\$30		\$30		\$40	
ER Copay	\$200		\$200		\$200	
Urgent Copay	\$40		\$40		\$60	
Inpatient Surgery	10% after deductible		10% after deductible		20% after deductible	
Outpatient Surgery	10% after deductible		10% after deductible		20% after deductible	
Out-of-pocket (Individual / Family)	\$2,500 / \$5,000		\$2,500 / \$5,000		\$4,000 / \$8,000	
Includes Deductible						
Prescription	Tier 1 / Tier 2 / Tier 3		\$15 / \$25 / \$30 / \$40		\$20 / \$50 / \$75	
EMPLOYEES SEMI-MONTHLY DEDUCTIONS						
Coverage	Current	Renewal	Current	Renewal	Current	Renewal
Employee	56	0.00	0.00	6	25.73	30.88
Employee + Spouse	11	121.07	145.28	4	194.55	233.46
Employee + Child(ren)	10	96.86	116.23	1	160.78	192.94
Employee + Family	14	242.15	290.58	1	363.36	436.03
Monthly Premium	91	66,834.20	80,201.50	12	11,728.34	14,074.19
Annual Premium		802,010.40	962,418.00		140,740.08	168,890.28
Combined Monthly Net Cost		64,268.16	77,122.43			
Combined Annual Net Cost		771,217.92	925,469.21			
RETIREES MONTHLY DEDUCTIONS						
Retiree Only	11	0.00	0.00	6	51.46	61.75
Retiree + Spouse	3	242.14	290.57	2	389.10	466.92
Retiree + Child(ren)	0	193.72	232.46	0	321.56	385.87
Retiree + Family	1	484.30	581.16	0	726.72	872.06
Monthly Premium	15	9,686.12	11,623.40	8	6,238.48	7,486.28
Annual Premium		116,233.44	139,480.80		74,861.76	89,835.36
Combined Monthly Net Cost		13,626.92	16,352.46			
Combined Annual Net Cost		163,523.04	196,229.57			
COMBINED TOTALS (Employees + Retirees)						
	Current	Renewal				
Total Monthly Premium	94,487.14	113,385.37				
Total Annual Premium	1,133,845.68	1,360,624.44				
City Monthly Net Cost	77,895.08	93,474.90	Monthly Increase		15,579.82	
City Annual Net Cost	934,740.96	1,121,698.78	Annual Increase		186,957.82	
Percent of Change			20.00%			

- Kaiser renewal \$266,485 less than Aetna 2015 proposed renewal
- The total cost for medical is up 9.8% since 2013 (average increase of 3.27% per year)
- Option A – renew with same plans and keep same contribution percentage
- 20% increase (\$186,957)



Kaiser 2016 Medical Renewal – Option B



Change Both HMO and Multi-Choice Plans								
	HMO 9		HMO 19		Multi-Choice 12		Multi-Choice 20	
Coverage	Current		Alternate		Current		Alternate	
Employee	67	484.31	526.85	12	623.85	679.44		
Employee + Spouse	14	968.60	1,053.70	6	1,247.69	1,358.88		
Employee + Child(ren)	10	871.75	948.33	1	1,122.93	1,223.00		
Employee + Family	15	1,452.91	1,580.55	1	1,871.55	2,038.33		
Monthly Premium	106	76,520.32	83,242.30	20	17,966.82	19,567.89		
Percent of Change			8.78%			8.91%		
In-Network		Kaiser	Kaiser		Kaiser	PHCS	Kaiser	PHCS
Deductible (Individual / Family)		\$1,000 / \$2,000	\$2,000 / \$4,000		\$1,000 / \$3,000	\$3,000 / \$6,000	\$2,000 / \$4,000	\$3,000 / \$6,000
Coinsurance		90%	80%		90%	80%	80%	70%
PCP Copay		\$20	\$25		\$20	\$30	\$30	\$40
Preventive Care		100%	100%		100%	100%	100%	100%
Specialist Copay		\$30	\$40		\$30	\$40	\$40	\$50
ER Copay		\$200	\$250		\$200	\$200	\$200	\$200
Urgent Copay		\$40	\$50		\$40	\$60	\$60	\$80
Inpatient Surgery		10% after deductible	20% after deductible		10% after deductible	20% after deductible	20% after deductible	30% after deductible
Outpatient Surgery		10% after deductible	20% after deductible		10% after deductible	20% after deductible	20% after deductible	30% after deductible
Out-of-pocket (Individual / Family)		\$2,500 / \$5,000	\$4,500 / \$9,000		\$2,500 / \$5,000	\$4,000 / \$8,000	\$4,500 / \$9,000	\$6,000 / \$12,000
Includes Deductible Prescription								
Tier 1 / Tier 2 / Tier 3		\$15/\$25 / \$30/\$40	\$5/\$15 \$15/\$25 \$30/\$40		\$15 / \$30 / \$45	\$20 / \$50 / \$75	\$20 / \$40 / \$60	\$30 / \$60 / \$85
EMPLOYEES SEMI-MONTHLY DEDUCTIONS								
Coverage		Current	Alternate		Current	Alternate		
Employee	56	0.00	0.00	6	25.73	28.02		
Employee + Spouse	11	121.07	131.71	4	194.55	211.89		
Employee + Child(ren)	10	96.86	105.37	1	160.78	175.11		
Employee + Family	14	242.15	263.43	1	363.36	395.74		
Monthly Premium	91	66,834.20	72,705.30	12	11,728.34	12,773.49		
Annual Premium		802,010.40	872,463.60		140,740.08	153,281.88		
Combined Monthly Net Cost		64,268.16	69,924.74					
Combined Annual Net Cost		771,217.92	839,096.93					
RETIRES MONTHLY DEDUCTIONS								
Retiree Only	11	0.00	0.00	6	51.46	56.05		
Retiree + Spouse	3	242.14	263.43	2	389.10	423.78		
Retiree + Child(ren)	0	193.72	210.74	0	321.56	350.22		
Retiree + Family	1	484.30	526.85	0	726.72	791.48		
Monthly Premium	15	9,686.12	10,537.00	8	6,238.48	6,794.40		
Annual Premium		116,233.44	126,444.00		74,861.76	81,532.80		
Combined Monthly Net Cost		13,626.92	14,830.45					
Combined Annual Net Cost		163,523.04	177,965.42					
COMBINED TOTALS (Employees + Retirees)								
		Current	Alternate					
Total Monthly Premium		94,487.14	102,810.19					
Total Annual Premium		1,133,845.68	1,233,722.28					
City Monthly Net Cost		77,895.08	84,755.20			Monthly Increase	6,860.12	
City Annual Net Cost		934,740.96	1,017,062.35			Annual Increase	82,321.39	
Percent of Change			8.81%					

- Option B – change both the HMO and Multi-Choice Plan and keep City contributions the same

- 8.81% increase (\$82,321)



Kaiser 2016 Medical Renewal – Option C



Add 3rd Option as BASE Plan							
Coverage	HMO		Multi-Choice		HMO 27		
	Current	Renewal	Current	Renewal	3rd Plan		
Employee	67	484.31	581.17	12	623.85	748.63	505.97
Employee + Spouse	14	968.60	1,162.34	6	1,247.69	1,497.25	1,011.94
Employee + Child(ren)	10	871.75	1,046.11	1	1,122.93	1,347.53	910.75
Employee + Family	15	1,452.91	1,743.51	1	1,871.55	2,245.88	1,517.91
Monthly Premium	106	76,520.32	91,824.90	20	17,966.82	21,560.47	
Percent of Change			20.00%			20.00%	
In-Network	Kaiser		Kaiser	PHCS	Kaiser		
Deductible (Individual / Family)	\$1,000 / \$ 2,000		\$1,000 / \$ 3,000	\$3,000 / \$ 6,000	\$3,000 / \$ 6,000		
Coinsurance	90%		90%	80%	80%		
PCP Copay	\$20		\$20	\$30	\$30		
Preventive Care	100%		100%	100%	100%		
Specialist Copay	\$30		\$30	\$40	\$40		
ER Copay	\$200		\$200	\$200	\$200		
Urgent Copay	\$40		\$40	\$60	\$60		
Inpatient Surgery	10% after deductible		10% after deductible	20% after deductible	20% after deductible		
Outpatient Surgery	10% after deductible		10% after deductible	20% after deductible	20% after deductible		
Out-of-pocket (Individual / Family)	\$2,500 / \$5,000		\$2,500 / \$5,000	\$4,000 / \$8,000	\$5,500 / \$11,000		
Includes Deductible							
Prescription	Tier 1 / Tier 2 / Tier 3		\$15/\$25 / \$30/\$40	\$15 / \$30 / \$45	\$20 / \$50 / \$75	\$5/\$15 \$15/\$25 \$30/\$40	
EMPLOYEES SEMI-MONTHLY DEDUCTIONS							
Coverage	Current		Renewal	Current		Renewal	Alternate
Employee	56	0.00	37.60	6	25.73	63.33	0.00
Employee + Spouse	11	121.07	196.27	4	194.55	284.30	121.07
Employee + Child(ren)	10	96.86	164.54	1	160.78	234.95	96.86
Employee + Family	14	242.15	354.95	1	363.36	530.99	242.15
Monthly Premium	91	66,834.20	80,201.50	12	11,728.34	14,074.19	
Annual Premium		802,010.40	962,418.00		140,740.08	168,890.28	
Combined Monthly Net Cost		64,268.16	67,950.90				
Combined Annual Net Cost		771,217.92	815,410.74				
RETIREES MONTHLY DEDUCTIONS							
Retiree Only	11	0.00	75.20	6	51.46	176.24	0.00
Retiree + Spouse	3	242.14	392.54	2	389.10	638.66	242.14
Retiree + Child(ren)	0	193.72	329.08	0	321.56	546.16	193.72
Retiree + Family	1	484.30	709.90	0	726.72	1,101.05	484.30
Monthly Premium	15	9,686.12	11,623.40	8	6,238.48	7,486.28	
Annual Premium		116,233.44	139,480.80		74,861.76	89,835.36	
Combined Monthly Net Cost		13,626.92	14,060.20				
Combined Annual Net Cost		163,523.04	168,722.40				
COMBINED TOTALS (Employees + Retirees)							
	Current		Renewal				
Total Monthly Premium	94,487.14		113,385.37				
Total Annual Premium	1,133,845.68		1,360,624.44				
City Monthly Net Cost	77,895.08		82,011.10	Monthly Increase	4,116.02		
City Annual Net Cost	934,740.96		984,133.14	Annual Increase	49,392.18		
Percent of Change			5.28%				

- Option C – add a new 3rd HMO plan and hold employee deductions
- Employee deductions on current HMO and Multi-Choice plan would increase
- Provides an option for employees to keep same plans
- 5.28% increase (\$49,392)
- Employees would choose from the BASE, MIDDLE or HIGH plan

Aetna – 26% over the renewal – no quote provided

BCBSGA – “declining to quote due to not being competitive”

Cigna – “we do not believe that we can offer a competitive proposal”

GMA – “unable to furnish a competitive quote”

Humana – 30% over current – not competitive

Kaiser would have considered rate relief if a competitive quote from another carrier had been on the table



FSA and HRA Administrator

FLORES AND ASSOCIATES - Current

FSA - **\$6.00** PPPM – **24** participants

HRA - **\$5.00** PPPM – **25** participants

Monthly Admin Total - **\$269.00**

Annual Admin Total - **\$3,228.00**

MEDCOM - Proposed

FSA - **\$4.50** PPPM – **24** participants

HRA - **\$3.80** PPPM – **25** participants

Monthly Admin Total - **\$203.00**

Annual Admin Total - **\$2,436.00**

Annual Savings - \$792

Recommend changing FSA/HRA Administrators to MedCom

PPPM – Per Participant Per Month

	<u>Annual Premium</u>	<u>Employee Cost</u>	<u>Net Annual Cost</u>	<u>Net % Increase</u>	<u>Annual Budget Difference</u>
MEDICAL					
Current	\$1,133,845	\$199,105	\$934,740		
Option A	\$1,360,624	\$238,926	\$1,121,698	20.00%	\$186,958
Option B	\$1,233,722	\$216,660	\$1,017,062	8.81%	\$82,322
Option C	\$1,360,624	\$376,491	\$984,133	5.28%	\$49,393
FSA and HRA Administrator					
Flores and Assoc. - Current	\$3,228	\$0	\$3,228		
MedCom - Proposed	\$2,436	\$0	\$2,436	-24.54%	-\$792
TOTALS					
Current	\$1,137,073	\$199,105	\$937,968		
Option A	\$1,363,060	\$238,926	\$1,124,134	19.85%	\$186,166
Option B	\$1,236,158	\$216,660	\$1,019,498	8.69%	\$81,530
Option C	\$1,363,060	\$376,491	\$986,569	5.18%	\$48,601

- Dental, Vision, Life and Disability do not renew until 2017 or later
- Please note that the total annual employee cost illustrated under “Option C” is assuming that all employees would remain on the same plan and not elect the new 3rd HMO option. This total would reduce with each employee that elects the new plan

RESOLUTION NO. 2016-05

A RESOLUTION PROVIDING FOR THE DISPOSAL OF CERTAIN INVENTORY ITEMS DEEMED TO BE SURPLUS TO THE REASONABLY FORESEEABLE NEEDS OF THE CITY OF HAPEVILLE

WHEREAS, certain items of equipment belonging to the City of Hapeville are obsolete and no longer used by the City; and

WHEREAS, the value, obsolescence and condition of these items of inventory make it impractical to trade the same in on future purchases of new inventory items from the list of assets of the City; and

WHEREAS, it is in the best interests of the citizens of Hapeville, Georgia to dispose of these items of inventory; and

BE IT, AND IT IS HEREBY RESOLVED by the Mayor and Council of the City of Hapeville as follows:

1. That the items of inventory belonging to the City of Hapeville as shown in Exhibit "A" hereto are declared to be surplus to the reasonably foreseeable needs of the City;
2. That it is deemed to be for the common benefit of the residents of the City of Hapeville to dispose of said inventory; and
3. That the items listed in Exhibit "A" hereto may be disposed in a manner that is in the best interests of the City of Hapeville.

This Resolution having been properly considered and adopted by the City Council of the City of Hapeville, Georgia, the same is hereby APPROVED this ___ day of _____, 2016.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Steven M. Fincher
Attorney for City of Hapeville

Exhibit "A"

Make	Model	Description
International	1996	Ambulance
Stuphen	1986	Aerial ladder truck

CITY OF HAPEVILLE

STATE OF GEORGIA

RESOLUTION NO. 2016-06

A RESOLUTION BY THE MAYOR AND COUNCIL OF THE CITY OF HAPEVILLE, GEORGIA ESTABLISHING A MORATORIUM ON THE ENFORCEMENT OF THE CODE OF ORDINANCES REGULATING THE USE OF IMPERVIOUS AND PERVIOUS MATERIALS IN THE SURFACE AREAS OF PARKING LOTS; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Hapeville has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City of Hapeville; and

WHEREAS, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same, pursuant to case law found at *City of Roswell et al v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); *Lawson v. Macon*, 214 Ga. 278, 104 S.E.2d 425 (1958); *Taylor v. Shetzen*, 212 Ga. 101, 90 S.E.2d 572 (1955); and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Georgia Supreme Court, in the case of *DeKalb County v. Townsend*, 243 Ga. 80 (1979), held that, "To justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference; and second, that the means are reasonably necessary for the accomplishment of the purpose, and are not unduly oppressive upon individuals." The City of Hapeville has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Mayor and Council have always had a strong interest in the promotion of the traditional police power goals of health, safety, morals, aesthetics and the general welfare of the community; and in particular the lessening of congestion on City streets, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements; and

WHEREAS, it is the belief of the Mayor and Council of the City of Hapeville that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the City "to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439 (2005). It is also the opinion of the City that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and

protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are, and have been interested in, developing a cohesive and coherent policy regarding certain uses in the City, and have intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

NOW THEREFORE be it resolved by the Mayor and Council of the City of Hapeville and by the authority of the same:

SECTION I.

FINDINGS OF FACT

The Mayor and Council of the City of Hapeville hereby make the following findings of fact:

(a) It appears that certain provisions of the Code of Ordinances of the City of Hapeville (the “Code”), including but not limited to Section 93-23-5, require additional review as those provisions relate to the use of impervious and pervious materials in the surface areas of parking lots;

(b) Substantial disorder, detriment and irreparable harm would result to the citizens, businesses and City of Hapeville if the current set of ordinances for the above described use in the City were to be utilized by property owners prior to a more thorough review;

(c) The City imposed a moratorium on the enforcement of the Code provisions concerning the use of impervious and pervious materials in the surface areas of parking lots on March 26, 2015; extended that moratorium on September 15, 2015; and did not revise the provisions during the period covered by that moratorium;

(d) The City's ongoing revision of its code and zoning ordinances requires that a limited cessation of the enforcement of the provisions of the Code as they relate to the use of impervious and pervious materials in the surface areas of parking lots; and

(e) That the Georgia Supreme Court has ruled that limited moratoria are reasonable and do not constitute land use when such moratoria are applied throughout the City under *City of Roswell et al v. Outdoor Systems Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001).

SECTION II.

IMPOSITION OF MORATORIUM

(a) There is hereby imposed a moratorium on the enforcement of the provisions of the Code of Ordinances of the City of Hapeville, including but not limited to Section 93-23-5, to the extent those provisions regulate the use of impervious and pervious materials in the surface areas of parking lots. The duration of this moratorium shall be until the City adopts a revision of the City Code of the City of Hapeville related to the above referenced use or until September 21, 2016, whichever first occurs. This moratorium shall be effective as of the date of the adoption of this Resolution;

(b) This moratorium shall have no effect upon approvals or permits previously issued or as to development plans previously approved by the City. The provisions of this Resolution shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Resolution;

SECTION III.

(a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of this Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION IV.

All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION V.

The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SO RESOLVED this _____ day of May, 2016.

CITY OF HAPEVILLE, GEORGIA

ALAN HALLMAN, Mayor

ATTEST:

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Steven M. Fincher, City Attorney

RESOLUTION 2016-07

**A RESOLUTION OF SUPPORT FOR SUBMISSION OF A PRIORITY LIST
OF TRANSPORTATION RELATED PROJECTS FOR THE FULTON
COUNTY TRANSPORTATION SPECIAL PURPOSE LOCAL OPTION
SALES TAX**

WHEREAS, the City of Hapeville has developed a priority list for possible transportation related projects in Hapeville; and

WHEREAS, the City of Hapeville will submit this priority list to Fulton County for inclusion in a Final Project Master List that will be included in a Fulton County Intergovernmental Agreement; and

WHEREAS, the City Manager is authorized to submit this final list to Fulton County by May 30th, 2016; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Hapeville fully endorse and support this priority list for submission to Fulton County.

RESOLVED THIS ___ DAY OF _____, 2016.

CITY OF HAPEVILLE, GEORGIA

Alan Hallman, Mayor

ATTEST:

Jennifer Elkins, City Clerk

APPROVED AS TO FORM:

Steve Fincher
Attorney for City of Hapeville