

## 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, Section 3.1 (Definitions) and Section 3.49 (Distance limitations)** is amended as follows:

### Section 1.

Douglas County Code Section 3.1 relating to Definitions is hereby amended by deleting Section 3.1 in its entirety and inserting in lieu thereof the following:

#### **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)

*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.

(c)

*Governing authority:* The governing authority of the unincorporated area of the county is the board of commissioners of the county.

(d)

*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.

(e)

*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.

(f)

*Key employee:* A full-time employee involved in the management of the store.

(g)

*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.

(h)

*Minor:* A person younger than eighteen (18) years of age.

(i)

*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.

(j)

*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.

(k)

*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.

(l)

*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.

(m)

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

## Section 2.

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:

### **Sec. 3-49. - Distance limitations—Off-premises consumption.**

(a)

No alcoholic beverages shall be sold closer than six hundred (600) feet to a 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 school, college or state-licensed child care facility, down the drive or walk to the street or sidewalk and then:

(1)

If the 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, college, school grounds or state-licensed daycare facility; or

(2)

If the 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 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 3.**

**BE IT FURTHER RESOLVED**, that all ordinances or resolutions, or parts thereof, in conflict with this Ordinance are repealed.

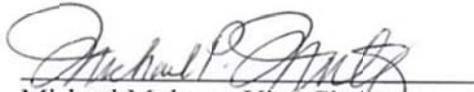
**Section 4.**

This Ordinance is approved and shall become effective on this 19<sup>th</sup> day of January, 2016.

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