

Summary of City of Hapeville Alcohol Beverage Licensing and Consumption Requirements



THE INFORMATION PRESENTED
HEREIN DOES NOT CONSTITUTE A
WAIVER FOR INDIVIDUAL REVIEW
AND ADHERENCE TO CITY
ORDINANCES AND APPLICABLE
STATE LAWS.

Background

On March 21, 2017, the City of Hapeville Mayor & Council passed Ordinance 2017-04 regulating the licensing, operations, and consumption of alcoholic beverages within the City limits.

Key changes to the ordinance include, but are not limited to:

- Arts Alley Provisions
- Alcohol Review Board

The Hapeville City Code governing Alcoholic Beverages can be found here:

https://library.municode.com/ga/hapeville/codes/code_of_ordinances?nodeId=PTIICOOR_CH5ALBE

Alcohol Beverage License Required

Retail Beer/Wine Store

Retail Package Stores, Distilled Spirits

Growler

Microbrewery

Manufacturing/Wholesale Establishments

On-premises

- On premises consumption
- On-premises arts
- Off premises and special events
- On-premises consumption establishments under 2,000 square feet
- Alcoholic beverage caterer
- Ancillary wine tasting
- Bed and breakfast establishments

General Information

No entity may hold more than two licenses total with the exception of hotels which may hold up to five licenses as long as each entity is located or operated within one building.

Licensees must be open for business within six months of the issuance of a license.

Closure of the business results in a surrender of the license.

Any change in ownership or representation must be filed with the City.

Licenses are not transferable to any other person or location.

- If a licensee changes locations, a new application is required for the year, however, fees paid are transferred from the original license.

Issuance, Discontinuance and Renewals

Licenses are issued on a calendar year basis.

Fees are prorated on the basis of annual license fee.

Sale or conveyance of a business requires a new application, license and fees.

Six (6) month discontinuance of business forfeits license unless there are improvements of the property. The latter requires a request to the ARB for approval of an extension.

Renewal applications are due by October 15 and payment by December 15.

City Manager can grant or deny renewals for cause.

Appeals for suspension, revocation or denial must be received within 14 days for a hearing before the City Council.

If an application is denied or license is revoked or suspended, applicant may not reapply for at least six (6) months from date of decision.

Public Space Consumption Restrictions

Drinking alcohol from a can or bottle is prohibited.

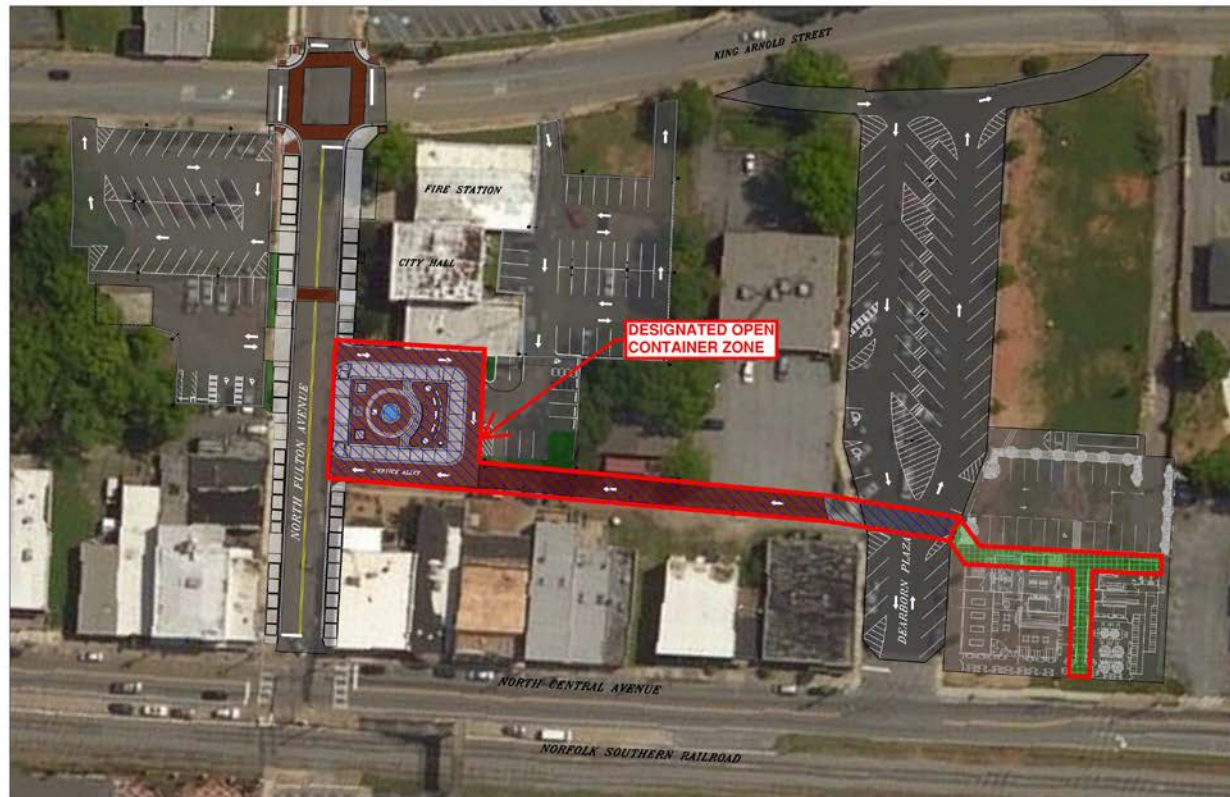
Drinking alcohol in a parked motor vehicle is prohibited.

Open containers of alcohol in a moving vehicle is prohibited.

Drinking alcohol is prohibited on city streets unless the following:

- Periodic city sponsored events with a one drink, 16 oz limit.
- A list of volunteers serving alcohol at City- sponsored events must be provided to the City Manager at least three days in advance of the event.
- Establishments in the Arts Alley may provide beverages in paper or plastic cup or other container (not bottle or can) to be consumed along the designated locations in the Arts Alley.
 - There is a one 16 oz drink limit and proof of date of purchase via wristband is required.
 - Consumption and open containers are limited to the opening of the licensed establishment through midnight.

Arts Alley Map



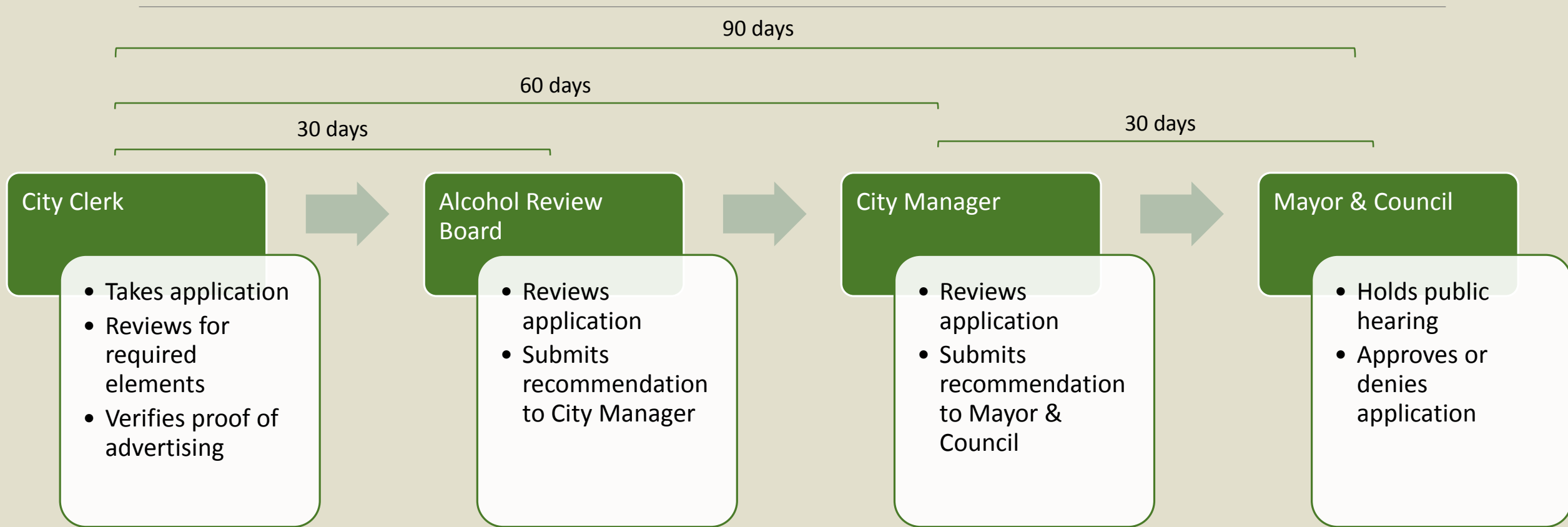
DESIGNATED OPEN CONTAINER ZONE
MARCH 2017

CITY OF HAPEVILLE, GEORGIA

Legend
Private Property
Public Property

SCALE IN FEET
30 15 0 30 60 90

Alcohol Review Board Process



Summary of Steps for Applicant

Submit application and application fee with supporting documents to City Clerk;

Go to Hapeville Police Department for fingerprinting and background check;

Contact paper for to have advertisement run; advertisement will need to run for 2 weeks;

Departments will provide their reports. (Police/Code, Community Service, Fire, and Finance);

Recommendations will be made to the Mayor and Council and place on the next available Agenda;

If approved, applicant will then need to make payment for the prorated portion of the license;

Apply for the State License;

If approved by the State applicant and any servers will need to go to the Police Department to obtain Server ID Permits.

Alcohol Review Board

ARB Comprised of

- City Manager
- Community Services Director
- Finance Director
- Fire Chief
- Police Chief
- Planning & Zoning Coordinator

Appeals for denials, revocations, suspensions, or unfavorable decisions may be taken by writ of certiorari to the appropriate superior court.

General Application Requirements

Applicant/Spouse Identity

Fee*

License Type

Bond, if required

Business location

Surveyor's certificate**

Proof of premise control (lease, ownership)

Proof of advertisement

Identification of persons with financial interest

Proof of training

Photographs of location

*see Fee Schedule

**retail package or beer/wine store applicants, other per city manager's request

Handlers Permit Required

Handlers permits are required for:

- Any person responsible for the service of alcoholic beverages or who works as a security guard in the licensed location.
- Any employee working in a package store.

One permit is required for each location a handler is employed.

Handlers must be available for photographing, fingerprinting, and other means of identification.

Police Chief reviews, approves or denies handler permits.

Factors guiding recommendations for applications

Nature of neighborhood

Proximity of school grounds, buildings, college campuses, and publicly owned and operated alcohol treatment center

Adequate parking facilities

Impact on traffic congestions and related hazards

Criminal record and financial responsibility of applicant and named representatives

Reports related to use or sale of alcohol at subject location

Satisfaction of state, federal and local laws related to public welfare, safety at proposed location

Best interest of the health, safety and welfare of the city

Previous revocations for cause of other alcohol licenses

History or reputation of building or establishment overtaxing city infrastructure or personnel, crime or other emergencies

Violation of local or state laws related to misconduct, nuisances, or crimes related to sale or use of alcohol at subject location or other locations

Fraudulent, false, omitted, and/or misleading information

Retail Beer/Wine Stores

Must be able to have a clear view of interior and lighted so that interior and exterior of store is visible day and night.

No sale of malt beverages or wine between 2am and 8am or on Sundays before 1230pm or after 1130pm.

Security cameras shall be placed to record activities at checkout and can produce retrievable image.

Have four (4) copies of complete price list and price on each package for sale.

No broken packages.

Retail Package Stores

Must be able to have a clear view of interior and lighted so that interior and exterior of store is visible day and night.

No sale of distilled spirits between 12am and 8am or on Sundays before 1230pm or after 1130pm.

Security cameras shall be placed to record activities at checkout and can produce retrievable image.

Have four (4) copies of complete price list and price on each package for sale.

No broken packages.

Number of package stores limited to 1 per 1,500 residents (4 allowed in the city based upon current population).

On Premises Consumption

No pouring liquor, malt beverages, or wine or any other on-premises alcohol service shall be permitted between the hours of 12am and 8am whose properties abut an area zoned residential, and 2am and 8am for all others.

All patrons shall vacate establishments whose property lines abut an area zoned residential no later than 12:45am and 2:45am for all others.

No pouring of liquor, malt beverages, or wine, or any other on-premises alcohol service shall be permitted on Sundays between the hours of 8am and 1230pm.

There shall not be any of the following practices:

- Giving away of any alcoholic beverage with sale of another alcoholic beverage.
- Sale of two or more alcoholic beverages for a single price.
- Sale or serving of two or more alcoholic beverages at substantially the same price as one such alcoholic beverage.
- Requiring or allowing purchase of subsequent alcoholic beverage at same time of another alcoholic beverage.
- Sale of unlimited alcoholic beverages, except at private functions not open to public.
- Increased alcohol volume in a drink without increasing price proportionately.

No sale of alcoholic beverage on street or sidewalk. Downtown Development Zone and other areas may be approved by the City.

Outside bars are permitted but must be attached and enclosed in a defined patio area.

Food Sales

Food trucks may sell alcohol within two hours of the time period that the food truck is offering sale and service of food.

Lounges must provide evidence quarterly that at least 40% of their receipts come from sale of food.

Restaurants must be open to the public at least six (6) hours per day; serve at least two (2) meals per day with a minimum serving time of three (3) hours per meal; serve meals at least six (6) days per week, not including holidays, vacations and periods of redecorating.

Seating shall be no more than 25% at a common table or counter area.

Restaurant must provide clear view into interior.

Restaurants must provide evidence that at least 30% of their receipts come from sale of food.

Private clubs must provide evidence that at least 40% of their receipts come from sale of food.

Entertainment

Musical entertainment, dancing and pool tables are permitted with the following conditions

- NFPA occupancy and seating allow for additional space.
- Fire and safety regulations are met.
- Licenses are paid.
- Security cameras are installed that produce a retrievable image and such images are available to the Police Chief or his designee.
- No more than six (6) pool tables.
- Musical entertainment cannot be heard from 100ft from front or back doors of establishment.
- Must have at least two (2) paid security officers on duty during all times establishment is open for business.
- Appropriate attire must be worn.

Off-Premise and Special Event Licenses

City Manager may grant off premises permit for pouring of malt beverages, wine and liquor provided that:

- Licensees with alcohol pouring licenses in good standing.
- May not pour any alcoholic beverage not lawfully poured on licensee's premises.
- Permit is valid for up to three days. Longer permits may be approved by the City Council.
- Off-premises locations must not be prohibited in other sections of the code.
- Food must be served at the event unless specifically permitted by the City.

City Manager may approve up to three (3) special event licenses 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 (2) consecutive days per calendar year up to the 12 day limit.

On Premises Arts Licenses

Issued only to non-profit arts organization whose primary purpose is artistic productions or performances.

May sell only to patrons present for productions or performances of an artistic or cultural nature.

No advertising of sale of alcoholic beverages.

No discounted sales practices (see On Premise Consumption).

Establishments
under 2,000
square feet

Must serve one (1) meal per day.

Be open for service five (5) days per week.

Provide evidence at least 40% of receipts come from sale of food.

Alcoholic Beverage Caterers

Resident catering permit

- Off-premises catering permit is valid only for event issued.
- Limit of thirty six (36) authorized catering events in a one year period.

Nonresident catering permit

- Off-premises catering permit is valid only for event issued.
- Limit of twelve (12) authorized catering events in a one year period.

Caterers must comply with state requirements for sales on Sundays.

Caterers may only serve alcohol beverages for which they hold a license.

Caterer must have a valid alcohol license from the City or another jurisdiction to apply for the permit.

Ancillary Wine Tasting

Wine sampling is allowed within premises to promote wine appreciation and education.

Wine tastings allowed at wine counter constituting no more than ten percent of entire floor area.

One period of wine sampling per day for a period not to exceed two hours.

Samples shall not exceed two ounces and no customer shall consume more than eight ounces in a two hour period.

Licensees may not charge for samples or tastings.

Bed & Breakfast

Must have a full service kitchen approved by local health and fire departments.

Restriction of sale of alcohol to overnight customers or customers who are dining or attending a culinary class.

More than one bottle of wine shall not be sold to any customer within a three day period.

Growlers Regulations

In addition to sale of growlers, retail sale of beer and/or wine by the package and by the glass for on-premises consumption.

Growlers must be securely sealed and removed from premises in original condition and cannot be opened or consumed on the premises.

No food purchased on-site may be consumed on premises.

Growlers license constitutes a pouring license for purpose of city approved events.

Must be able to have a clear view of interior.

No sale of growlers between 2am and 8am or on Sundays before 1230pm or after 1130pm.

Manufacturing/ Wholesale Establishment Regulations

Must be able to have a clear view of interior.

No sale of alcohol between 2am and 8am or on Sundays before 1230pm or after 1130pm.

Security cameras shall be placed to record activities at checkout and can produce retrievable image.

Microbreweries

All operations must be conducted within an enclosed building.

Must be able to have a clear view of interior.

May have guided tours with free tasting of malt beverages.

No free tasting between 12am and 8am or on Sundays before 1230pm or after 1130pm.

May provide non-alcoholic food or beverages at no charge.

Brewpubs are allowed to offer food for purchase.

Art Gallery

Complimentary alcoholic beverages may be offered to patrons for consumption within the premises.

The Art Gallery may not

- Sell alcoholic beverages
- Charge an entrance fee or coverage charge in connection with offering complimentary beverages
- Serve alcoholic beverages for more than four hours in any one day
- Serve alcoholic beverages more than 15 days in any calendar year
- Allow any alcoholic beverages to be consumed outside the facility
- Advertise the consumption of alcoholic beverages on the permitted premises

Must provide city with at least 15 days notice prior to event.

Fee Chart

Class	Fee
Beer/Wine/Liquor—Retail, Wholesale, Manufacturer, Restaurant, Lounge, Hotel	\$5,000.00
Beer/Wine Only—Retail, Wholesale, Manufacturer, Restaurant, Lounge, Hotel	\$3,150.00
Bed and Breakfast License	\$250
Liquor Only- On-premises Under 2000 Square Feet	\$1,600
Beer Only- On-premises Under 2000 Square Feet	\$750
Wine Only- On-premises Under 2000 Square Feet	\$750
Microbrewery License	\$1,600.00
Growler License	\$1,600.00
On-Premises Arts License	\$250.00
Art Gallery License	\$50
Alcohol Beverage Caterer Permit (Resident Licensee, per event)	\$25
Alcohol Beverage Caterer Permit (Non-Resident, per event)	\$75
Ancillary Wine Tasting	\$100
Administration Fee	\$200
Off-Premises and Special Events	\$50 annually
Hander Permit Fee	\$35 per employee, \$60 per manager/owner
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

Taxes

Type of Alcohol	Tax
Malt beverages sold in bottles, cans or other containers (except barrel or bulk)	\$.05/12 oz and proportionate rate on fractional parts of 12 oz.
Malt beverages in barrel or bulk	\$6.00 / barrel or bulk container of 15.5 gallons and proportionate rate on all fractional parts thereof.
On-premises consumption	3%
Liquor	\$.22/liter and proportionate rate on a fractional parts thereof.
Wine	\$.22/liter and proportionate rate on a fractional parts thereof.

Reports for Malt Beverages

Summary reports are required for malt beverages with exact quantities, including size and type of container and amount of excise tax.

Summary reports are required for liquor and wine for all purchase invoices, including amount of excise tax paid.

The City shall have the right to audit and require production of records from wholesalers and retailers in the City.

Failure to make timely reports will incur a penalty of

- 10% during the first 30 day period
- 25% during for each successive 30 day periods

False reports shall incur a penalty of 50% of amount of remittance and prosecution for felony offense.

Failure for timely report or remittance or false or fraudulent reports constitute grounds for revocation.

Prohibited Locations

	Retail Package Beer/Wine	Retail Package Distilled Spirits	Growler Store	Manufacturing/ Wholesale Establishments	Microbrewery
Within any residential zoning district or other prohibited zoning district from ordinance	●	●	●	●	
Within 100 yards of any alcohol treatment center owned and operated by state or county or municipal government	●	●		●	
Within 100/200 yards of any school building, school ground or college campus	100 yards	200 yards		200 yards	
Within 100 yards of any church building		●		●	
Other					Any area not authorized in 93-28, Arts District Overlay in the Zoning Code
Within any area prohibited by state law	●	●	●	●	●

The Code of Ordinances for Alcoholic Beverages (Chapter 5)

The Code of Ordinances for Alcoholic Beverages (Chapter 5) can be found utilizing the below link.

https://library.municode.com/ga/hapeville/codes/code_of_ordinances?nodeId=PTIICOOR_CH5ALBE