

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.

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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.

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