

## ORDINANCE

**WHEREAS**, the Douglas County Board of Commissioners is authorized to adopt ordinances and regulations for the governing and policing of the unincorporated area of the County for the purpose of protecting and preserving the health, safety, and welfare of the citizens of the County.

**NOW THEREFORE BE IT ORDAINED** by the Douglas County Board of Commissioners that **Article II of Chapter 3** of the Douglas County Board of Commissioners relating to **Alcoholic Beverages** is amended as follows:

### Section 1.

Douglas County Code Section 3-1 relating to Definitions is hereby amended by deleting paragraph (l) in its entirety and inserting in lieu thereof the following and adding paragraph (m) and (n) to read as follows:

#### **Sec. 3-1. Definitions.**

For the purpose of this article, the following terms shall have the respective meanings ascribed to them:

- (a) *Alcoholic beverages*: As used in this article the term includes and is limited to wine, beer, malt beverages and liquor as follows:
  - (1) *Wine*: Any alcoholic beverage made from fruits, berries, or grapes whether by natural fermentation or by natural fermentation with brandy added as defined by O.C.G.A. § 3-1-2(25).
  - (2) *Malt beverages*: Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, as defined by O.C.G.A. § 3-1-2(13).
  - (3) *Liquor*: Any spirituous liquor or distilled spirits which includes all beverages containing alcohol, obtained by distillation or containing more than twenty-one (21) percent of alcohol by volume, including fortified wines.
- (b) *Church*: A permanent building where persons regularly assemble for religious worship and which has been publicly designated as a church, but shall not include a residence which is also used for religious purposes.
- (c) *Distilled spirits*: Any alcoholic beverage obtained by distillation or containing more than twenty-one (21) percent alcohol by volume, including, but not limited to all fortified wines, or as otherwise defined by O.C.G.A. § 3-2-1(8).
- (d) *Governing authority*: The governing authority of the unincorporated area of the county is the board of commissioners of the county.

- (e) *Grocery store:* A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose annual gross sales of alcoholic beverages does not exceed fifty (50) percent of its total gross sales.
- (f) *Hotel:* A building(s) or other structures(s) kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential in which fifty (50) or more rooms are used for the sleeping accommodations of such guests, which facility also serves food and has one (1) or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least eighty (80) persons, where meals are regularly served to such guests and/or to the public at large. Sleeping accommodations and dining rooms shall be accommodated in the same building or in separate buildings or structures used in conjunction therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge, restaurant or nightclub in their premises; and the holder of such franchise shall be included in the definition of hotel hereunder.
- (g) *Key employee:* A full-time employee involved in the management of the store.
- (h) *Lounge:* A separate room connected with, a part of and adjacent to a restaurant (as defined herein) or located in a hotel (as defined herein), provided, that in no event shall the seating capacity of the lounge exceed that of its connected restaurant.
- (i) *Minor:* A person younger than eighteen (18) years of age.
- (j) *On-premises:* All enclosed space within the proprietor's building and any other areas outside the proprietor's building which are under the direct control of the proprietor.
- (k) *Restaurant:* Any public place, kept, used, maintained, advertised and held out to the public as a place where substantial meals are regularly and actually prepared and served, excluding periods for holidays, vacations and redecorating; having adequate and sanitary kitchen and dining room equipment and personnel and a minimum seating capacity of eighty (80) persons at tables or booths (excluding bar stools or similar seating); and wherein the principal business is the serving of such meals.
- (l) School: only such state, county, city, church, public, private, or other schools, including state licensed daycare facilities, that teach Georgia State accredited curriculum taught in the common public schools of this state.**

**(m) College: public and private colleges and universities that offer associate, baccalaureate or post – baccalaureate degrees recognized by the University System of Georgia or a commonly recognized accrediting agency.**

**(n)** Underage person: A person who is less than twenty-one (21) years of age.

## **Section 2.**

The previous text of Section 3-1(l) is now numbered 3-1(n).

## **Section 3.**

Douglas County Code Section 3-49 relating to Distance Limitations is hereby amended by deleting Section 3-49 in its entirety and inserting in lieu thereof the following to read as follows:

### **Sec. 3-49. Distance limitations – Off-Premise Consumption.**

- (a) No alcoholic beverages shall be sold closer than six hundred (600) feet to a church building, school building, educational building, school grounds, or college campus, or state-licensed child care facility. The aforesaid distance may be three hundred (300) feet when the alcoholic beverages are sold in a grocery store having at least twenty-two thousand (22,000) square feet of usable floor space. All measurements shall be made by the most direct legal route of travel on the ground. The measurement shall start at the front door of the licensee, down the closest drive or sidewalk to the nearest travelled road, street, or highway leading to the church, school, college or state-licensed child care facility, down the drive or walk to the street or sidewalk and then:
- (1) If the church, school, college or state-licensed child care facility is on the opposite side of the street than the licensee, or on another street than the licensee, then down the right-of-way to the nearest crosswalk or intersection and then back up the public right-of-way to the school, church, college, school grounds or state-licensed daycare facility; or
  - (2) If the church, school, college or state-licensed child care facility is on the same side of the same street as the licensee, then down the right-of-way to nearest drive or walk to the church, college, school, school grounds or state-licensed child care facility.
- (b) No alcoholic beverages shall be sold closer than one hundred (100) feet to a residential dwelling, as measured from the corner of the building of the licensee to the closest property line of the residential dwelling. The aforesaid distance

requirements may be waived with the written consent of all property owners adjoining the licensee.

- (c) Nothing contained in this Code section shall prohibit the licensing of the sale or distribution of alcoholic beverages by licensees for the retail sale of alcoholic beverages for consumption on the premises.

#### **Section 4.**

Douglas County Code Section 3-65 relating to Grounds for denial of license is hereby amended by deleting Section 3-65 in its entirety and inserting in lieu thereof the following to read as follows:

#### **Sec. 3-65. - Grounds for denial of license.**

- (a) Prohibited locations. It shall be unlawful to grant a pouring license for sale of liquor within the following unincorporated areas of the county:  
In an 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; other violations of the law.
- (b) Prohibited persons. It shall be unlawful to grant a license for the sale of liquor to:
  - (1) A person who does not meet the residency requirements as set forth in section 3-27 of this chapter.
  - (2) A person who is not of good character and reputation in the community in which he resides.
  - (3) A person who has been, within the preceding five (5) years, convicted of a felony, or of a crime opposed to decency and morality, or who has been convicted of a crime involving violation of the Code of Ordinances of the county relating to the use, sale, taxability or possession of beer, wine or liquor, or violations of the laws of the state and federal government pertaining to the manufacture, possession, transportation or sale of beer, wine or intoxicating liquors, or taxability thereof.
  - (4) A person whose license under this article has been revoked for cause or who has had a license under this article revoked for cause.
  - (5) A person who is under the age of 21 years or who is not of sound mind and memory.
  - (6) An officer or employee of the county, or any person who resides in the officer or employee's household.

- (7) A person who already holds a license in the classification applied for or a wholesale license.  
(Res. of 11-24-98)

**Section 5.**

**BE IT FURTHER RESOLVED**, that all ordinances or resolutions, or parts thereof, in conflict with this Ordinance are repealed.

**Section 6.**

This Ordinance is approved and shall become effective on this \_\_\_\_ day of \_\_\_\_\_, 2014.

DOUGLAS COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Tom Worthan, Chairman

\_\_\_\_\_  
Henry Mitchell III, Member

\_\_\_\_\_  
Kelly Robinson, Member

\_\_\_\_\_  
Michael Mulcare, Vice Chairman

\_\_\_\_\_  
Ann Jones Guider, Member

Attest:

\_\_\_\_\_  
Lisa Watson, County Clerk