

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended May 17, 2022]

ARTICLE I. In General

- Sec. 6-1 Short title.
- Sec. 6-2 Adoption of the Georgia Alcoholic Beverage Code.
- Sec. 6-3 Definitions.
- Sec. 6-4 Sale of alcoholic beverages within the unincorporated areas.
- Sec. 6-5 Reserved.
- Sec. 6-6 Sale of alcoholic beverages near churches, school buildings, or other sites.
- Sec. 6-7 Leased Premises.
- Sec. 6-8 Retail sales of alcoholic beverages for consumption on the premises: physical requirements of the premises.
- Sec. 6-9 Retail sales of alcoholic beverages not for consumption on the premises.
- Sec. 6-10 Hours of sale.
- Sec. 6-11 Furnishing to, purchase of, or possession by persons under 21 years of age.
- Sec. 6-12 Use of tags or labels to indicate prices.
- Sec. 6-13 Outdoor advertising.
- Sec. 6-14 Retailer shall purchase from a licensed wholesaler only.
- Sec. 6-15 Compliance with rules, regulations required.
- Sec. 6-16 Penalty.
- Sec. 6-17 Severability should any portion of ordinance be held invalid.

ARTICLE II. License

- Sec. 6-18 Definitions.
- Sec. 6-19 Required.
- Sec. 6-20 Application for license; application for license renewal; wholesale dealer application.
- Sec. 6-21 Hotel In-Room Service License.
- Sec. 6-22 Consumption on premises and package license.
- Sec. 6-23 License fees enumerated.
- Sec. 6-24 Processing the Application; Public hearing; Advertisement and Method of Granting Licenses.
- Sec. 6-25 Consideration of granting a license.
- Sec. 6-26 Refund.
- Sec. 6-27 Persons prohibited from holding a license.
- Sec. 6-28 Display of license.
- Sec. 6-29 Term of license, expiration, renewal.
- Sec. 6-30 Transferability.
- Sec. 6-31 Denial, Suspension, or Revocation of a License.
- Sec. 6-32 Hearing on denial, suspension, revocation or refusal to renew license.
- Sec. 6-33 Automatic forfeiture of license.

ARTICLE III. Excise Tax

- Sec. 6-34 Definitions.
- Sec. 6-35 Excise Tax on Wholesale Alcoholic Beverages.
- Sec. 6-36 Excise Tax on Distilled Spirits by the Drink.
- Sec. 6-37 Excise Tax on Malt Beverages.
- Sec. 6-38 Per Liter Tax on Wine.
- Sec. 6-39 Rules and Regulations.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended May 17, 2022]

ARTICLE I. IN GENERAL

Sec. 6-1 Short title.

This ordinance shall be known and may be cited as the “Camden County Alcoholic Beverage Ordinance.”

Sec. 6-2 Adoption of the Georgia Alcoholic Beverage Code.

The Board of County Commissioners hereby adopts the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-3-1 *et seq*, and the rules and regulations, as amended from time to time, as a basis for establishing this alcoholic beverage ordinance.

Sec. 6-3 Definitions.

As used in this Ordinance, the following words, terms, and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

1. **Alcohol** means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
2. **Alcoholic beverage** means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.
3. **Applicant** means any individual or person, as defined herein, or their corporate or managerial agent, making application for the sell of alcoholic beverages, retail or wholesale, within the unincorporated areas of the county.
4. **Board of Commissioners or Board** shall mean the Camden County Board of County Commissioners.
5. **Brewpub** means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. As used in this article, the term 'eating establishment' means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.
6. **Broker** means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.
7. **Commissioner** means the State Revenue Commissioner.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended May 17, 2022]

8. **Consumption on premises** shall mean the sale or offering to sell alcoholic beverages, malt beverages or wine for consumption on premises at retail only to consumers and not for resale. The license issued to such person shall be known as a “consumption on premises license.”
9. **Department** means the Department of Revenue.
10. **Distilled spirits or spirituous liquor** means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.
11. **Dwelling** means a building or portion thereof that provides living facilities for person, persons or families, including single family and other multiple family dwellings, but not including hotels or motels.
12. **Eating establishment** means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health department and city building official. An eating establishment shall be prepared to serve food every hour within which such establishment is open to the public, shall derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of alcohol beverages, and shall have a seating capacity of at least 25 people. Such establishment shall also have employed therein a sufficient number of employees to prepare, cook and serve suitable food for its guests with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto.
13. **Family** means any person related to the holder of the license within the first degree of consanguinity and affinity as computed according to canon law.
14. **Fortified wine** means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.
15. **Gallon or wine gallon** means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.
16. **Hotel** means any building or other structure providing sleeping accommodations for hire to the general public, either transient, permanent or residential. Such hotels shall maintain a minimum of 15 rooms available for hire and have one or more public dining rooms with an adequate kitchen. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this Ordinance and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended May 17, 2022]

17. **Importer** means any person who imports an alcoholic beverage into this state from a foreign country and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.
18. **Individual** means a natural person.
19. **License officer** means the County Clerk, or such other administrative officer appointed by the County Administrator to manage and oversee the process for alcoholic beverage licensing.
20. **Licensed premises** means any premises in which alcoholic beverages are sold or dispensed for consumption on the premises and shall include any premises which are required by law to be licensed to sell or dispense alcoholic beverages for consumption on the premises.
21. **Malt beverage or beer** means 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, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine, but does include hard cider which shall mean an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including, but not limited to flavored or carbonated cider. The term hard cider does not include 'sweet cider.'
22. **Manufacturer** means any maker, producer, or bottler of an alcoholic beverage. The term also means:
 - (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
 - (b) In the case of malt beverages, any brewer; and
 - (c) In the case of wine, any vintner.
23. **Military reservation** means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.
24. **Operator** means and includes the owner, license holder, operator, manager, and person in charge of any licensed premises.
25. **Package** means a bottle, can, keg, barrel, or other original consumer container that is delivered by a licensed wholesaler or licensed retailer.
26. **Person** means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public. Person shall also mean members of licensee's family.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended May 17, 2022]

27. **Premises** means the definite closed or partitioned establishment, whether room, shop or building, wherein alcoholic beverages are sold or consumed.
28. **Private club** means:
- (a) A nonprofit corporation organized under the laws of the State of Georgia which:
 - (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this Ordinance;
 - (2) Has at least 75 regular dues-paying members;
 - (3) Owns, hires, or leases a building or space within a building the reasonable use of its members, which building or space:
 - i. Has suitable kitchen and dining room space and equipment; and
 - ii. Is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
 - (4) Has no member, officer, agent, or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
 - (b) "Fixed salary" means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission on any profits from the sale of alcoholic beverages.
 - (c) Private clubs shall only serve to bona fide members and bona fide guests of members.
29. **Residential community development district' or district** means a private residential development that:
- a. Is not less than 500 acres of contiguous land area;
 - b. Is located either within a county where the sale of alcoholic beverages is authorized or within a county that has one or more municipalities where the sale of alcoholic beverages is authorized, but outside the corporate limits of any municipality;
 - c. Has at least 200 residential sites, platted and recorded in the office of the clerk of the superior court of the county as a residential subdivision;
 - d. Has streets that were or will be built with private funds and are or will be maintained by private funds of the developers or property owners within the development; and
 - e. Has a social club with:
 - (1) An 18 hole golf course of regulation size;
 - (2) A restaurant or eatery used exclusively for the purpose of preparing and serving meals, with a seating capacity of at least 60 patrons;
 - (3) A golf or social club membership and has at least 200 paid-up members who have paid a membership fee for family or individual membership;
 - (4) A membership policy whereby membership is not denied or limited by an applicant's race, color, creed, sex, religion, or national origin; and
 - (5) A full-time management staff for the social activities of the club, including the management of the premises where food and drink are sold.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended May 17, 2022]

30. **Retail consumption dealer** means any person holding a valid license issued by the Board who sells alcoholic beverages, spirituous liquors, malt beverages or wine for consumption on the premises at retail only to consumers and not for resale.
31. **Retailer or retail dealer** means, except as to distilled spirits, any person holding a valid license issued by the Board who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.
32. **Retail sale or retail sales** means the sell of any alcoholic beverage by a licensed retail consumption dealer, retailer or retail dealer.
33. **Shipper** means any person who ships an alcoholic beverage from outside this state.
34. **Standard case** means six containers of 1.75 liters, 12 containers of 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters.
35. **Taxpayer** means any person made liable by law to file a return or to pay tax.
36. **Wholesaler or wholesale dealer** means any person (not a producer) holding a valid license issued by the Board who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.
37. **Wholesale sale or wholesale sales** means the sell of any alcoholic beverage by a licensed wholesaler or wholesale dealer.
38. **Wine** means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this Code section.

Sec. 6-4 Sale of alcoholic beverages within the unincorporated areas.

1. Alcoholic beverages may be sold in the unincorporated areas of Camden County under a license granted by the Board of County Commissioners upon the terms and conditions provided herein.
2. Any person issued a license as provided by this Ordinance is required to comply with all applicable local ordinances and regulations. Likewise, all licenses issued under this Ordinance shall be subject to the rules and regulations as set forth in the Georgia Alcoholic Beverage Code, O.C.G.A. § 3-3-1 *et seq*, as now, or hereafter amended, and those regulations prescribed by the State Department of Revenue. A violation of any

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended May 17, 2022]

statute or regulation of the Georgia Alcoholic Beverage Code shall be a violation of this Ordinance.

3. It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the Board to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license.

Sec. 6-5 Reserved. [*Amended April 7, 2015*]

Sec. 6-6 Sale of alcoholic beverages near churches, school buildings, or other sites.

1. No license for the retail sale of spirituous liquors, wine or malt beverages will be issued to any establishment in the county that is not located in an area zoned under the Camden County zoning ordinance as follows:

- (a) Neighborhood Commercial District;
- (b) General Commercial District; or,
- (c) Interchange Commercial District.

2. No license for the wholesale sale of spirituous liquors, wine or malt beverages will be issued to any establishment in the county that is not located in an area zoned under the Camden County zoning ordinance as follows:

- (a) General Commercial District; or
- (b) Restricted Industrial District.

3. No person shall knowingly and intentionally sell or offer to sell:

- (a) Any wine or malt beverages in or within 100 yards of any church building, funeral chapel, public or private cemetery, licensed daycare facility, school building, school grounds, educational building, college campus or public park. This subparagraph shall not apply at any location for which a license has been issued prior to January 20, 2009, nor to the renewal of such license. Nor shall this subparagraph apply at any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the 12 months immediately preceding such application;
- (b) Any distilled spirits in or within 100 yards of any church building, funeral chapel, cemetery, licensed daycare facility, school building, school grounds, educational building, college campus or public park;

- (1) As used in this subsection, the term licensed daycare facility, school building or educational building shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which commonly taught subjects are taught in common schools and colleges of this state and which are public schools or private schools as defined in subsection (b) of O.C.G.A. § 20-2-690.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended May 17, 2022]

- (c) Any wine, malt beverages or distilled spirits in or within 100 yards of any alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein. This paragraph shall not apply to any business having a license in effect on January 20, 2009.
 - (d) Any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property. This subsection shall not apply at any location for which a license has been issued prior to January 20, 2009, nor to the renewal of such license. Nor shall this subsection apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.
- (1) The term “housing authority property”, as used in this subsection, means any property containing 300 housing units or fewer owned and operated by a housing authority created by the “Housing Authorities Law”, O.C.G.A. § 8-3-1.
4. For the purposes of this section, distances shall be measured by the most direct route of travel on the ground as follows:
- (a) From the property line of the tract on which is located the business regulated under this article;
 - (b) To the property line of the tract on which is located the church building, funeral chapel, public or private cemetery, licensed daycare facility, school building, school grounds, educational building, college campus or public park;
 - (c) Along a straight line which described the shortest distance between the two property lines.
5. No license in effect on January 20, 2009, shall be revoked before its date of expiration by reason of the method of measurement set out in this subsection if the license was granted in reliance on another method of measurement. No application for a license or for a renewal shall be denied by reason of the method of measurement set out in this subsection if the application is for premises for which a license was granted prior to January 20, 2009, in reliance on another method.
6. The sale of alcoholic beverages in either unbroken packages or by the drink for consumption on premises, is permitted on a primary or general election day provided that no such sale shall take place within 250 feet of a polling place or the outer edge of any building within which such polling place is established during such time as the polls are opened. *[Amended April 7, 2015]*

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended May 17, 2022]

7. Nothing contained in this Section shall prohibit the licensing of the sale or distribution of alcoholic beverages by:
- (a) Hotels with 50 rooms or more;
 - (b) Bona fide private clubs, owning their own homes, subject to licensing under this code or O.C.G.A. § 3-7-1, *et seq.*
 - (c) Licensees for the retail sale of alcoholic beverages for consumption on the premises only who shall be subject to regulation as to distances from churches, schools, and colleges by counties and municipalities.

Sec. 6-7 Leased Premises.

In the event premises for which a license is sought is part of a larger parcel of land, which would not qualify for a license, because of the proximity to licensed daycare facility, school, college, church or recognized place of a worship as defined by this Ordinance, a license may nevertheless be issued by the Commission, provided the applicant meets the following additional requirements:

- a) The owner of the larger tract of land does not own or have a direct or indirect financial interest in the business sought to be licensed (other than the payment of rents). The lease does not require the lessee to pay to the lessor a percentage of profits based upon the amount of sales.
- b) The owner has agreed to lease the premises to applicant for a period of at least one year.
- c) The lease in the opinion of the Commission is an arms length transaction.
- d) The leased premises, as described in the application, if owned by applicant, would meet the requirement of this Ordinance, where by the property line of said leased tract would be set back two hundred (200) yards from the property line of any school, college, church, or recognized place of worship, as measured along a straight line on the ground between said property lines.
- e) The leased premises does not exceed fifty percent (50%) of the land area or larger parcel of land.
- f) The lease is not between any of the following parties:
 - 1. Person related by blood or marriage;
 - 2. Affiliated companies or corporation;
 - 3. Officers, director and stockholders (including family members) of a corporation and a corporation;
 - 4. Persons who have no other financial or business relationship between themselves.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended May 17, 2022]

Sec. 6-8 Retail sales of alcoholic beverages for consumption on the premises: physical requirements of the premises.

There shall be no retail sales of spirituous liquors, wine or malt beverages for consumption on the premises except:

- (a) In eating establishments serving prepared foods and offered to the general public and where chairs, tables and counters are provided to seat and serve 15 or more persons where such establishments are located in a zoning district as an approved use listed in this Ordinance. Such restaurant must have a kitchen, and the food served must have been prepared on the premises. [*Amended April 7, 2015*]
- (b) In hotels or motels kept, used, maintained, advertised and held out to the general public to be a place where food is actually served and consumed, and sleeping accommodations are offered at adequate rates to travelers and guests, whether temporary or permanent, which are located in a zoning district listed in this Ordinance, where 15 or more rooms are used as sleeping accommodations for guests, and having one or more public dining rooms with an adequate and sanitary kitchen and with a seating capacity of at least 50 people, and where meals are regularly served to such guests.
- (c) In lounges, where seating accommodations are provided for not less than 25 persons and are located in a zoning district listed in this Ordinance.
- (d) In private clubs organized and existing under the laws of the state, or a bona fide association of individuals organized for fraternal or charitable purposes, having at least 25 members regularly paying dues, with no part of the net earnings inuring to the benefit of any shareholder or member; further, no member, officer or agent, or employee of the club shall receive direct or indirect payment beyond his salary, paid from general revenue, as set by the members or governing body, which is based on the amount of profit from the sale of spirituous liquors, beer or wine. For the purpose of this subsection, tips which are added to the bills under club regulations shall not be considered profits hereunder.

Sec. 6-9 Retail sales of alcoholic beverages not for consumption on the premises.

1. No spirituous liquors, wine or malt beverages shall be sold at retail not for consumption on the premises except:
 - (a) In a facility duly licensed by the county to sell liquor by the package which is devoted exclusively to the sale of spirituous liquors, wine or malt beverages in the original package.
 - (b) In retail establishments devoted principally to the retail sale of groceries and food products.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended May 17, 2022]

- (c) In an establishment devoted principally to the sale of gasoline and other petroleum products for boats and located adjacent to a body of water.
2. No retail dealer shall knowingly and intentionally allow or permit the breaking of any package containing alcoholic beverages on the premises where sold or allow or permit the drinking of the contents of such package on the premises where sold. This section shall not apply with respect to sales pursuant to a license for consumption on the premises.

Sec. 6-10 Hours of sale.

1. Off-premises consumption and package sales.
- a) No alcoholic beverages shall be sold, offered for sale, dispensed or distributed by licensees between the hours of 11:55 p.m. and 6:00 a.m. Monday through Saturday.
 - b) Sunday sales by licensees shall be allowed only between the hours of 11:00 a.m. and 11:55 p.m. [*Amended May 17, 2022*]
2. On-premises consumption sales.
- a) No alcoholic beverages shall be sold, offered for sale, dispensed or distributed by licensees holding on-premises consumption licenses between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday.
 - b) No alcoholic beverages shall be sold on Sundays after 1:45 a.m. in lounges, private clubs and bona fide full services restaurants. All customers shall vacate the licensed premises by 2:00 a.m. [*Amended April 7, 2015*]

Sec. 6-11 Furnishing to, purchase of, or possession by persons under 21 years of age.

1. Except as otherwise authorized by law:
- (a) No person knowingly, by himself or through another, shall furnish, cause to be furnished, or permit any person in his employ to furnish any alcoholic beverage to any person under 21 years of age.
 - (b) No person under 21 years of age shall purchase or knowingly possess any alcoholic beverage.
 - (c) No person under 21 years of age shall misrepresent his age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage.
 - (d) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended May 17, 2022]

2. The prohibitions contained in subsection 1(a), (b), and (d) of this section shall not apply with respect to the sale, purchase or possession of alcoholic beverages for consumption:
 - (a) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state.
 - (b) At a religious ceremony.
 - (c) In the home with parental consent.
3. The prohibition contained in subsection 1(a) of this section shall not apply with respect to sale of alcoholic beverage by a person when such person has been furnished with proper identification showing the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an identification card authorized under O.C.G.A. §§ 40-5-100--40-5-104. "proper identification" shall not include a birth certificate.
4. Any person who is 21 years of age or older and is an active member of the regular armed forces of the United States may purchase, consume and possess any alcoholic beverage. To purchase an alcoholic beverage, such person must present a valid military identification card.
5. If such conduct is not otherwise prohibited pursuant to O.C.G.A. § 3-3-24, nothing contained in this section shall be construed to prohibit any person under 21 years of age from:
 - (a) Dispensing, serving, selling or handling alcoholic beverages as a part of employment in any licensed establishment.
 - (b) Being employed in any establishment in which alcoholic beverages are distilled or manufactured.
 - (c) Taking orders for and having possession of alcoholic beverages as a part of employment in a licensed establishment.
6. Testimony by any person under 21 years of age, when given in an administrative or judicial proceeding against another person for violation of any provision of this section, shall not be used in any administrative or judicial proceeding brought against such testifying person under 21 years of age.
7. Nothing in this section shall be construed to modify, amend, or supersede O.C.G.A. § 3-3-23.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended May 17, 2022]

Sec. 6-12 Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tag or label on the bottles or containers or on the shelf immediately below the containers the prices of all spirituous liquors, malt beverages and wine exposed or offered for sale.

Sec. 6-13 Outdoor advertising.

No outdoor advertising promoting the sale of spirituous liquors, malt beverages or wine shall be permitted on the exterior of any wholesale or retail outlet or elsewhere in the unincorporated area of the county except as may be authorized by state law.

Sec. 6-14 Retailer shall purchase from a licensed wholesaler only.

Retailers shall purchase from a licensed wholesaler only. No retailer shall purchase any alcoholic beverages from any person other than a wholesaler licensed by the state. No wholesaler shall sell any spirituous liquors, malt beverages, or wine to anyone other than a retailer licensed under this Ordinance.

Sec. 6-15 Compliance with rules, regulations required.

All applicants for and issuers of licenses shall comply with all rules and regulations adopted by the Board and the State of Georgia for the sale of spirituous liquors, wine, or malt beverages. Failure to comply with these rules and regulations will result in penalties and administrative action as set out in this article.

Sec. 6-16 Penalty.

The violation of any provision of this Ordinance shall constitute a misdemeanor, and the penalty for such violation shall be as provided for in this Code, unless otherwise specifically provided for by this Ordinance.

Sec. 6-17 Severability should any portion of ordinance be held invalid.

The terms and provisions of this Ordinance are severable. Should any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this Ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the Ordinance may reasonably be given effect without the invalid or void portion.

ARTICLE II. License

Sec. 6-18 Definitions.

The Definitions of Article I are hereby incorporated by reference thereto.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended August 15, 2020]

Sec. 6-19 Required.

Spirituous liquors, wine or malt beverages shall not be distributed or sold within the unincorporated areas of the county without a license granted by the Board.

Sec. 6-20 Application for license; application for license renewal; wholesale dealer application.

1. A separate application must be made and a separate license granted to sell spirituous liquors, wine, or malt beverages for each location where alcoholic beverages are sold.
2. Any person desiring to sell alcoholic beverages within the unincorporated areas of the county shall make application on form(s) prescribed by the Board and furnished through the office of the County Clerk for the Board of County Commissioners.
3. The application shall include, but shall not be limited to, the following:
 - (a) The applicant's name, complete residence address, telephone number and date of birth.
 - (1) When the applicant is a general or limited partnership, the application shall include the complete name, residence address, telephone number and date of birth of each partner whether such partner is general, managing, or limited.
 - (2) When the applicant is a corporation, domestic or foreign, and is lawfully registered under state laws to do business in this state, the corporation may apply for license under the corporate name as registered with the Georgia Secretary of State. The applicant shall provide the following information regarding the corporation:
 - (i) name, residential address, and title of each officer of the corporation;
 - (ii) name, residential address of any shareholder holding 51% or more of the corporate shares;
 - (iii) proof that the corporation is an entity in existence as evidenced by a certificate of good standing issued by the Georgia Secretary of State; and,
 - (iv) name, telephone number, and address of its registered agent for service of process.
 - (b) The complete and accurate business name and street address of the establishment to be licensed.
 - (c) The name, residential address, and telephone numbers of all managers of the establishment to be licensed.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

- (d) The name, residence address, and telephone numbers of all persons who have or may have a financial interest in the operation and business of the establishment to be licensed.
- (e) The full and complete disclosure of any criminal convictions, misdemeanor or felony; alcohol license suspensions or revocations; and other administrative sanctions imposed upon the applicant, its principles, and/or managers by any governmental agency.
- (f) A statement regarding any other alcoholic beverages licenses held by the applicant. This statement shall include the business name and location of any such other license held.
- (g) The applicant's acknowledgement and authorization for the Board, or its agent, to obtain the applicant's criminal history.
- (h) The acknowledgement and authorization of any and all managers for the Board, or its agent, to obtain the criminal history of any such managers.
- (i) A complete set of the applicant's fingerprints, and a complete set of fingerprints for any and all managers.
 - (i) The applicant and any and all managers shall submit to the Camden County Sheriff's Office, or any other agency as prescribed by the Board, for fingerprinting.
 - (ii) The applicant shall be responsible for any and all fees and costs associated with fingerprinting.
- (j) An accurate diagram or survey showing the location of the premises to be licensed and all other buildings within the immediate area of the premises to be licensed. As used in this subparagraph, the term "other buildings" shall include, but not be limited to, churches, funeral chapel, licensed daycare facilities, schools, housing authorities, and other establishments holding an alcoholic beverages license, parks or cemeteries.
 - (i) If the distance of the premises is found to be in question, a survey prepared by a duly licensed surveyor may be required from the applicant at the applicant's expense.
- (k) A copy of the Certificate of Occupancy for the premises to be licensed.
- (l) If premises is leased, a copy of the current lease agreement.
- (m) The hours of operation of the business.
- (n) Such other data, documents or records as required by the Board, or its agent, to ensure compliance with the provisions of this Ordinance and/or

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

the Georgia Alcoholic Beverage Code. Failure to furnish any such requested information or documentation may serve as an automatic dismissal of the application without prejudice.

- (o) The application shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths, and submitted to the license officer for processing.
4. All applications for a new license shall be accompanied by a certified check in the full amount of \$281.00 to defray administrative costs associated therewith. [*Amended April 7, 2015*] [*Amended February 4, 2020*]
5. Applications for license renewal shall be filed with the license officer before November 15 of each year, together with a separate certified check or cash in the amount of \$126.00 to defray the administrative costs associated therewith. [*Amended February 4, 2020*]
 - (a) Applicants seeking license renewal are required to comply with all rules and regulations for the granting of a license as if no previous license had been held. Except, however, there shall be no fingerprinting required when the owner(s) and manager(s) remain the same, from one year to the next, and posting of the property shall not be required. When a change is made in either, fingerprinting, background checks and all other requirements for a new manager or applicant will be required for each replacement. A manager or an owner change will require the same administrative application fee, as for a new application. [*Amended April 7, 2015*]
6. Any knowingly, untrue, misleading or omitted statement or information contained in any such application shall be cause for denial or suspension, and if a license has been granted, shall be cause for revocation of the same.
7. Any person, firm or corporation located in Camden County, Georgia, desiring to sell at wholesale any alcoholic beverages, malt beverages, beer or wine, in the unincorporated area of Camden County, shall make application on form(s) prescribed by the Board and furnished by the County Clerk. No alcoholic beverages, malt beverages, beer or wine shall be delivered to any retail sales outlet in the unincorporated areas of Camden County except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

Sec. 6-21 Hotel In-Room Service License.

Any hotel, motel, inn or other establishments which meets the requirements set out in this Ordinance is hereby authorized to provide in-room service as defined in this section. In order to qualify for a hotel-in-room service, the applicant must satisfy the following requirements:

- (a) Applicant must be the current holder of a retail dealer license, a retail consumption dealer license, a retail beer dealer license or a retail wine dealer license; provided, however, the applicant may only qualify for a

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

hotel in-room service for the type of alcoholic beverage for which he holds a current license.

- (b) Applicant shall apply on a form provided by the Camden County Planning and Department License Officer specifying the type of in-room service license sought (beer, wine, distilled spirits or any combination thereof) together with any other forms, documentation, or other information required by the Board of Commissioners.
- (c) A hotel in-room service licensee shall be authorized to deliver alcoholic beverages, either by the package or by the drink, if the hotel holds a valid in-room service license, by a hotel employee to a registered guest's room when such distilled spirits, malt beverages or wine have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages, at the time of the delivery; provided further, however, such sale shall be evidenced by a signed receipt indicating which guest ordered alcoholic beverages, indicating the identification and quantity of alcoholic beverages, malt beverages and wine actually delivered; provided, however, that the hotel may provide the guest with a credit for any unused and unopened alcoholic beverages.
- (d) All hotels having in-room service shall comply with all requirements promulgated by the Department of Revenue of the State of Georgia dealing with storage of alcoholic beverages and records required to be maintained in order to provide hotel in-room service.
- (e) Nothing contained in this Ordinance shall be construed to restrict or prohibit possession of alcoholic beverages by hotel guest in quantities otherwise permitted by O.C.G.A., Title 3.

Sec. 6-22 Consumption on premises and package license.

A license holder can have both the license for sales in original package and for sales for consumption on the premises, but they must be in separate establishments.

Sec. 6-23 License fees enumerated.

License fees applicable to this chapter are set out as follows:

- (1) Wholesale dealers of a combination of malt beverages, beer, wine and/or spirituous liquors, having a place of business, with inventory, located in the unincorporated area of Camden County, \$1,250.00.
- (2) Wholesale dealers of spirituous liquors, having a place of business, with inventory, located in the unincorporated area of Camden County, \$1,000.00.
- (3) Wholesale dealers of malt beverages, beer, and wine, having a place of business, with inventory, located in the unincorporated area of Camden County, \$500.00.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended August 15, 2020]

- (4) Wholesale dealers of malt beverages or beer, having a place of business, with inventory, located in the unincorporated area of Camden County, \$250.00
- (5) Wholesale dealers of wine, have a place of business, with inventory, located in the unincorporated area of Camden County, \$250.00.
- (6) Retail dealers of malt beverages, beer, wine and/or spirituous liquors, sold in original packages only, \$1,250.00.
- (7) Retail dealers of malt beverages, beer, and wine sold in original packages only, at the same location where the malt beverage, beer, and wine may be unchilled, chilled, iced or refrigerated, \$500.00.
- (8) Retail dealers of malt beverages or beer, where the same is sold in the original package only, \$250.00.
- (9) Retail dealers of wine, where the same is sold in the original package only, \$250.00.
- (10) Retail consumption dealers of spirituous liquors, malt beverages, beer, and wine, \$1,000.00.
- (11) Retail consumption dealers of malt beverages, beer, and wine only, \$500.00.
- (12) Retail consumption dealers of malt beverages or beer only, \$250.00.
- (13) Retail consumption dealers of wine only, \$250.00.
- (14) Retail sale dealers and retail consumption dealers of malt beverages and wine, \$500.00.

Sec. 6-24 Processing the Application; Public hearing; Advertisement and Method of Granting Licenses.

1. *Processing the Application.* Copies of each application shall be forwarded to the following offices for recommendations:
 - (a) Planning and Development;
 - (b) Fire Chief;
 - (c) Environmental Health Department, if the establishment is a hotel, motel, restaurant, lounge, or private club; and,
 - (d) Sheriff's Office for the applicant's and any and all managers' criminal histories.
2. *Public Hearing.* After the application has been properly completed, the required fees paid, and the application fully processed by the license officer, to include the receipt of the recommendations of the office of planning and development, fire chief, and environmental health department; and upon the Sheriff's return of the applicant's and any

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

and all managers' criminal histories, but prior to the Board's consideration of the application, a public hearing regarding the application shall be scheduled.

- (a) Applicant is required to attend the public hearing on the application and to answer questions and provide any such other information deemed necessary by the Board.
 - (i) If the applicant fails to attend this public hearing, the application shall be deferred to the next regular meeting.
 - (ii) If the applicant fails to attend the regular meeting to which the application has been deferred, the application shall be treated as having been withdrawn.
- 3. *Advertising of license applications.* Notice of public hearing on the application shall be published in the legal organ of the county once a week during the thirty days immediately preceding the date of the public hearing. Additionally, a sign shall be posted on the property by the license officer at least 15 days prior to the public hearing.
- 4. *Method of granting a license.* After the required advertisement and the public hearing held regarding the application for license, the Board shall consider during a regularly scheduled meeting the application and determine whether the applicant meets the requirements of this Ordinance.
 - (a) The Board shall have full and sole authority to determine whether the applicant for license under the provisions of this article is a fit and proper person to operate the type of business involved and whether the building and the location of such business is proper and promotes the safety, welfare and interests of the county.
 - (i) If the applicant is corporation, the Board shall determine if the officers and shareholders are fit and proper persons to operate the type of business involved.
 - (b) Any person issued a license pursuant to this Ordinance is required to apply for and obtain an alcoholic beverage license from the State.
 - (c) Any approved application for alcohol license by the Board shall be temporary in nature until the applicant receives a valid state license. The license shall become permanent until the noted expiration date when the applicant provides the Board with a copy of the valid state license. In the event the license is denied by the state or a copy of the state license is not submitted to the County within 45 days of Board approval, the county alcohol license shall immediately become void. However, no alcoholic beverage shall be sold or served until both the County and State licenses have been issued.
 - (d) The Board's determination of these requirements shall be final.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended August 15, 2020]

- (e) All licenses issued pursuant to this Ordinance shall have printed thereon the following words: “This license is subject to suspension and/or revocation, and is subject to any further ordinance which may be enacted.”

Sec. 6-25 Consideration of granting a license.

In determining whether or not a license shall be granted, in addition to all other provisions of this Ordinance, the following shall be considered in the interest of the public and the public’s welfare:

- (1) Whether the proposed premises meets the criteria set out in this Ordinance, in addition to traffic congestion in the area of the proposed premises, the general character of the neighborhood, and the effect the proposed premises would have on the adjacent and surrounding property values.
- (2) The applicant’s reputation, character, and mental capacity to conduct this business, the applicant’s personal associations, and record of arrest, or reputation in the community in which the applicant resides, and whether or not applicant is likely to maintain the operation of such business in accordance with federal, state, and local laws.
- (3) If applicant is a previous holder of a license to sell alcoholic beverages, malt beverages and wine the following shall be considered:
 - (a) Whether or not the applicant has violated any law, regulation or ordinance relating to such business; and
 - (b) The manner in which applicant conducted said business as it pertains to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
 - (c) Whether the applicant has previously had a similar license suspended or revoked and the reason therefore.
- (4) The Board shall also consider such other factors as may affect the health and general welfare of the adjacent and surrounding property, to include the type of license applied for, the effect that license will have on schools, public parks and churches in the area, the effect the granting of the license will have on existing land uses in the area, and the character of the area and its peculiar suitability for the particular use sought.
- (5) The Board shall have full and sole authority to determine whether the applicant for a license under the provisions of this article is a fit and proper person to operate the type of business involved, or, if a corporation, if its officers and directors are fit and proper persons, and whether the location of such business is

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

proper and promotes the welfare and interests of the county. The Board's determination of these requirements shall be final.

Sec. 6-26 Refund.

No fees paid for an alcoholic beverage license shall be refunded whether partially or in full once the license has been issued. In all cases, administrative, application, and renewal fees are non-refundable. [*Amended April 7, 2015*]

Sec. 6-27 Persons prohibited from holding a license.

Licenses shall not be issued to:

- (1) A person who is not a citizen of the United States or an alien lawfully admitted for permanent residence;
- (2) A person who has in Georgia, or in any jurisdiction, been convicted of driving under the influence of intoxicants or drugs, or who has pled nolo contendere, or forfeited bond in connection with any such charge of the same within the preceding two years immediately prior to the filing of an application for license under this Ordinance;
- (3) A person who has in Georgia, or in any jurisdiction, been convicted of a felony, or who has pled nolo contendere in connection with any such charge of the same within the preceding ten years immediately prior to the filing of an application for license under this Ordinance; nor shall any such person sell or dispense spirituous liquors, malt beverages or wine;
- (4) A person who has in Georgia, or in any jurisdiction, been convicted of or who has pled nolo contendere for the violation of a law or ordinance pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance within the preceding ten years immediately prior to the filing of an application for license under this Ordinance;
- (5) A partnership or corporation, unless all partners, officers and/or shareholders qualify to hold a license under this Ordinance;
- (6) Any person whose license to sell alcoholic beverages, malt beverages and wine has been revoked by any licensing authority within the preceding five years immediately prior to the filing of an application for license under this Ordinance.
- (7) Any person whose place of business is managed, operated, or owned by a person who could not acquire a license hereunder, except as to the residence requirements herein above provided.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended August 15, 2020]

Sec. 6-28 Display of license.

The county alcohol license shall at all times be displayed in plain view at the licensed premises.

Sec. 6-29 Term of license, expiration, renewal.

- (1) All licenses granted under this article are for the calendar year, and the full license fee must be paid for a license issued at any time during the year.
- (2) All licenses granted under this article shall expire on December 31 of each year.
- (3) Licensees who desire to renew their license shall pay the required fees and file the application with the license officer on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before November 15 of each year, otherwise no renewal license shall be granted.
- (4) If a license expires and the licensee desires to renew such license, such renewal shall be treated as an application for a new license as if no license had been granted to such applicant previously, including the payment of all costs and fees are required by this Ordinance.

Sec. 6-30 Transferability.

No license for the sale of alcoholic beverages shall be transferred from one location to another. The holder of any license issued under this Ordinance must inform the license officer in writing whenever such owner sells, surrenders, loses or transfers in any way any ownership interest or managerial rights with respect to the establishment for which the license is issued. No license for the sale of alcoholic beverages shall be transferred or continued after a licensee dies or severs their ownership of the licensed establishment except as provided herein:

- (1) In the case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of thirty (30) days from the date of death of the licensee or any one of the licensees or until the expiration of the existing license or until the approval of a new license for the establishment, whichever occurs first.
- (2) In the event that a licensee who holds a license with other licensees severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of thirty (30) days from the date of surrender or the date determined by the license officer to be the date of severance based upon a reasonable interpretation of the information available to him or her. PROVIDED, HOWEVER, that no such continued sales shall be allowed until such time an application for a transfer to the name(s) of the new owners shall have been filed with Camden County. Such application for transfer shall set forth the new ownership of the establishment or the licensed corporation, name the severed licensees and provide such information as the license officer shall request to document the change of interest, control or ownership. For purposes of this Ordinance, a severance shall have occurred when any partner or joint venturer or other holder of a license shall have sold his ownership interest in said licensed

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

establishment except that no severance shall have occurred where the licensee is a corporation and less than 20% of any class of stock of the corporation shall be sold. A name change without any transfer of stock of any corporation or ownership of any partnership shall not be a severance.

- (3) Except as provided herein, any change in the ownership of an entity holding a license shall cancel and revoke any alcoholic beverage license issued by Camden County for the establishment automatically, without the necessity for any hearing.
- (4) A transfer fee of \$281.00 per license to be transferred shall accompany any application for transfer. *[Amended February 4, 2020]*
- (5) No license shall be transferred if any prospective owner fails to meet the requirements of a licensee as set forth in this Code of Ordinances or in state law at the time of transfer.
- (6) Any violation of this section shall result in revocation of the license for the establishment involved and a fine up to \$1,000.00 or up to sixty (60) days imprisonment or both for both the old and the new ownership.

Sec. 6-31 Denial, Suspension, or Revocation of a License.

- (1) Each license issued pursuant to this Ordinance is granted as a mere privilege and not a right. Upon violation of any provision of this Ordinance or of any law or regulation of the State relating to alcoholic beverages, malt beverages, beer and/or wine, the Board, may deny, suspend, revoke or refuse to renew any license required under this Ordinance.
- (2) The Board may also deny, suspend, revoke or refuse to renew any license required under this Ordinance if:
 - (a) The license application is not filed in good faith or is filed by some person as a subterfuge for any other person;
 - (i) Applications not filed in good faith shall include, but not be limited to, applications containing irregularities, omissions or untruths in the application.
 - (b) Any applicant for a license or any license under this Ordinance willfully fails to comply with any provision of this Ordinance or with rules and regulations adopted by the Board;
 - (c) Licensee's or applicant's violation of any municipal or county ordinance or any state or federal law;
 - (d) Any person to whom a license has been issued is no longer engaged in the sale of alcoholic beverages, malt beverages, beer, or wine or no longer qualifies as a licensee under this Ordinance.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

- (e) In the event applicants permit the licensed premises to be operated in a disorderly manner so as to constitute a public nuisance after (i) the applicant has been advised in writing by the Camden County Sheriff's Office of the unsatisfactory manner in which the business is being operated, and (ii) after the applicant has been given a reasonable opportunity to cure said deficiencies.
- (3) Upon violation of any law or regulation of the State relating to alcoholic beverages, malt beverages, beer and/or wine, or of any provision of the Official Code of Camden County, Georgia, the Board, at a regular meeting, may deny, suspend, revoke or refuse to renew any license. Said denial, suspension, revocation or refusal to renew a license may occur after reasonable written notice has been given to the applicant or licensee regarding the pending violations and after the applicant or licensee has been afforded an opportunity to be heard as to the proposed grounds of denial, suspension, revocation or refusal to renew such license.
- (4) The Chair of the Board of County Commissioners, upon the recommendation of the Sheriff, may temporarily suspend any license involving the sale of alcoholic beverages if the manner of operation poses a serious safety or health hazard, for a period not to exceed 30 days pending a hearing and final action by the Board.

Sec. 6-32 Hearing on denial, suspension, revocation or refusal to renew license.

- (1) All decisions by the Board to deny, suspend, revoke, or refuse to renew a license shall be made in writing and mailed or delivered to the applicant or licensee personally. Said written notice shall state the reasons for denial, suspension, revocation or refusal to renew the license. The notice shall also contain the Board of County Commissioners meeting date in which the same shall be considered. Said meeting date will be the first regular meeting 45 days immediately after the date of the written notice to the applicant or licensee, or as soon thereafter as the same can be considered.
- (2) Any applicant or licensee aggrieved by the Board's decision shall be afforded a public hearing with an opportunity to present evidence and witnesses. Said public hearing shall be requested in writing by the applicant or licensee and filed with the County Clerk. Said request for public hearing must be filed within 30 days of the date of the Board's notice to the applicant or licensee. The applicant or licensee shall be barred from filing a request for hearing after the prescribed 30 days.
- (3) All public hearings granted under this section shall not exceed 30 minutes in length and shall be held on the same meeting date in which the denial, suspension, revocation or refusal to renew is to be considered.
- (4) Applicant's or licensee's failure to request a hearing or failure to appear at a scheduled hearing shall not bar the Board from taking action on the denial, suspension, revocation, or refusal to renew a license during the regular meeting in which the same is to be considered, provided the applicant and licensee have been given notice as provided herein.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

Sec. 6-33 Automatic forfeiture of license.

- (1) Any holder of any license under this article who shall, for a period of three consecutive months after the license has been issued, cease to operate the business and the sale of the products authorized, shall automatically forfeit his license without the necessity of any further action. Upon notice by the licensee, an exemption may be granted as to the three consecutive months by the Board, if the licensee ceases to operate beyond their direct control such as war, riot, fire, change of law, court or civil action, natural disaster, or any other condition deemed a legal reason by the Board.
- (2) Whenever the state shall revoke any permit or license to sell at wholesale or retail any spirituous liquors, malt beverages or wine, the corresponding county license shall thereupon be automatically revoked and forfeited.

ARTICLE III. Excise Tax

Sec. 6-34 Definitions.

The Definitions of Article I, are hereby incorporated by reference thereto.

Sec. 6-35 Excise Tax on Wholesale Alcoholic Beverages.

- (1) Camden County by this Ordinance pursuant to O.C.G.A. Section 3-4-80 does hereby levy an excise tax on the sale of alcoholic beverages by licensed wholesalers at the maximum amount prescribed by state law per liter on a proportionate tax at like rates on any fractional part of a liter on distilled spirits and alcoholic beverages (i.e. spirituous liquors), excluding fortified wine. This tax shall be collected by the Camden County Finance Department;
- (2) Every licensed wholesaler shall file a monthly report with the Camden County Finance Department on a form prescribed by the Finance Department, which form shall set forth the total quantity of distilled spirits and alcoholic beverages sold during such month and shall have attached to it legible copies of all invoices covering said sales. Such monthly report shall be filed not later than the 15th day of the next month following the month of sale. The report shall be accompanied by a local check or cashier's check in the full amount of the tax due.
- (3) There is hereby imposed a penalty equal to ten (10%) percent of the taxes due upon each licensed wholesaler who fails to file a timely report and pay the tax due. If the County Finance Department with the concurrence of the County Attorney, determines that the tax deficiency or any part thereof is due to fraud with intent to evade the tax, the Board may assess a penalty equal to fifty (50%) percent of the tax assessed. The failure to pay the tax provided for in this section shall constitute sufficient cause for the revocation of any license issued under this Ordinance.

CHAPTER 6 – ALCOHOL ORDINANCE

[Amended August 15, 2020]

Sec. 6-36 Excise Tax on Distilled Spirits by the Drink.

- (1) Camden County pursuant to O.C.G.A. 3-4-131 does hereby levy an excess tax on the sale of alcoholic beverages by the drink at maximum percentage rate prescribed by state law of the charge made by the licensed dealer to the public for the beverage sold. The tax levied by this Section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.
- (2) The excise tax provided for in this Section shall be imposed upon and paid by the licensed retail dealer of distilled spirits by the drink. The tax shall be paid on or before the twentieth (20th) day of the month following the calendar month in which the beverages are sold or disposed of. Each licensee responsible for the payment of the excise tax shall file a report with the Camden County Finance Department containing such information as may be required by the Camden County Finance Department in order to calculate the tax due.
- (3) The failure to file the report or pay the tax shall subject Licensed Consumption Dealer to a penalty comparable to that set out in this Article.

Sec. 6-37 Excise Tax on Malt Beverages.

- 1) Camden County pursuant to O.C.G.A. 3-5-80(1) does hereby levy an excise tax on the sale of malt beverages, commonly known as tap or draft beer, which is sold in or from a barrel or bulk container, at the maximum permitted by state law for local excise taxation on each container sold containing not more than 15 1/2 gallons on a proportionate tax at the same rate of all fractional parts of 15 1/2 gallons.
- 2) Camden County pursuant to O.C.G.A. 3-5-80(2) does hereby levy an excise tax on the sale of malt beverages, sold in bottles, cans and other containers, except barrel or bulk containers, at a rate equal to five (5) cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- 3) The excise tax provided in this Section shall be imposed upon and shall be paid by the licensed wholesale dealer in malt beverages. The taxes shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the unincorporated area of Camden County by the wholesale dealer. Each licensee responsible for the payment of the excise tax shall file a report with the Camden County Finance Department itemizing for the preceding calendar month, the exact quantities of malt beverage, by size and type of containers, sold during the month within the unincorporated area of Camden County.

Sec. 6-38 Per Liter Tax on Wine.

There is hereby levied and imposed on the first sale or use of wine by the package an excise tax in the amount of 22 cents per liter or a proportionate tax at like rates on all fractional parts of a liter. The manner of imposition, payment and collection of this tax shall be the same as set out in this Article dealing with distilled spirits and alcoholic beverages.

CHAPTER 6 – ALCOHOL ORDINANCE
[Amended August 15, 2020]

Sec. 6-39 Rules and Regulations.

- 1) It shall be a violation of this Ordinance for any licensee to fail in a timely manner to file any report required pursuant to this Ordinance or to fail to timely and properly remit all taxes due with any such report. Such licensee may be required to appear before the Board of Commissioners to show cause why such licensee's license should not be revoked or suspended.

- 2) Any licensee who fails in a timely manner to file any report required pursuant to this Ordinance shall be assessed a penalty and interest in the amount hereinafter provided:
 - (a) When any person required to file a report as provided by this Ordinance fails to file the report within the time prescribed he shall be assessed a penalty of \$100.00 or ten (10%) percent of the tax due, whichever is greater, for each failure to file.

 - (b) In the event the County Administrator, or his/her designee, determines, upon inspection of the invoices, books, and records of a licensed dealer or from any other information obtained by him or his authorized agents, that the licensed dealer has not paid the proper tax or the proper amount of taxes, the dealer shall be assessed for the taxes due. After assessment, the person assessed shall be provided with notice and an opportunity for a hearing as provided for in Article II of this Ordinance.

 - (c) When any person willfully fails to pay any tax due as provided by this Ordinance, the person shall be assessed a penalty the same as that provided for in O.C.G.A. ' 48-2-44.

 - (d) When any person willfully fails to file a return, files a false or fraudulent return, or when a tax deficiency or any part of a tax deficiency is due to a fraudulent intent to evade any tax imposed or authorized by this Ordinance, the person shall be assessed a specific penalty of \$2,500.00 or fifty (50%) percent of the tax due, which ever is greater.

 - (e) When any person fails to pay the tax or any part of the tax due as provided by this Ordinance, the person shall pay interest on the unpaid tax at the rate of one (1%) percent per month from the time the tax became due until paid or at the rate specified in O.C.G.A. § 48-2-40, whichever is greater. Interest shall be computed on a monthly basis for any portion of a month during which payment is delinquent.

 - (f) All penalties and interest imposed by this Ordinance shall be payable to the Camden County Board of County Commissioners and collected by the Finance Director in the same manner as if they were a part of the tax imposed by this Ordinance.

This Ordinance shall take effect upon adoption and execution.