

CITY OF THOMASTON
FINANCE DEPARTMENT
P.O. BOX 672
THOMASTON GA. 30286

706-647-6633
Telephone

706-647-6636
Fax


January 1, 2019

City Business Owners and Operators
Thomaston, Ga. 30286

The state legislature passed legislation that requires city governments to obtain signed affidavits verifying that you are participating in the e-verify program. The requirements calls for business owners with more than 10 employees to obtain an e-verify number from the state. The state mandated this effectively July 1, 2013. We will need the form provided completed in full with your e-verify number identified and signed and sealed by a notary. We are required by the state to obtain this every year regardless if one was filed last year or earlier in 2016. We have a notary available at city hall if you do not have access to one.

We apologize for any inconvenience.

Respectfully,



Russell Thompson
City Manager

NOTE: Information on how to sign up for e-verify
1-888-464-4218
www.uscis.gov

Private Employer Affidavit Pursuant To O.C.G.A. § 36-60-6(d)

By executing this affidavit under oath, the undersigned private employer verifies one of the following with respect to its application for a business license, occupational tax certificate, or other document required to operate a business as referenced in O.C.G.A. § 36-60-6(d):

Section 1. Please check only one:

(A) _____ On January 1st of the below - signed year, the individual, firm, or corporation employs **more than ten (10) employees.**

*** If you select Section 1 (A), please fill out Section 2 and then execute below.

(B) _____ On January 1st of the below – signed year, the individual, firm, or corporation **employs ten (10) or fewer employees.**

*** If you select Section 1(B), please skip Section 2 and execute below.

Section 2.

The employer has registered with and utilizes the federal work authorization program in accordance with the applicable provisions and deadlines established in O.C.G.A. § 36-60-6. The undersigned private employer also attests that its federal work authorization user identification number and date of authorization are as follows:

Name of Private Employer

Federal Work Authorization User Identification Number

Date of Authorization

E-VERIFY NUMBER

***PROVIDE A COPY OF DRIVER'S LICENSE**

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, _____, 20____

City _____ State _____

Signature

Printed Name

SUBSCRIBED AND SWORN BEFORE ME
ON THIS THE _____ DAY OF _____ 20____

NOTARY PUBLIC _____
My Commission Expires: _____

City of Thomaston

Office of City Manager

106 East Lee Street

P. O. Box 672

Thomaston, Georgia 30286

706-647-4242

Telephone

706-646-2653

Teletex

Affidavit Verifying Status for Thomaston, Georgia Public Benefit Application Pursuant to O.C.G.A. 50-36-1(e) (2)

By executing this affidavit under oath, as an applicant for a City of Thomaston, Georgia Business License or Occupational Tax Certificate, Alcohol License, Taxi Permit or other public benefit as referenced in O.C.G.A. Section 50-36-1. I am stating the following with respect to my application for a City of Thomaston Business License or Occupational Tax Certificate, Alcohol License, Taxi Permit or other public benefit (circle one) for

(Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity.)

- 1) _____ I am a United States citizen
- 2) _____ I am a legal permanent resident of the United States.
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. 50-36-1(e)(1), with this affidavit.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Executed, in Thomaston, Georgia on _____, 20____.

Signature of Applicant:

Printed Name:

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

____ DAY OF _____, 20____

Notary Public

My Commission Expires: _____

*Note: O.C.G.A. 50-36-1(e)(2) requires that aliens under the federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. Qualified aliens that do not have an alien registration number may supply another identifying number below: _____

Taking The Time To Succeed

CITY OF THOMASTON

FINANCE DEPARTMENT

106 East Lee Street

P. O. Box 672

Thomaston, Georgia 30286-0009

706-647-6633

Telephone

706-647-6636

Fax

December, 2018

Dear Customer:

Your 2019 occupation tax is due. The tax amount is based on the number of regular fulltime and fulltime equivalent employees of your business.

For computing the number of employees, an employee who works forty (40) hours or more weekly shall be considered a fulltime employee. The average weekly hours of employees who work less than forty (40) hours per week should be totaled, with the sum divided by forty (40) to produce fulltime equivalents. For computing fulltime equivalents, a fractional employee will **not** be counted.

Occupation tax schedule:

Employees	Tax Liability	Employees	Tax Liability
1	\$50.00	51-100	\$250.00
2-5	75.00	101-200	300.00
6-10	100.00	201-500	350.00
11-30	150.00	501-1000	400.00
31-50	200.00	1001 and above	450.00

ALCOHOLIC BEVERAGE FEES

(1) MALT BEVERAGE LICENSE, PACKAGE	\$ 250.00
(2) MALT BEVERAGE LICENSE, POURING	\$ 250.00
(3) WINE LICENSE, PACKAGE	\$ 250.00
(4) WINE LICENSE, POURING	\$ 250.00
(5) DISTILLED SPIRITS	\$ 2000.00

These taxes will be for calendar year 2019.

Your Business License/Occupation tax year ends **December 31, 2018**. Please complete and return the enclosed registration form along with your payment to the City of Thomaston, Occupation Tax, and P. O. Box 672, Thomaston, GA 30286. You may also pay in person at the Thomaston-Upson County Government Administrative Complex, 106 East Lee Street, between the hours of 8:00AM and 4:45 PM, on Monday through Friday.

To avoid penalty assessments, your registration form and payment must be received prior to **January 31, 2019**.

Food Sales Establishments

Section 1 Chapter 2 of Title 26 of the Official Code of Georgia Annotated says that it shall be unlawful for any person to operate a food sales establishment without having first obtained a license from the Georgia Department of Agriculture. If you do not have this license, please contact Georgia Department of Agriculture-Licensing Division, at 855-424-5423 or 404-586-1411, or fax number 404-586-1126.

City Of Thomaston Code 90-137-9

All food service establishments are required to be in compliance with a Fats, Oil, & Grease Wastewater (FOG) discharge permit by the City of Thomaston and shall complete and file with the City of Thomaston prior to commencing or continuing discharges.

If your business discharges fats, oil, or grease, you are required to have a permit. Please contact the City of Thomaston Water/Sewer Department at 706-646-8031. Failure to obtain such permit prior to commencement of business may result in fees or utility disconnection.

So that we may process your business license in a timely manner, please send a copy of your license from the Georgia Department of Agriculture. If you have no food sales please note that on the enclosed business license application. Also, **write your business name on the application, sign it, and return the application with your payment and ID.**

Thank you for your cooperation.

City of Thomaston
Finance Department

CITY OF THOMASTON
FINANCE DEPARTMENT
P.O. BOX 672
THOMASTON GA. 30286
OCCUPATIONAL TAX APPLICATION

706-647-6633
TELEPHONE

706-647-6636
FAX

BUSINESS NAME _____

BUSINESS LOCATION _____

MAILING ADDRESS _____

TELEPHONE: BUSINESS _____ HOME _____

FAX _____ EMAIL _____

BUSINESS HOURS _____ AM UNTIL _____ PM DAYS OPEN _____

TYPE OF OWNERSHIP: _____ INDIVIDUAL _____ PARTNERSHIP _____ CORPORATION

TYPE OF BUSINESS (Please describe): _____

CHECK HERE FOR YOUR E-MAIL ADDRESS TO BE LINKED TO THE CITY OF THOMASTON WEB PAGE.

FOR BUSINESSES ZONED IN A RESIDENTIAL DISTRICT, ADVERTISING SIGNS ARE NOT PERMITTED.

WILL THERE BE AMUSEMENT OR GAMING DEVICES AT THIS LOCATION?
YES _____ NO _____

TOTAL NUMBER OF REGULAR FULL TIME AND REGULAR PART TIME EMPLOYEES AS OF JANUARY 1, OR DATE
BUSINESS WAS STARTED IF SUBSEQUENT TO JANUARY 1: _____

FEDERAL TAX ID NUMBER OR SOCIAL SECURITY NUMBER OF OWNER _____

IF PROFESSIONAL: I ELECT TO BE TAXED BY NUMBER OF EMPLOYEES (____); OR AS PROFESSIONAL (____).

I PERSONALLY CERTIFY THAT THE INFORMATION SET FORTH ABOVE IS TRUE AND CORRECT THIS
_____ DAY OF _____, _____ (YEAR)

PRINT NAME OF OWNER OR LOCAL MANAGER _____

SIGNATURE OF OWNER OR LOCAL MANAGER _____

FOR CITY USE ONLY

APPROVED BY CITY CLERK/DESIGNEE

*** Notice: Void of extenuating circumstances, your license should be issued within seven (7) business days.

IMPORTANT INFORMATION

Attached is your Georgia Department of Revenue Sales Tax Certificate of Registration. This is an important document. This Certificate of Registration should be prominently in your place of business as provided by law.

The Georgia Department of Revenue must be contacted for correction, cancellation, or re-issuance of certificate as necessary if there are any changes relating to this business that include the following: (1) Business closed; (2) Change in ownership; (3) Change of physical location of business; (4) Change of mailing address; (5) Change of trade name and; (6) Change in business type or business function.

If any dealer liable for any tax, interest, or penalty, levied hereunder shall sell his business or stock of goods or shall quit the business, he shall make a final return and payment within fifteen (15) days after the date of selling or quitting business.

SUPPLEMENTAL INSTRUCTIONS TO FORM ST-3

FOR FILING YOUR SALES AND USE TAX RETURN

A report must be filed for the month you begin selling or purchasing items subject to sales and use tax (Section 2-1 on the Sales Tax Registration Application Form CRF-002). For your convenience we offer electronic tax management through the Georgia Tax Center (GTC) which is located at <https://gtc.dor.ga.gov>. Please visit this website for more details and instructions.

You must file a report monthly for the first six months of filing with the exception of identified Dealers and Contractors. Your payment must be received by the 20th of the month following the period for which the tax is due.

If you have received a new certificate for your business due to changes such as a change of address or request for a duplicate license, your filing status will not change.

State law requires that dealers and contractors must file timely returns, even if no tax is due.

If there are errors on your certificate or if there are any change to your business, please contact the Registration & Licensing Unit at (877)423-6711 or via e-mail at st-license@dor.ga.gov.

THIS CERTIFIED MUST BE PUBLICITY DISPLAYED AS PROVIDED BY LAW

SALES TAX CERTIFICATE OF REGISTRATION

STATE OF GEORGIA
DEPARTMENT OF REVENUE
TAXPAYER SERVICES DIVISION

Issued Pursuant to the Retailers and Consumers Sales and Use Tax Act of 1951, as Amended Said Person Named Hereon Is Authorized and Empowered to Collect Georgia Sales and Use Tax, Local Option, Special County, Motor Fuel, Homestead, Education, and MARTA.

STATE TAXPAYER IDENTIFIER:	EFFECTIVE DATE:	SALES TAX NUMBER:	COUNTY NAME
NAICS:	SECONDARY NAICS		

**CITY OF THOMASTON, GEORGIA
DISTILLED SPIRITS MONTHLY EXCISE TAX RETURN**

Under the applicable Ordinance of the City of Thomaston, Georgia, all retail consumption dealers in distilled spirits are required to file with the City Clerk a monthly report by the 10th day of each calendar month showing the total number of individual drinks that contained distilled spirits sold by the retailer during the preceding calendar month, and the total sum charged to the public for such drinks. The City of Thomaston imposes and levies an excise tax on each retail consumption dealer of distilled spirits in an amount equal to three per cent (3%) of the total sales to the public of distilled spirits.

1. Report of the calendar month of _____, 20_____.

2. Total gross prepared food sales for the month (do not include alcohol sales or non-prepared food sales): \$ _____

3. Total gross non-prepared food sales for the month: \$ _____

4. Total gross beer and wine sales for the month: \$ _____

5. Total number of individual drinks containing distilled spirits sold: _____

6. Total amount of charges for the sale of drinks containing distilled spirits: \$ _____

Excise tax calculation at 3%: x \$.03

7. Excise Tax Gross Amount: _____

8. * Retail Dealer reimbursement: _____

*If the payment of the Excise Tax is not delinquent at the time the return is filed the retail consumption dealer is entitled to be reimbursed for the timely collection and payment of the Excise Tax by a reduction in the amount of tax paid equal to three percent (3%) of the first \$3,000 in total Excise Tax collected and a further reduction of ½ of one percent (0.5%) of all Excise Taxes collected in excess of \$3,000.

9. Penalty of 10% of the gross tax amount if not received by the City by the 10th of each calendar month. _____

10. Net Excise Tax due the City: _____

The undersigned hereby certifies that the information herein provided is accurate and correct, that he/she is the duly authorized agent of the retail duly licensed under the applicable Ordinance of the City of Thomaston to sell distilled spirits for consumption by the purchaser on the premises of the dealer, and that the City of Thomaston, its agents and employees, shall be authorized upon reasonable notice to review and audit the records of said dealer as same related to the accuracy of the information herein provided.

(Signature)

Name of License Holder

(Type or print name)

Date of Return Telephone Number

CITY OF THOMASTON, GEORGIA, APPLICATION FOR LICENSE
TO SELL ALCOHOLIC BEVERAGES

IMPORTANT NOTICE - THE USE AND SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF THOMASTON IS CONTROLLED AND REGULATED BY FEDERAL AND STATE LAW AND THE ORDINANCES OF THE CITY OF THOMASTON. AS A PREREQUISITE TO THE ISSUANCE OF ANY LICENSE, EACH APPLICANT IS REQUIRED TO FURNISH A COMPLETE SET OF FINGERPRINTS TO THE CITY CLERK OF THE CITY OF THOMASTON TO BE FORWARDED TO THE GEORGIA BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL BACKGROUND CHECK. AT THE TIME OF APPLICATION EACH APPLICANT WILL BE ASKED TO PROVIDE APPROPRIATE PHOTOGRAPHIC IDENTIFICATION DOCUMENTS TO ALLOW VERIFICATION OF PERSONAL IDENTITY.

CHECK THE TYPE OF LICENSE(S) APPLIED FOR:

_____ Malt Beverage License, Package. This license authorizes the holder to sell malt beverage only in the original unopened container for consumption by the purchaser at a place other than the premises of the license holder.

_____ Malt Beverage License, Pouring. This license authorizes the holder to sell malt beverages for consumption by the purchaser on the premises of the license holder.

_____ Wine License, Package. This license authorizes the holder to sell wine only in the original unopened container for consumption by the purchaser at a place other than the premises of the license holder.

_____ Wine License, Pouring. This license authorizes the holder to sell wine only for consumption by the purchaser at the premises of the license holder.

_____ Retail Consumption Dealer - Distilled Spirits. This license shall authorize the licensee to sell distilled spirits for consumption by the purchaser on the premises of the license holder only.

(1) Provide full name, age, address, date of birth, social security number and telephone number of each Applicant for License:*

Age

Age

Telephone Number:

Date of Birth

Telephone Number:

Date of Birth

Social Security Number

Social Security Number

_____	Age	_____	Age
_____		_____	
_____		_____	
Telephone Number:	Date of Birth	Telephone Number:	Date of Birth
_____		_____	
Social Security Number		Social Security Number	

*Each Applicant for a license to sell any alcoholic beverages within the City of Thomaston must be at least 21 years of age. If the Applicant is a corporation, the application must also be submitted in the name of the person who shall be engaged in the actual day-to-day management of the business premises to be covered by the license, and if the license is issued it will be issued in the name of the corporation and the manager as joint licensees.

(2) Address of Business Premises to be used for Alcohol Sales: _____**

**Under the applicable law and regulations certain premises are not qualified for the issuance of licenses for the sale of alcoholic beverages. Premises located in proximity to school buildings, school grounds, college campuses, alcoholic treatment centers, or housing authority properties, may not be permissible locations for such licenses. In addition, certain premises in proximity to a school, public park, public recreation facility, or church may be subject to restrictive regulation concerning advertisement of the availability of sale of alcoholic beverages.

(3) Trade Name of Business used for Alcohol Sales: _____

(4) Has any Applicant ever been convicted of any felony under federal or state law? If so, please provide the name of the Applicant convicted, the crime involved, the name of the Court in which the conviction occurred, and the date of the conviction.

(5) Has any Applicant ever been convicted of violating any state or federal law regulating the manufacture or sale of any alcoholic beverages? If so, please provide the name of the Applicant convicted, the crime involved, the name of the Court in which the conviction occurred, and the date of the conviction.

IMPORTANT NOTICE

THE SALE OF ALCOHOLIC BEVERAGES UNDER ANY LICENSE GRANTED BY THE CITY OF THOMASTON, GEORGIA, IS SUBJECT TO THE ORDINANCES OF THE CITY, AND EACH APPLICANT MUST BE FAMILIAR WITH THE PROVISIONS OF THOSE ORDINANCES. FAILURE TO ABIDE BY THE REGULATIONS CONTAINED IN THOSE ORDINANCES MAY RESULT IN THE LOSS OF ANY LICENSES GRANTED.

Each of the undersigned applicants agrees that in confirming the facts herein related, and in completing the criminal background investigation for each applicant, the City and the City of Thomaston Police Department shall be authorized to access all public and private information that is necessary to complete such verification and investigation.

Further, after being duly sworn before the undersigned attesting officer, the undersigned Applicants do hereby swear or affirm that all of the facts and information contained in this Application are true and correct.

Applicant

Applicant

Applicant

Applicant

Sworn to and subscribed by the Applicant(s) before the undersigned attesting officer:

Notary Public, _____, State of Georgia

Commission Expires: _____

(Notary Seal)

City of Thomaston

Office of City Manager

106 East Lee Street

P. O. Box 672

Thomaston, Georgia 31286

706-647-4242

Telephone

706-646-2653

Telefax

April 10, 2017

Dear Business/Alcohol License Holders:

On Tuesday, April 4, 2017, the Thomaston Mayor and Council approved an amendment to the alcohol ordinance to allow for Sunday Sales due to the Special Election that was held on March 21st.

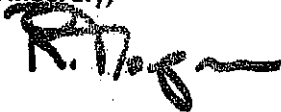
Businesses that have an alcohol license to sell by the package (malt beverages and wine) may sell on Sundays between the hours of 12:30 p.m. and 11:30 p.m.

Businesses that have an alcohol license to sell by the drink for consumption of distilled spirits, malt beverages or wine may sell on the premises from 12:30 p.m. to 12:00 midnight on Sundays.

The ordinance became effective on Sunday, April 9th.

If you have any questions, you may call the City Manager's office at 706-647-4242. A copy of the ordinance is attached.

Sincerely,



Russell Thompson
City Manager

enclosure

CITY OF THOMASTON
FATS, OILS, AND GREASE PROGRAM
ORDINANCE NO. 1102, SECTION 90-137

TO ALL: FOOD SERVICE ESTABLISHMENTS

Please find attached a copy of the FOG ordinance and a permit application.

The City of Thomaston adopted an ordinance in 2013, Section 90-137, requiring all food service establishments to install and properly maintain grease traps (interceptors). This is a regulatory requirement that the City is forced to comply with as part of the Georgia EPD allowing the City to operate wastewater treatment plants.

The Wastewater Department will inspect all food service establishments to make sure that the grease traps are being maintained properly. Improper cleanup practices allow food particles, oil and grease, and cleaning products to flow into the sanitary sewer that clogs the line.

If you have any questions, please contact the Wastewater Department at 706-646-8031.

THANK YOU,

CITY OF THOMASTON

Requirements for Fingerprinting

Valid Photo ID with correct address, Printed Confirmation page

From Cogent ID

Pre-Register online at www.aps.gemalto.com, select Georgia GAPS.

Choose applicant registration, Georgia Court Services and fill in all information on application online at CogentID.com.

You must have the reviewing agency's ORI number and the requesting agency's ORI number when filling out online application.

Make sure you print the confirmation page and bring it with you along with your valid picture ID for verification.

The Gilmore Center (103 Civic Center Drive) (706-647-7036)

Fingerprints: Monday – Friday 9:00 a.m. - 2:30 p.m.

City Of Thomaston ORI # 1450100

Chapter 6 - ALCOHOLIC BEVERAGES^[1]

ARTICLE I. - IN GENERAL

Sec. 6-1. - Applicability of chapter.

This chapter is not to be construed as conflicting with any state or federal laws or regulations, nor as authorizing the sale of any alcoholic beverages on which the federal and state taxes have not been paid, nor as authorizing the sale thereof by any person who has not obtained any and all federal and state permits required by the federal and state laws and regulations, nor as authorizing sales at any place or in any manner prohibited by the state laws and regulations.

(Ord. No. 933, § 1, 11-6-01)

Secs. 6-2—6-25. - Reserved.

ARTICLE II. - DISTILLED SPIRITS, MALT BEVERAGES AND WINES

DIVISION 1. - GENERALLY

Sec. 6-26. - Definitions.

- (a) Each and every one of the definitions of words, terms and phrases set forth in the state alcoholic beverage code, presently contained in Title 3 of the Official Code of Georgia (O.C.G.A. § 3-1-1 et seq.), as the same now exists, or as amended, from time to time, hereafter, be, and the same hereby are adopted and incorporated by this reference into this chapter.
- (b) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.
 - (1) *Convicted or conviction* means conviction by any court or jury, as well as the entry of a plea of guilty or nolo contendere.

(Ord. No. 933, § 1, 11-6-01)

Cross reference— Definitions generally, § 1-2.

Secs. 6-27—6-35. - Reserved.

DIVISION 2. - EXCISE TAXES^[2]

Sec. 6-36. - Malt beverages.

In addition to any excise tax on malt beverages levied by the state, there is hereby imposed and levied upon each wholesale dealer selling malt beverages within the city an excise tax as follows:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons;
- (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(Ord. No. 933, § 1, 11-6-01)

State Law reference— Imposition of excise tax on malt beverages, O.C.G.A. § 3-5-80.

Sec. 6-37. - Wine.

In addition to any excise tax on wine levied by the state, there is hereby imposed and levied upon each wholesale dealer selling wine within the city an excise tax on the first sale or use of wine by the package computed at the rate of \$0.22 per liter, and a proportionate tax at the same rate on all fractional parts of a liter, which shall be paid to the governing authority on all wine sold in the city. Such tax shall be paid to the city by the wholesaler on all wine sold in the city to retail dealers, whether the retail dealer sells by the package, or for consumption on the premises.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-38. - Distilled spirits.

In addition to any excise tax on distilled spirits levied by the state, there is hereby imposed and levied upon each retail consumption dealer selling distilled spirits within the city an excise tax on the sale of the beverages computed at the rate of three percent of the charge to the public for the beverages.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-39. - Reports of sales; remittance of taxes.

Each wholesale malt beverage dealer who sells malt beverages within the city, each wine wholesale dealer who sells wine within the city, and each retail consumption dealer who sells distilled spirits in the city, shall file with the city clerk a report on or before the tenth day of each month, containing the information required by this section, relating to the prior month, and shall remit, with such report, the amount of excise tax due to the city in accordance with this chapter.

- (1) The reports as to sales of malt beverages and wine shall set forth an itemization, by size and type of container, the exact quantities of all malt beverages and wine sold by each such wholesale dealer within the city during the immediately preceding calendar month.
- (2) The report as to sales of distilled spirits by each retail consumption dealer shall set forth an itemization of the total number of individual drinks sold within the city during the immediately preceding calendar month that contained distilled spirits and the total sum charged to the public therefor.
- (3) Each retail consumption dealer shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due on distilled spirits sales at the same rate authorized for deductions from state tax under O.C.G.A. ch. 8 of title 48, if the amount due is not delinquent at the time of the payment.
- (4) Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of such tax.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-40. - Excise taxes are in addition to others fees, etc.

The excise taxes levied and imposed by the city on malt beverages, wine and distilled spirits shall be in addition to any license fee, tax or charge which may now or hereafter be imposed upon the business of selling such beverages at retail or wholesale within the corporate limits of the city.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-41. - Decals, stamps or other markings not required.

No decal, stamp or other marking shall be required to appear on malt beverage containers to designate that the same is sold, or to be sold, within the corporate limits of the city, nor to designate that the licensed retail dealer of such beverage maintains his retail business within the corporate limits of the city.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-42. - Penalty for failure to file report; filing false report.

The failure to file a report of malt beverages sales, wine sales, or distilled spirits sales, or to pay the taxes levied and imposed by this chapter, within the time required by this chapter, shall constitute a violation of this chapter, and the delinquent person or entity shall pay a penalty for such failure in an amount equal to ten percent of the total amount of the tax due, and shall be liable for a like penalty for each 30-day period, or portion thereof, during which the report or the tax remains delinquent. The filing of a false or fraudulent report shall render the dealer making such false or fraudulent report liable to a penalty equal to ten percent of the amount of the tax remittance which would have been required under an accurate, truthful and timely report, and shall also constitute a criminal violation of this chapter.

(Ord. No. 933, § 1, 11-6-01)

Secs. 6-42—6-55. - Reserved.**DIVISION 3. - SALES AND LICENSES^[3]****Sec. 6-56. - Penalty for violation.**

Any person who violates any provision of this chapter, and any person who sells, or offers to sell malt beverages, wine, or distilled spirits within the corporate limits of the city without the appropriate license as provided for in this chapter, shall, upon conviction, be punished as provided in section 1-11 of this Code.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-57. - Types of licenses.

- (a) There shall be two categories of malt beverage licenses, as follows:
- (1) *Malt beverage license, package.* This license shall authorize the licensee to sell malt beverages only in the original unopened container for consumption by the purchaser at a place other than the premises of the licensee.
 - (2) *Malt beverage license, pouring.* This license shall authorize the licensee to sell malt beverages for consumption by the purchaser on the premises of the licensee only.
- (b) There shall be two categories of wine licenses, as follows:
- (1) *Wine license, package.* This license shall authorize the licensee to sell wine only in the original unopened container for consumption by the purchaser at a place other than the premises of the licensee.
 - (2) *Wine license, pouring.* This license shall authorize the licensee to sell wine for consumption by the purchaser on the premises of the licensee only.
- (c) There shall be one category of distilled spirits license, as follows:
- (1) *Retail consumption dealer—Distilled spirits.* This license shall authorize the licensee to sell distilled spirits for consumption by the purchaser on the premises of the licensee only.
- (d) There shall be one category of temporary license, as follows:
- (1) *Temporary License.* This license shall authorize the licensee (bona fide nonprofit organization); for a period not to exceed one day, to sell malt beverages, wine and distilled spirits for consumption by the purchaser only on the premises of the authorized event sponsored by the licensee(See Section 6-71 infra).

(Ord. No. 933, § 1, 11-6-01; Ord. No. 1051, § 1, 7-19-11)

Sec. 6-58. - Annual and temporary license fees.

- (a) The annual license fee for the alcoholic beverage licenses described in subsections (a) through (c) of section 6-57 shall be as follows:
- (1) Malt beverage license, package: \$250.00
 - (2) Malt beverage license, pouring: \$250.00
 - (3) Wine license, package: \$250.00
 - (4) Wine license, pouring: \$250.00
 - (5) Retail consumption dealer, distilled spirits: \$2,000.00

- (b) The license fee for the temporary license described in subsection 6-57(d) shall be: \$25.00.

The license fee for each such license shall be paid, in full, prior to the issuance of any license, and no portion of the same shall be refundable under any circumstances.

(Ord. No. 933, § 1, 11-6-01; Ord. No. 1051, § 2, 7-19-11)

Editor's note— Section 2 of Ord. No. 1051, adopted July 19, 2011, changed the title of § 6-58 from "Annual license fees" to "Annual and temporary license fees."

Sec. 6-59. - Conditions of licenses.

Each license issued under this chapter shall be held by the licensee subject to the terms and conditions of this chapter and shall be subject to suspension or revocation in accordance with the terms and provisions of this chapter.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-60. - License locations; sign restrictions; food requirements; packages; exceptions.

- (a) In conformity with state law, it is unlawful, and no malt beverage license, package, nor wine license, package, shall be issued to any establishment located within 100 yards of any school building, school grounds, or college campus. This prohibition shall not apply at any location for which a license has been issued prior to July 1, 1981, and in effect continuously since that time, nor to the renewal of such license. Nor shall this prohibition apply at any location for which a new license is applied for if the sale of the beverage for which a license is applied for was lawful at such location at any time during the 12 months immediately preceding such application. As used in this subsection, the term "school building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the 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.

- (b)

In conformity with state law, it is unlawful, and no license, of any type, for the sale of distilled spirits, malt beverages or wine shall be issued to any establishment within 100 yards of an alcoholic treatment center owned and operated by the state, county or city, unless such establishment has had such a license in effect, continuously since July 1, 1981.

(c) It shall be unlawful for any person, firm, or corporation to erect or place, within the public view, any sign advertising or giving notice of the fact that either distilled spirits, beer or wine is available for sale or consumption at any location, if the parcel of land leased, owned, or used by the licensee is at its nearest point, within 300 feet of the nearest point on any parcel of land on which is situated any school, public park, public recreational facility, or the main auditorium or sanctuary of any church. The phrase "auditorium or sanctuary of any church" shall mean the main building on the church property in which is held the principal regular weekly or monthly preaching service. The phrase "within the public view" shall mean visible by anyone other than persons inside the confines of the building of the establishment which has available such alcoholic beverages.

(d) (1) As used in this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by O.C.G.A. Tit. 8, Ch. 3, Art. 1, "Housing Authorities Law."

(2) No person knowingly and intentionally may sell 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 July 1, 2000, 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.

(e) In order to qualify for a pouring license for distilled spirits, malt beverages or wine, the licensed business must derive more than 50 percent of its gross revenues, exclusive of receipts from non-participatory on-site entertainment, from the sale of food actually prepared on the premises.

(1)

The application for a pouring license shall contain a specific statement, under oath, that the licensed business meets the requirements set forth in this subsection (d). In the event the business has been in operation for less than 30 days, the application shall contain a statement, under oath, that applicant anticipates that the business will be in compliance with this subsection within 60 days of the date of the issuance of the license, and that, not later than the sixtieth day from the date of the license, the applicant will (i) file a statement with the city, under oath, that the establishment's sales are in compliance with this sub-section, or, (ii) the applicant will surrender its pouring license, and return the license to the city.

(2) Each pouring license shall be issued subject to the condition that the licensed business continually comply with the requirements of this subsection; in the event the licensee's sales fail to comply with the requirements of this subsection for two consecutive months, the licensee shall report such noncompliance to the city within ten days following the close of such second month, and shall thereupon surrender its pouring license.

(3) Each license issued for consumption on the premises shall also be subject to the conditions that the licensee must make, and keep for a period of at least two years, true and correct business records reflecting (i) the number, and (ii) the sales price of each, distilled spirits sale, (iii) the monthly gross receipts from sales of distilled spirits; (iv) the gross receipts of the business, and, separately stated, its (v) gross receipts from non-participatory on-site entertainment, (vi) gross receipts from sales of all alcoholic beverages, and (vi) gross receipts from sales of food actually prepared on the premises. The city shall have the right to inspect the books and records of the licensee at any time during business hours to determine whether the licensee's records and sales are in compliance with this subsection. Each licensee shall be under a duty, at the request of the city, to produce its records for such inspection.

(4) The failure of a licensee to meet the requirements of this subsection, or to comply with a request to produce its business records, shall be cause for termination of the license(s).

(f) It shall be unlawful to sell malt beverages or wine, by the package, unless the licensee, at the point of such sale, places the same in a fully opaque bag or box.

(g)

If there were in existence any malt beverage or wine licenses on April 1, 2000, which allowed consumption of either of said beverages on the premises of an establishment, which does not meet the requirements of subsection (d) of this section, the type license in effect on that date shall continue to be valid and sales thereunder shall not be unlawful, and such licenses may be renewed annually by the licensee and may be transferred to any purchaser of such licensee's business who qualifies for a malt beverage or wine license so long as such licenses remain in continuous use; in the event of the death of any such licensee and a resulting cessation of use of such license occurs, such license shall be renewed in the name of the successor in title to the business of such licensee if application for such renewal is made within 90 days of the date of death of such licensee.

- (h) For purposes of this Code section, distances shall be measured by the most direct route of travel on the ground.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-61. - Removing open beverages from licensed establishments.

- (a) It shall be unlawful for any person, other than the licensee when removing stock in bulk, to remove any alcoholic beverage from the establishment where it was purchased unless it is in its original un-opened container.
- (b) As a condition of retaining the license issued under this chapter, each licensee holding a pouring license under this chapter shall place a sign at each exit of the area of the establishment in which alcoholic beverages are sold stating, "NOTICE—IT IS UNLAWFUL TO REMOVE FROM THE PREMISES ANY ALCOHOLIC BEVERAGE PURCHASED HERE UNLESS IT IS IN ITS ORIGINAL UN-OPENED CONTAINER." Each such sign shall be at least 12 inches by 12 inches with lettering at least two inches in height.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-62. - Possession of open containers in licensed establishments other than in dining area of establishment with pouring license prohibited; signs; exceptions.

- (a)

It shall be unlawful for any person, other than employees who serve such beverages, to possess an open container of any alcoholic beverage at any place in a licensed establishment other than within the dining area of an establishment holding a pouring license under this chapter.

(b) As a condition of retaining the license issued under this chapter, each licensee holding a pouring license shall place a minimum of two signs in the dining area of the business stating "NOTICE IT IS UNLAWFUL TO POSSESS AN OPEN CONTAINER OF AN ALCOHOLIC BEVERAGE OUTSIDE THE DINING AREA." Each such sign shall be at least 12 inches by 12 inches with lettering at least two inches in height.

(c) The prohibitions and requirements set forth in paragraphs (a) and (b) shall not apply to any location holding a pouring license on April 1, 2000, so long as the owner of the licensed business as of said date continues to own such business.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-63. - Times when sales and consumption on premises prohibited.

(a) It shall be unlawful to sell an alcoholic beverage within the city at any time on:

(1) Christmas Day;

(2) Between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week; or

(3) On Sunday except it shall be lawful to sell alcoholic beverages for consumption on the premises from 12:30 p.m. until 12:00 midnight on

Sundays and it shall be lawful for retailers of malt beverages and wine to sell package sales between the hours of 12:30 p.m. and 11:30 p.m. on Sundays.

(b) It shall be unlawful for any holder of an alcoholic beverage pouring license, or any employee or agent, of such licensee, to knowingly and intentionally allow or permit any person to consume any alcoholic beverage on the premises of the licensee at any time when the sale of such alcoholic beverage would be unlawful on the premises under the provisions of subsection (a) of this section.

(Ord. No. 933, § 1, 11-6-01; Ord. No. 934, § 1, 11-20-01; Ord. No. 1094, 1-17-17; Ord. No. 1097, 4-4-17)

Sec. 6-64. - License applications; information required; reapplication upon change of management.

(a)

Each applicant for a license to sell any alcoholic beverage within the city shall be at least 21 years of age, shall complete and submit an application therefor, which shall be signed by each of the applicants, or if the applicant is a corporation, the application shall be signed by the person who shall be engaged in the actual day-to-day management of the branch of the corporation at which such license shall be located, and such license, if issued, shall be issued in the name of the manager and the corporation as joint licensees. The contents of such application shall be sworn to on the oath of each person signing the same. The application shall contain the following information about each of the persons required to sign the application:

- (1) Name;
- (2) Age;
- (3) Address; and
- (4) Telephone number; and shall also include
- (5) The address of the building from which the permitted alcoholic beverage shall be sold if a license is granted;
- (6) The trade name of the business where the permitted alcoholic beverage will be sold;
- (7) A statement as to whether any applicant has ever been convicted of any felony under any state or federal law;
- (8) A statement as to whether any applicant has ever been convicted of violating any state or federal law regulating the manufacture or sale of any alcoholic beverage;
- (9) The type or types of licenses sought, that is, pouring or package;
- (10) The type beverages for which a license, or licenses, are sought.

A licensee who had in effect a city alcoholic beverage license for the immediately preceding year shall not be required to submit a new application for the issuance of the same type license for the succeeding year unless there has been a change in any of the information required in the application.

- (b) If a license is issued under this chapter to a corporation jointly with a manager, and a new manager is assigned to the licensed branch of such business during the license year, or if a license is issued under this chapter to a partnership in the name of less than all of the partners, and the partners named on the license withdraw from the partnership during the license year, then such new manager of

the licensed branch of such corporation or the remaining partners of such partnership shall, immediately, apply for a new license under this chapter, and, upon compliance with the requirements of subsection (a) of this section and O.C.G.A. § 3-5-10, the city clerk is authorized to issue a new license in the name of such new manager or in the name of the remaining partners for the remainder of the license year without the payment of a new license fee therefor.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-65. - Fingerprints required.

Each person who is required to sign the application for a license shall, at the time of the filing of such application, submit to the city clerk a complete set of fingerprints in accordance with O.C.G.A. § 3-3-2.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-66. - Ineligible persons—Licensees and businesses.

- (a) There shall not be issued any alcoholic beverage license to any person who has been convicted of any felony under any state or federal law or who has been convicted of violating any state or federal law regulating the manufacture or sale of any type of alcoholic beverage.
- (b) There shall not be issued any distilled spirits license to any pool room, billiard parlor, or coin operated amusement machine business, nor shall there be any direct access between a business holding a distilled spirits license and a pool room, billiard parlor or coin operated amusement machine business.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-67. - Ineligible employees.

The holder of any alcoholic beverage license issued under this chapter shall not allow any person who has been convicted of any felony under any state or federal law or who has been convicted of violating any state or federal law regulating the manufacture or sale of malt beverages, wine or other alcoholic beverages to be employed in the business of such licensee in a capacity which would allow such convicted person to actually engage in the dispensing of any alcoholic beverages, under any license issued under this chapter.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-68. - Application and procedure.

Each application for any alcoholic beverage license shall be submitted to the city clerk, who shall transmit a copy thereof to the chief of police. The chief of police shall, on receipt of the same, request a report from the appropriate agency of the state as to the existence of any criminal record relative to each of the applicants whose name appears on such application, and shall simultaneously submit the fingerprints of each such applicant to the appropriate state and federal agencies for a determination of any criminal record relative to such fingerprints. If the state agencies respond that computer checking of the names of the applicants reveals no criminal record then, pending receipt of the report on the fingerprints of the applicants, and if each other requirement for the license applied for has been complied with, the city clerk shall issue, in the name of the applicant, the license(s) applied for, upon the payment of the appropriate license fee provided in this chapter, which license shall be a conditional license, pending receipt of a report on the fingerprints of the applicants. If the fingerprint report reflects the absence of any criminal record which would disqualify the applicant for a license, the conditional license shall thereupon become a permanent license. If, however, the fingerprint report reflects a criminal record of any applicant which disqualifies the applicant for such license, the city clerk shall thereupon transmit a copy of the fingerprint report to the applicant and, shall, in writing by certified mail, simultaneously therewith notify the applicant that the conditional license issued hereunder is, effective on the fifteenth day after the applicant's receipt of the notice, thereby revoked as a result of the fingerprint report.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-69. - Term of license.

Except as provided for in section 6-71, each license issued under the provisions of this chapter shall expire on December 31 following the date of its issuance.

(Ord. No. 933, § 1, 11-6-01; Ord. No. 1051, § 3, 7-19-11)

Sec. 6-70. - License suspension and revocation generally.

(a)

Each and every license issued under this chapter to a licensee shall be suspended for a period of 90 days from the date of suspension upon the first occurrence of any event described in subsection (1), (2), (3) or (4) of this section, and when a license has been once suspended for the occurrence of such event, the subsequent occurrence of any one of such events shall result in a permanent revocation of each and every license issued to such licensee under this chapter:

- (1) The commission by any person in whose name such license has been issued of any act which would constitute a violation of any state or federal law regulating the manufacture or sale of any alcoholic beverage, the maximum punishment for which could not, under such law, exceed one year.
 - (2) The commission by any agent, including husband, wife or child, or employee of the licensee of any act which would constitute a violation of any state or federal law regulating the manufacture or sale of alcoholic beverage while acting within the scope of such agency or employment, or while on the premises of the business from which alcoholic beverage are sold under the license issued by the city.
 - (3) The operation of such alcoholic beverage business in such a manner as to constitute a public nuisance.
 - (4) The violation of any provision of this chapter.
- (b) Each and every license issued under this chapter shall be permanently revoked in the event that any person in whose name such license is issued is convicted of a felony in any state or federal court, or in the event a license-holder transfers a license to a new location without complying with the requirements of this Chapter, or if it is determined that the application required for such license contains any false information.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-71. - Hearing.

No license issued under this chapter shall be either denied, revoked or suspended without affording the licensee, if requested by the licensee, a hearing before the mayor and council on the grounds therefor, at least 15 days' notice of which hearing shall be given, in writing, to the holder of such license, by registered or certified mail addressed to each license holder at the applicant's address shown on the application required for such license, or such new address as has been filed with the city clerk; if the denial, suspension or revocation is based upon the conviction for a

crime, a copy of the judgment of the court shall be included with such notice, and no other information shall be required. If such denial, revocation or suspension is not based upon a conviction, then such notice shall also set forth a brief synopsis of the facts alleged against the license holders together with the names and addresses of any witnesses thereto then known to the mayor and council.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-72. - License nontransferable.

Licenses issued under this chapter shall not be transferable by the license holders to any person or entity, but a new license shall be issued to a purchaser of the business of the previous license holder upon such purchaser's compliance with each of the provisions of this chapter relating to the issuance of a new license.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-73. - Relocation of licensed establishment.

The mayor and council shall allow a license holder to transfer an alcoholic beverage license to a new location within the city upon written application for such relocation if such new location meets the requirements of this chapter. Upon receipt of a written application for relocating a license the city clerk shall determine whether or not the proposed new location meets the requirements of this chapter and shall immediately thereafter present such application, together with a report as to whether such location meets the requirements of this chapter, to the mayor and council at the next regular meeting thereof. The mayor and council shall act upon such request within 30 days thereafter.

(Ord. No. 933, § 1, 11-6-01)

Sec. 6-74. - Temporary license.

- (a) To be eligible to apply for a temporary license to sell alcoholic beverages at an authorized event, a bona fide nonprofit organization must be the applicant; a nonprofit authorization letter (Federal Form 501-C) must be produced; any required event permit must be obtained; and the authorized event for which the event permit is issued must be associated with and benefit the cause of a charitable or civic organization.

(b) Pursuant to state law, a temporary license shall authorize the organization to sell alcoholic beverages for consumption only on the premises for a period not to exceed one day, subject to all laws and ordinances regulating the type of alcoholic beverages which may be sold and regulating the time for selling such alcoholic beverages; the temporary license shall be valid only for the place specified in the permit; and no more than six such licenses may be issued to the applicant organization in any one calendar year.

(c) Each application for such a temporary license shall be accompanied by a nonrefundable fee in an amount as set forth in section 6-58.

(Ord. No. 1051, § 4, 7-19-11)

Sec. 6-75. - Joint responsibility.

If a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. If a corporation, the corporation, its officers and directors shall be responsible for the actions of the named licensee and the conduct of the licensed business. If a nonprofit organization, its officers, directors, or governing authority shall be responsible for the actions of the named licensee and the conduct of the licensed business.

(Ord. No. 1051, § 4, 7-19-11)