



July 18, 2013

**CITY COUNCIL WORKSHOP/MEETING**

5:00 p.m.

130 E. 5<sup>TH</sup> STREET

Tifton Municipal Courtroom

TIFTON, GEORGIA

**CITY OF TIFTON**  
**July 18, 2013**  
**Tifton Municipal Courtroom**  
**130 E. 5th Street**  
**5:00 p.m.**

**REGULAR COUNCIL WORKSHOP/CALLED MEETING**

**PUBLIC HEARING**

Vertical Expansion of the Tifton-Tift County Landfill – Ricky Hobby

**COMMITTEE REPORT BY JEFFREY DANIEL ON HPC DESIGN GUIDELINES  
AND BUSINESS SIGNAGE REQUIREMENTS**

**APPEAL OF REVOCATION OF OCCUPATION TAX CERTIFICATE**

1. The Roofing Man, Inc., Paul C. Johnson – Rona Martin

**PRESENTATION BY ESG OPERATIONS – DAN GROSELLE**

**DISCUSSION ITEMS**

2. Resolution approving the calendar year 2013 Tax Digest and M&O Levy and Setting the Millage Rate based on the Final 2013 Tax Digest – Lois Love
3. Resolution providing for financing of the Renovation of the Historic Myon Building – Larry Riner, Lois Love
4. Resolution requesting approval of extension of contract with Mauldin & Jenkins CPA to provide auditing services for fiscal years ending June 30, 2013 and 2014 – Lois Love
5. Resolution providing for placement of referendum questions relating to Sunday Alcohol Sales on the ballot for the November 5, 2013 election
6. Ordinance providing for amendment Chapter 6, Alcohol Provisions of the Code of Ordinances
7. Update on Tourism Communications – Council Members Julie Smith, Chris Parrott
8. Board Report – Rona Martin

**CALLED MEETING**

9. Resolution approving the calendar year 2013 Tax Digest and M&O Levy and Setting the Millage Rate based on the Final 2013 Tax Digest – Lois Love
10. Resolution providing for financing of the Renovation of the Historic Myon Building – Larry Riner, Lois Love

11. Resolution requesting approval of extension of contract with Mauldin & Jenkins CPA to provide auditing services for fiscal years ending June 30, 2013 and 2014 – Lois Love



**TIFTON CITY COUNCIL AGENDA ITEM**

**TO:** Tifton City Council  
**FROM:** Rona Martin, City Clerk  
**DATE:** 07/17/2013  
**DEPARTMENT:** City Clerk/Business Licenses  
**SUBJECT:** Appeal by Paul C. Johnson, The Roofing Man, Inc.

DATE: 07/18/2013  
Workshop Meeting (x)  
Regular Meeting ( )  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

Mr. Johnson's occupation tax certificate was revoked for being found guilty of performing work without obtaining the proper permits. Our building and construction ordinance codes **require** that we revoke one's business license if they are, in fact, found guilty of an infraction. Details of this is attached for your review.

**PROPOSED ACTION**

Staff is neutral until we hear from Mr. Johnson at the workshop.

**SUPPORTING INFORMATION**

**Background Information**

- Attached.

**Financial Implications**

- None.

**Pros and/or Cons**

**Implementation**

None

# TIFTON

The Friendly City

204 North Ridge Avenue  
Post Office Box 229  
Tifton, Georgia 31793

<http://www.tifton.net>

**ELECTED OFFICIALS:**

**J. G. "JAMIE" CATER, JR.**  
MAYOR

**JOHNNY TERRELL, JR.**  
VICE MAYOR  
DISTRICT 3

**MARIANNA KEESEE**  
DISTRICT 1

**CHRISTOPHER PARROTT**  
DISTRICT 2

**JULIE B. SMITH**  
DISTRICT 4



July 16, 2013

Mr. Paul C. Johnson  
The Roofing Man, Inc.  
P.O. Box 7426  
Tifton, Georgia 31793

RE: City of Tifton Citation 0362 – 635570 No Permit

Dear Mr. Johnson:

Please be advised that City of Tifton Code Section 18-34 states (a) any person violating any provision of the various construction codes adopted by this article shall be punished as provided in section 1-11 of this code. (b) A conviction of any provision of the various construction codes adopted by this article shall automatically suspend the business license of the offending contractor. The license may be reinstated by an application to the Mayor and Council upon a showing of good cause.

In as much as you were found guilty of the above violation, this letter is to inform you that your Occupation Tax Certificate (business license) has been suspended pending an appearance before the Tifton City Council. Also, please be advised that the Council will meet on Thursday, July 18, 2013, 5:00 p.m. in the Municipal Courtroom located at 130 E. 5<sup>th</sup> Street at which time you may request reinstatement of your certificate (license).

If this time is not convenient for you, please let me know as soon as possible.

Very Truly Yours,

*Rona Martin*

Rona Martin  
City Clerk

Cc: Mayor/Council  
Larry Riner, City Manager  
Bert Crowe, Environmental Management

08.02.12: Mr. Crowe, Mr. Sumner & I each explained to Mr. Johnson he must obtain roofing permits if he continues to complete roofing jobs.

08.30.12: Mr. Johnson came in and obtained a permit for remodeling of one of his rental houses. Mr. Johnson was reminded that he must always obtain a permit for roofing. We reminded Mr. Jonson of this because he hadn't been by to obtain a roofing permit since the department had been formed.

09.04.12: Mr. Crowe reminded Mr. Johnson that he must obtain permits if he plans on to continue to work the COT.

On 04.03.13: Mr. Paul Johnson of Paul Johnson the Roofing Man was conducting business in the COT without a License or a permit. I Stopped and spoke to Mr. Ramirez and Mr. Richardson, Mr. Johnson's employees, and asked them if they had a business license or the required roofing permit. They did not know. (It is required to keep a copy of your Business license and any contracting permits on every job, just like your registration and driver license while operating a motor vehicle.) I then called the COT to find out if the Roofing Man had a business license and a construction permit. The COT confirmed they did not have a license or a construction permit. I advised Mr. Johnson, by phone, he must stop work until he obtains a business license and a permit.

On 04.04.13: Mr. Johnson and I meet where I issued Mr. Johnson a citation for no construction permit and a citation for No business license. I advised Mr. Johnson that if he obtained a business license I would drop the citation for no License but he would have to either pay the fine for no permit or come to court on 04.24.13. He stated he understood.

Court: 04.24.2013

[04/24/13, 03:40:09 PM, hs]:

Mr. Johnson failed to appear. Ms. Beth advised she would issues a warrant.

[05/01/13, 04:33:59 PM, hs]:

Mr. Johnson plead and was found Guilty. Mr. Jonson was fined \$ 216.00. Mr. Jonson Paid. Close case.

OFFICE OF CODE ENFORCEMENT  
CITATION

Citation No. CE 0362

Docket No. \_\_\_\_\_

Upon Date Month 04 Day 04 Year 20 13 Time at 1608 Hours

Name Paul Connor Johnson

Address P.O. Box 7426

City Tifton State GA

Zip Code 31793

Phone # (\_\_\_\_) \_\_\_\_\_ Date of Birth 04-30-1946

SSN \_\_\_\_\_ DLN 006031951

Sex M

within the State of Georgia, County of Tift, did commit the following offense: 7d. 216.

Offense NO PERMIT 635570

Location 147 BEECH ST. TIFTON GA. 31794 5-1-13

in violation of Tift County Ordinance 18-35

Officer Signature [Signature] Guilty

Title \_\_\_\_\_ 5-1-13

This citation is issued pursuant to the authority granted by O.C.G.A § 15-10-63 et seq. You are hereby ordered to appear before/report to the Municipal Court of the City of Tifton located at **130 EAST 5TH STREET, TIFTON, GEORGIA 31794**

on the 24 day of April, 2013

at 3:30 a.m./p.m. to answer or post bond to the above charge. Your failure to appear shall be a misdemeanor punishable as provided by law. This summons/citation is issued by authority of City of Tifton Ordinances/Georgia Law.

A copy of this citation was handed to the above offender by: 5-1-13

Officer Signature [Signature]

Title Cor-5

C13-000-224

TIFTON MUNICIPAL COURT  
TICKET INFORMATION SHEET

**Court Address** 130 EAST 5TH STREET  
TIFTON, GA 31794

**NCIC Number** GA137021J  
**Phone Number** 229-391-3967  
**Fax Number** 229-556-7404

**Ticket** M00000362      **Status** C      **Case** CE-0362      **Docket** 2013000317

**Name** PAUL C JOHNSON      **OBTS**  
**Dob** 04/30/1946      **Sex** M      **Race** W      **Height**      **Weight** 0  
**Address** PARK PLAZA  
TIFTON, GA 31794      **Haircolor**  
**Eyecolor**

**Drivers License**      **Class**      **CDL** N      **Expiration Date**  
**Phone**  
**Vehicle**      **Tag**

**Violation** CO18-35 BUILDING PERMIT  
**Count**

**Officer** HOUSTON SHULTZ BADGE: C05  
**Agency** TCE      **LOCATION:** 147 BEECH ST.

**Ticket Date** 04/04/2013      **Must Appear** N  
**Original Court Date** 05/01/2013      **Accident** N  
**Newest Court Date** 05/01/2013      3:30 PM      **ARRAIGNMNT**      **School Zone** N  
**Disposition Date** 05/01/2013      **Commercial Vehicle** N  
**Close Date** 05/02/2013      **Hazardous Material** N  
**Attorney**      **Send-to-State** N  
**Solicitor**  
**Plea** G GUILTY  
**Finding** G GUILTY AS CHARGED  
**Probation** N  
**Comm Service Hrs**  
**Bonding**

<b>Cash Bond Amount</b>	216.00	<b>Total Judgment</b>	216.00
<b>Forfeited Amount</b>		<b>Total Payments</b>	216.00
<b>Fine Amount</b>	216.00	<b>Refunds</b>	
<b>Processing Fee</b>	10.00	<b>Balance</b>	
<b>Suspended Amount</b>			
<b>Other</b>			

**Surcharges** 56.00 (included in fine)

**Total Judgment** 216.00

**Sentence**

TICKET RE-OPENED 05/02/2013 BY BETH (original close-date: 05/01/2013)

Tifton, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 18 - BUILDINGS AND BUILDING REGULATIONS >> ARTICLE II. - CONSTRUCTION CODES >>

---

**ARTICLE II. - CONSTRUCTION CODES** 1141

---

Sec. 18-31. - Adopted.

Sec. 18-32. - Compliance.

Sec. 18-33. - Enforcement.

Sec. 18-34. - Penalty for violation.

Sec. 18-35. - Permit and inspection fees.

Sec. 18-36. - Public utilities.

Sec. 18-37. - Water supply and sewage disposal facilities.

Secs. 18-38—18-60. - Reserved.

**Sec. 18-31. - Adopted.**

- (a) *Enumeration.* The following codes, the latest edition as adopted and amended by the state department of community affairs, shall be enforced by the city:
- (1) Standard Building Code;
  - (2) Standard Mechanical Code;
  - (3) Standard Gas Code;
  - (4) Standard Plumbing Code;
  - (5) National Electrical Code;
  - (6) Standard Fire Prevention Code;
  - (7) CABO One- and Two-Family Dwelling Code; and
  - (8) Georgia State Energy Code for Buildings.
- (b) *Appendices.* The following appendixes of the codes adopted in subsection (a) of this section are hereby adopted by reference as though they were copied fully in this subsection:
- (1) Standard Building Code: Appendix;
  - (2) Standard Mechanical Code: Appendix;
  - (3) Standard Gas Code: Appendix;
  - (4) Standard Plumbing Code: Appendix;
  - (5) Standard Fire Prevention Code: Appendix;
  - (6) National Electrical Code: Appendix; and
  - (7) CABO One- and Two-Family Dwelling Code: Appendix.
- (c) *Additional codes.* The latest edition of the following codes, as adopted and amended by the state department of community affairs, are hereby adopted by reference as though they were copied herein fully:
- (1) Standard Housing Code, including Chapter 1, Administration and Appendix;
  - (2) Standard Swimming Pool Code, including Chapter 1, Administration;
  - (3) Standard Excavation and Grading Code, including Chapter 1, Administration;
  - (4) Standard Unsafe Building Abatement Code, including Chapter 1, Administration;

- (5) Standard Existing Building Code, including Chapter 1, Administrative and Appendix;
  - (6) Standard Amusement Device Code, including Chapter 1, Administrative and Appendix;
  - (7) NFPA 101 Life Safety Code.
- (d) The latest edition of the State of Georgia Safety Fire Commissioner's Minimum Fire Safety Standards with amendments are hereby adopted by reference as though they were copied fully in this subsection.

(Code 1974, §§ 5-1, 5-80, 5-100, 5-136, 5-141, 5-151, 5-161, 5-171, 5-181, 8-2, 9-16, 11-5, 13-1, 19-1; Ord. No. 2011-12, § 1, 10-3-2011)

**Editor's note—**

It should be noted that the amendments to the state safety fire commissioner's minimum fire safety standards are not set out at length herein but are on file and available for inspection in the office of the city clerk.

**State law reference—** Authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12); construction standards generally, O.C.G.A. § 8-2-1 et seq.; minimum state construction codes, O.C.G.A. § 8-2-25.

### **Sec. 18-32. - Compliance.**

It shall be unlawful for any person to engage in the construction or erection of any building, whether commercial, business or residential unless such construction is accomplished in strict compliance with the various construction codes adopted by this article.

### **Sec. 18-33. - Enforcement.**

When reference is made to the duties of certain officials named in the various construction codes adopted by this article, the designated city official shall be deemed to be the responsible official for the enforcement of such codes.

(Code 1974, § 5-1)

### **Sec. 18-34. - Penalty for violation.**

- (a) Any person violating any provision of the various construction codes adopted by this article shall be punished as provided in section 1-11 of this Code.
- (b) A conviction of any provision of the various construction codes adopted by this article shall automatically suspend the business license of the offending contractor. The license may be reinstated by an application to the mayor and council upon a showing of good cause.

(Code 1974, § 5-8)

### **Sec. 18-35. - Permit and inspection fees.**

Permit and inspection fees and any other charges imposed or due under the various construction codes adopted by this article shall be as provided in the schedule of fees and charges on file in the office of the city clerk.

(Code 1974, § 5-16)

### **Sec. 18-36. - Public utilities.**

- (a)

No public utility may furnish temporary electrical, water or gas connection, for construction purposes, unless the contractor has been issued a construction permit by the chief building official.

- (b) No public utility may furnish permanent electrical, water or gas connections until the contractor has been issued a certificate of occupancy by the chief building official.
- (c) No public utility may furnish power to a mobile home site until the owner has been issued either a building permit or a certificate of occupancy by the chief building official.

*Cross reference— Utilities, ch. 82.*

**Sec. 18-37. - Water supply and sewage disposal facilities.**

- (a) Building permits will not be issued until plans for water supply and sewage disposal have been approved by the county board of health.
- (b) Certificates of occupancy will not be issued until the completed water supply and sewage disposal facilities have been approved by the board of health.

*Cross reference— Sewers, ch. 62; utilities, ch. 82.*

*State law reference— Regulations for septic tanks in unincorporated areas, conformity prerequisite to building permit, O.C.G.A. § 31-3-5.1.*

**Secs. 18-38—18-60. - Reserved.**

---

FOOTNOTE(S):

---

<sup>(14)</sup> *State Law reference— Authority to adopt codes, Ga. Const. art. IX, § II, ¶ III(a)(3); minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26. [\(Back\)](#)*

*A Member of the International Code Family®*



# INTERNATIONAL RESIDENTIAL CODE®

**FOR ONE- AND TWO-FAMILY DWELLINGS**

# 2006

## ADMINISTRATION

2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

**R112.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

**R112.4 Administration.** The building official shall take immediate action in accordance with the decision of the board.

## SECTION R113 VIOLATIONS

**R113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**R113.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**R113.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**R113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate

issued under the provisions of this code, shall be subject to penalties as prescribed by law.

## SECTION R114 STOP WORK ORDER

**R114.1 Notice to owner.** Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

**R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.



**TIFTON CITY COUNCIL AGENDA ITEM**

TO: Tifton City Council  
FROM: Lois A. Love, Interim Finance Director  
DATE: July 11, 2013  
DEPARTMENT:  
SUBJECT: Pursuant to the requirements of 48-5-32 - Approval to adopt the official millage rate, 2013 Tax Digest and M&O Levy

DATE: July 18, 2013  
Workshop Meeting ( X )  
Regular Meeting ( )  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

Approve the setting of the Official Millage Rate of 9.759, 2013 tax digest and M&O levy.

**PROPOSED ACTION**

Resolved that the official millage rate, 2013 tax digest and M&O levy shall be approved as required by

**SUPPORTING INFORMATION**

**Background Information**

- Pursuant to Georgia law, the City is required to annually publish the tax digest and M&O levy.
- Each year, the City must submit an approved tax digest and M&O levy to the State of Georgia.

**Financial Implications**

- There are no financial implications.
- Is this a budgeted item \_\_\_\_ Yes \_\_\_\_.

**Pros and/or Cons**

- The 2013 tax digest, M&O levy and millage rate will provide much needed funds to assist in City operations.

**Implementation**

- Upon approval, the 2013 tax digest, M&O levy and millage rate will be effective immediately.
- The City Manager will sign the letter notifying the Tax Commissioner of the approved millage rate, and the letter will be hand delivered to the Tax Commissioner's Office.

**STATE OF GEORGIA  
COUNTY OF TIFT  
CITY OF TIFTON**

**CITY OF TIFTON  
RESOLUTION NO. 2013-\_\_\_\_\_**

**RESOLUTION APPROVING THE CALENDAR YEAR 2013  
TAX DIGEST AND M&O LEVY AND SETTING THE MILLAGE RATE  
BASED ON THE FINAL 2013 TAX DIGEST**

**WHEREAS**, the City Council of the City of Tifton, Georgia received the calendar year 2013 final property tax digest, maintenance and operations (M&O) levy and pursuant to the requirements of O.C.G.A. Section 48-5-32 are required to set the millage rate ;

**WHEREAS**, with the receipt of the tax digest and all appropriate public notices, the City of Tifton has complied with all requirements of O.C.G.A 48-5-32 to determine and authorize the millage rate for the 2013 tax year of 9.759 mills.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council of the City of Tifton, pursuant to their authority, do hereby approve the official setting of the millage rate at 9.759 mills, calendar year 2013 tax digest and M&O levy as shown on Attachment A.

**RESOLVED**, by the City Council of the City of Tifton at a regular meeting held on July 18, 2013.

APPROVED:

ATTEST:

---

J.G. "Jamie" Cater, Jr.  
City Mayor

---

Rona Martin  
City Clerk

## ATTACHMENT A

### CURRENT 2013 TAX DIGEST AND M&O LEVY

<u>City</u>	
REAL & PERSONAL	343,439,485
MOTOR VEHICLE	33,023,660
MOBILE HOME	1,429,967
TIMBER - 100%	
HEAVY EQUIPMENT	8,355
GROSS DIGEST	377,901,467
LESS M&O EXEMPTIONS	31,663,300
NET M&O DIGEST	346,238,167
STATE OF GEORGIA	
FOREST LAND ASSISTANCE GRANT VALUE	
ADJUSTED NET M&O DIGEST	346,238,167
GROSS M&O MILLAGE	18.096
LESS ROLLBACKS	8.337
SCHOOL BOND MILLAGE	
NET M&O MILLAGE	9.759
NET LEVY	3,378,938.27
NET TAXES \$ INCREASE	1,093,327.19
NET TAXES % INCREASE	47.84%

**TIFTON CITY COUNCIL AGENDA ITEM**



TO: Tifton City Council  
FROM: Lois A. Love, Interim Finance Director  
DATE: July 18, 2013  
DEPARTMENT: Finance  
SUBJECT: Georgia Municipal Association Lease Purchase  
Pool Draws for the Renovation of the Historic Myon Building.

DATE: July 18, 2013  
Workshop Meeting ( X )  
Regular Meeting ( )  
Called Meeting ( )

**EXECUTIVE SUMMARY**

Approval to finance the renovation of the Historic Myon Facility by utilizing the 1998 Georgia Local Government Equipment Lease Pool (GMALP) through Georgia Municipal Association (GMA). Equipment collateral substitution will be used to request draws from the Lease Purchase Pool.

**PROPOSED ACTION**

Approval of \$1.4 million loan from GMALP to be paid over 5 years for the purpose of renovating the historical Myon building at a current indicative interest rate of .36%. The program has benefited from an average rate of 0.69% over the past fourteen years. In addition, interest income credits are applied semi-annually.

**SUPPORTING INFORMATION**

Award of Construction Bid on 7/1/2013.

**Background Information**

Construction bid amount is \$2.2 million. SPLOST 4 \$310,000; DDA Contribution \$500,000 (approved by DDA on June 19).

**Financial Implications**

- Total Loan Requirement is \$1.4 million
- Is this a budgeted item   yes or   X  No. Current available budgeted Amount \$    0   .

Approval to establish a project budget for the Myon Renovation in the Capital Project Fund for \$1.9 million. Funds from the DDA Contribution in the amount of \$500,000 and the proposed GMA Lease Pool Loan Draws of \$1.4 million will fund this portion of the project. This will be supplemented by the current SPLOST 4 project with available funds of \$310,000 that will be used to fund the construction bid.

Approval to establish FY2014 GMA Debt budget of \$280,000 to be funded from each of the five major City funds. An annual amount of \$56,000 plus interest will be allocated from each fund. This year's annual allocation from General, Water, Sewer, Gas and SWCD will be transferred from the existing debt service sinking account and insurance escrow reserves. Remaining year's annual allocation will be addressed in subsequent budgets.

**Pros and/or Cons**

GMA financing eliminates loan costs with a low interest rate to be paid back over a shorter period of time. Since the Myon facility will be used as the administrative hub for City Government, all funds will contribute to the cost of renovation.

**Implementation**

Upon approval, the City Manager is responsible for ensuring the approved action is completed.

**STATE OF GEORGIA  
COUNTY OF TIFT  
CITY OF TIFTON**

RESOLUTION NO. 2013-\_\_\_\_\_

**RESOLUTION FOR FINANCING OF THE HISTORIC MYON RENOVATION FROM  
1998 GEORGIA LOCAL GOVERNMENT EQUIPMENT LEASE POOL THROUGH  
GEORGIA MUNICIPAL ASSOCIATION (GMA) LOAN**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TIFTON, GEORGIA,  
FOR FINANCING OF THE MYON RENOVATION FROM LGELP-GMA LOAN AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE THE FINANCING DOCUMENTS.

**WHEREAS**, City Manager recommends the designation of LGELP-GMA for providing  
the financing for a portion of the construction for the Myon Facility renovation;

**WHEREAS**, GMA has proposed a collateral substitution loan as a financing arrangement  
at a variable interest rate pursuant to the interest rate swap, for an amount not to exceed \$1.4  
million, with a term not to exceed five years;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Tifton that:

Section 1. The City of Tifton does hereby designate LGELP-GMA as the official source to  
provide for the remaining amount of funds required for the Myon Facility Renovation Loan.

Section 2. The City Manager is hereby authorized to enter into an agreement on behalf of  
the City of Tifton for financing the LGELP-GMA Myon Renovation Loan.

**APPROVED AND ADOPTED**, by the City Council of the City of Tifton at a regular  
meeting held on June 20, 2013.

APPROVED:

ATTEST:

\_\_\_\_\_  
J.G. "Jamie" Cater, Jr.  
City Mayor

\_\_\_\_\_  
Rona Martin  
City Clerk

**TIFTON CITY COUNCIL AGENDA ITEM**



TO: Tifton City Council  
FROM: Larry Riner, City Manager  
DATE: 06/07/2013  
DEPARTMENT: City Manager's Office  
SUBJECT: Award of Bid – Historic Myon Hotel Renovations

DATE: 6/20/2013  
Workshop Meeting ( )  
Regular Meeting ( )  
Called Meeting ( )

**EXECUTIVE SUMMARY**

Acceptance and Award of Bid to Anderson Construction Company of Fort Gaines

**PROPOSED ACTION**

Acceptance and Award of Bid to Anderson Construction Company of Fort Gaines and approve the City Manager to enter into contract negotiations for the Renovations of the Myon.

**SUPPORTING INFORMATION**

**Background Information**

- Bid were opened at City Hall on May 22, 2013 at 11:00 am
- Five (5) Bids were received from: Jones Construction, Anderson Construction Co. of Fort Gaines, John W. Spratlin & Son, LLC, Barber Contracting Company, and Aarene Contracting, LLC
- Lowest Base Bid was from Anderson Construction Co. of Fort Gaines in the Amount of \$2,164,991.00 with approval of Alternate #3 (New Carpet in Offices on 2<sup>nd</sup> & 3<sup>rd</sup> Floors) for an additional \$21,423.00 with a total renovation cost based on bid in the amount of \$2,186,414.00.
- Attached Documents:
  - Bid Tabulation
  - Bid submitted by Anderson Construction Co. of Fort Gaines
  - Estimated Pre-Bid Construction Cost presented by Lord Aeck Sargent

**Financial Implications**

- We have approx. \$310,000 in SPLOST 4 for this project
- DDA has stated they would greatly contribute to this project
- Is this a budgeted item  x  yes or   no. Current available budgeted amount  \$310,000.00 .

**Pros and/or Cons**

**Implementation**

- Larry Riner, City Manager
- Adam Cobb, City Engineer
- Courtney Swann, Architect w/ Lord Aeck Sargent

**TIFTON CITY COUNCIL AGENDA ITEM**



TO: Tifton City Council  
FROM: Lois A. Love, Interim Finance Director  
DATE: July 12, 2013  
DEPARTMENT:  
SUBJECT: Extend Mauldin & Jenkins CPA, LLC Audit Contract

DATE: July 18, 2013  
Workshop Meeting ( )  
Regular Meeting (X)  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

Extend the contract with Mauldin & Jenkins CPA, LLC to provide auditing services for fiscal years ending June 30, 2013 and 2014.

**PROPOSED ACTION**

Resolved that the City Manager extend the contract with Mauldin & Jenkins, LLC to provide auditing services for fiscal years ending June 30, 2013 and 2014 shall be approved.

**SUPPORTING INFORMATION**

**Background Information**

- Several Governmental Accounting Standards Board (GASB) statements are required to be adopted by the City in the next three years.
- Mauldin & Jenkins CPA, LLC is a very experienced audit firm in the government sector.

**Financial Implications**

- The audit fee will be \$40,000 per year.
- Is this a budgeted item  X yes or  no. Current available budgeted amount  \$85,000 .

**Pros and/or Cons**

Mauldin & Jenkins CPA, LLC is very experienced. They audit over 185 governments in the southeast. They performed the fiscal year 2012 audit, and, therefore, the audit process will be more efficient if the City retains Mauldin & Jenkins CPA, LLC as the auditor.

**Implementation**

Upon approval, the City Manager is responsible for ensuring the approved action is completed.

**STATE OF GEORGIA  
COUNTY OF TIFT  
CITY OF TIFTON**

**CITY OF TIFTON  
RESOLUTION NO. 2013-\_\_\_\_\_**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND  
THE CONTRACT WITH MAULDIN & JENKINS CPA, LLC TO  
PROVIDE AUDITING SERVICES FOR THE CITY OF TIFON  
FOR FISCAL YEARS ENDING JUNE 30, 2013 AND 2014**

**WHEREAS**, the City of Tifton desires to extend the professional services agreement of Mauldin & Jenkins CPA, LLC (Auditor), in accordance with the needs, requirements, terms and conditions contained in the proposal submitted by the Auditor on August 20, 2013 and in a memo to the Finance Director dated July 15, 2013;

**WHEREAS**, the auditing services for fiscal years ending June 30, 2013 and 2014 is not expected to exceed \$40,000 per year. This fee does not include the performance of a Single Audit should the City receive and expend in excess of \$500,000 in Federal funds in a given year;

**WHEREAS**, significant Governmental Accounting Standards Board (GASB) statements are required to be adopted by the City in the next three years which include:

- (a) Statement No. 60, *Accounting and Financial Reporting for Service Concession Arrangements*
- (b) Statement No. 61, *The Financial Reporting Entity: Omnibus (An Amendment to GASB No. 's 14 and 34*
- (c) Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*
- (d) Statement No 65, *Items Previously Reported as Assets and Liabilities*
- (e) Statement No. 67, *Financial Reporting for Pension Plans*
- (f) Statement No. 68, *Accounting and Reporting for Pensions*

**WHEREAS**, Mauldin & Jenkins CPA, LLC is an experienced audit firm focused in the government sector, auditing over 185 governments across the southeast;

**WHEREAS**, the timely submission of the financial report is a critical essence of the contract;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

Section 1. The City Manager is authorized to extend the contract with Mauldin & Jenkins CPA, LLC for the next two years.

Section 2. The cost of the auditing services for fiscal years ending June 30, 2013 and 2014 is not expected to exceed \$40,000 per year.

Section 3. The annual financial report must be submitted to the State Auditor's office before December 31, 2013 and 2014 and shall be presented to the City Council upon completion for each year this agreement is in place.

**APPROVED AND ADOPTED**, by the City Council of the City of Tifton at a regular meeting held on July 18, 2013.

APPROVED:

ATTEST:

---

J.G. "Jamie" Cater, Jr.  
City Mayor

---

Rona Martin  
City Clerk



July 15, 2013

Ms. Lois Love, Interim Finance Director  
City of Tifton, Georgia  
204 N. Ridge Avenue  
Tifton, Georgia 31794

Dear Lois:

We have enjoyed working with the City of Tifton on the June 30, 2012 financial statement audit and would welcome the opportunity to continue this relationship.

We are requesting to extend our audit contract to cover the next three (3) to five (5) fiscal year audits. We have invested an enormous amount of time in the audit process and would like to work with the City as you overcome the accounting and reporting challenges you are facing. Additionally, there are significant accounting and reporting changes that will be required to be implemented in the next few years, and it is imperative that you utilize the services of an audit firm that is focused in the government arena. Mauldin & Jenkins is such a firm. We audit over 185 governments across the southeast, many similar in size and operations to the City of Tifton. Significant Governmental Accounting Standards Board (GASB) statements that are required to be adopted by the City just in the next three years include:

- Statement No. 60, *Accounting and Financial Reporting for Service Concession Arrangements,*
- Statement No. 61, *The Financial Reporting Entity: Omnibus (An Amendment to GASB No. 's 14 and 34,*
- Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position,*
- Statement No. 65, *Items Previously Reported as Assets and Liabilities,*
- Statement No. 67, *Financial Reporting for Pension Plans*
- Statement No. 68, *Accounting and Reporting for Pensions*

We propose to perform the annual audit for the next three (3) to five (5) fiscal years at a fee of \$40,000 per year. This annual fee would not include the performance of a Single Audit, should the City receive and expend in excess of \$500,000 in Federal funds in a given year.

Once again we appreciate the opportunity to work with the City of Tifton. The City is a very important client to Mauldin & Jenkins and one that we are proud to serve. We offer you a team with significant experience working with state and local governments.

Please contact me at 478-464-8036 if you have any questions or thoughts.

Sincerely,

MAULDIN & JENKINS, LLC

A handwritten signature in black ink that reads "Meredith Lipson". The signature is written in a cursive, flowing style.

Meredith Lipson

MHL:dsc



**TIFTON CITY COUNCIL AGENDA ITEM**

**TO:** Tifton City Council  
**FROM:** Rona Martin, City Clerk  
**DATE:** 07/17/2013  
**DEPARTMENT:** City Attorney, Rob Wilmot  
**SUBJECT:** Resolution Calling for Referendum Election --  
Sunday Alcohol Sales

DATE: 07/18/2013  
Workshop Meeting (x)  
Regular Meeting ( )  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

This resolution calls for a referendum election regarding Sunday Alcohol Sales On November 5, 2013 as part of the City of Tifton's Regulation Election. Local area restaurants, represented by the Georgia Restaurant Association, have requested that the City of Tifton consider the possibility of allowing alcohol sales on Sundays and as such, in addition to other matters, two questions regarding Sunday Alcohol Sales will be included to: (1) Authorize the city to permit and regulate Malt/Wine Package Sales on Sundays, (2) Authorize the City to permit and regulate sales of distilled spirits and alcoholic beverages on premises by the drink on Sundays.

**PROPOSED ACTION**

Staff requests approval of the resolution in order to afford the public the opportunity to vote on whether to allow Sunday sales.

**SUPPORTING INFORMATION**

Attached.

**Background Information**

- Attached.

**Financial Implications**

- Possible increase in exise tax revenue for the City of Tifton. Increased revenue for all establishments holding an alcohol license meeting the requirements for Sunday Sales.

**Pros and/or Cons**

**Implementation**

None

**CITY OF TIFTON**

**RESOLUTION NO. 2013 - \_\_\_\_\_**

**[RESOLUTION CALLING FOR REFERENDUM ELECTION]**

**A RESOLUTION OF THE CITY OF TIFTON, GEORGIA, CALLING FOR A REFERENDUM ELECTION FOR THE PURPOSE TO DETERMINE WHETHER OR NOT THE CITY OF TIFTON SHALL AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ONLY ON THE PREMISES ON SUNDAY BETWEEN THE HOURS OF 12:30 P.M. AND 12:00 MIDNIGHT AND AUTHORIZE PACKAGE SALES BY RETAILERS OF MALT BEVERAGES AND WINE ON SUNDAY BETWEEN THE HOURS OF 12:30 P.M. AND 11:30 P.M. UNDER THE AUTHORITY OF O.C.G.A §3-3-7.**

**WHEREAS**, the City of Tifton (the “City”) is a municipal corporation created by an act of the General Assembly of Georgia resulting in the issuance of a Charter to the City which provides that the City shall be governed by a City Council; and

**WHEREAS**, the City Council of the City has amended Chapter 6 of its Code of Ordinances regulating alcoholic beverages on August 5, 2013 so as to authorize the sale of alcoholic beverages for consumption only on the premises on Sunday between the hours of 12:30 p.m. and 12:00 midnight and authorize package sales by retailers of malt beverages and wine on Sunday between the hours of 12:30 p.m. and 11:30 p.m. under the Authority of O.C.G.A. §3-3-7; and

**WHEREAS**, pursuant to O.C.G.A. §3-3-7(j) and O.C.G.A. §3-3-7(p) the City must to submit to the citizens of the City of Tifton the question as to whether the City shall authorize the sale of alcoholic beverages for consumption only on the premises on Sunday between the hours of 12:30 p.m. and 12:00 midnight and authorize package sales by retailers of malt beverages and wine on Sunday between the hours of 12:30 p.m. and 11:30 p.m. for the provisions relative to the sale of alcohol on Sundays to be; and

**WHEREAS**, the exercise of the powers to issue such permits can be implemented only after the approval of the registered voters of the City of Tifton through a referendum election for the purpose of determining whether or not such powers shall be exercised; and

**WHEREAS**, the statute anticipates and requires that the City Council shall notify the Election Superintendent of the referendum by forwarding to the Superintendent a copy of a resolution of the City Council calling for such a referendum election.

**NOW THEREFORE IT IS HEREBY RESOLVED** that the question of whether or not the City of Tifton shall have the authority to issue permits for the sale of alcohol on Sundays for consumption only on the premises where sold between the hours of 12:30 p.m. and 12:00 midnight and the retail sale of malt beverages and wine on

Sunday between the hours of 12:30 p.m. and 11:30 p.m. shall be submitted to the voters of the City of Tifton for approval or disapproval by a referendum election with the ballot stating as follows;

- YES      Shall the governing authority of the City of Tifton be authorized to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink?"
- NO

and;

- YES      Shall the governing authority of the City of Tifton be authorized to permit and regulate package sales by retailers of both malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?"
- NO

**IT IS FURTHER RESOLVED** that the City Manager forward to the Election Superintendent a copy of this resolution (1) calling for a referendum election, (2) requesting the Election Superintendent to issue the call and set the date for such referendum (and as a general election is to be held in November 2013 to set the date so as to present the questions to voters of the City of Tifton at the time of the general election), and (3) take such further action as is required under O.C.G.A. §3-3-7(j) and O.C.G.A. §3-3-7(p) and other applicable provisions of the laws of the State of Georgia.

**IT IS FURTHER RESOLVED** that the effective date of those provisions of Chapter 6 of the City of Tifton Code of Ordinances relative to the sale of alcoholic beverages on Sunday shall be effective upon the affirmative vote of the majority of the electors in the aforementioned referendum.

**RESOLVED** at a meeting of the City Council of the City of Tifton on the \_\_\_ day of August, 2013.

\_\_\_\_\_  
J. G. "Jamie" Cater, Jr.  
Mayor, City of Tifton

Attest:

\_\_\_\_\_  
Rona Martin  
City Clerk

Approved as to form:

---

Robert C. Wilmot  
*City Attorney*



**TIFTON CITY COUNCIL AGENDA ITEM**

TO: Tifton City Council  
FROM: Rona Martin, City Clerk  
DATE: 07/17/2013  
DEPARTMENT: City Clerk  
SUBJECT: Amendments to Alcohol Ordinance

DATE: 07/18/2013  
Workshop Meeting (x)  
Regular Meeting ( )  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

Staff has completed a comprehensive review of the alcohol ordinance with the intent of making it more business friendly. The proposed changes are highlighted in red for your review. The majority of the local restaurants have been made aware of the changes. An advertisement has also been placed in the local newspaper and placed on our website regarding the changes and meetings where it is being discussed.

**PROPOSED ACTION**

Staff is requesting approval of the amendments and is of the opinion that these changes will make it easier for area restaurants and such to do business. Our Police Department will also be able to provide better enforcement of the ordinance. We are also providing for the possibility of Sunday Alcohol Sales as requested by area restaurants.

**SUPPORTING INFORMATION**

**Background Information**

- Proposed ordinance is attached.

**Financial Implications**

- Neutral.

**Pros and/or Cons**

This ordinance is more business friendly, less regulated and more uniform.

**Implementation**

Effective 30 days after adoption in order to provide staff time to make any needed revisions to forms, website, etc.

Tifton, Georgia, Code of Ordinances >> PART II - CODE OF ORDINANCES >>  
Chapter 6 - ALCOHOLIC BEVERAGES >> ARTICLE I. - IN GENERAL >>  
ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

Sec. 6-2. - Activities are privileges.

Sec. 6-3. - Compliance required.

Sec. 6-4. - Sales permitted.

Sec. 6-5. - Consumption in public places.

Sec. 6-6. - Open containers.

Sec. 6-7. - False and misleading statements.

Sec. 6-8. - Knowledge of chapter.

Sec. 6-9. - Notification to state revenue department of violations.

Sec. 6-10. - Criminal conviction not required.

Sec. 6-11. - Violation and penalties.

Secs. 6-12—6-29. - Reserved.

**Sec. 6-1. - Definitions.**

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, malt beverages, wine or, fortified wine.

*Bar* means any establishment (by whatever name it may be known including but not limited to bar, barroom, club, juke joint, honky tonk, night club, pool hall, pool room, pub, recreation center and any other like or similar name describing the same or similar type of activity) which holds any consumption on premises alcoholic beverage license but which does not meet the requirements of *restaurant, private club* or *licensed alcoholic beverage caterer* as defined herein.

*Brown bagging*: The act of entering any private club, restaurant, music hall, theater, bowling alley, or other establishment and bringing in and consuming ones' own alcoholic beverages.

*Dinner theater*: An established place of business that is a restaurant with the exception that a fee may be collected upon entrance to the business which provides theatrical entertainment during the course of the meal.

*Distilled spirits* means any alcoholic beverages obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.

*Entertainment establishment* means any business licensed by the city

as a retail liquor or beer dealer and in which also provides live music or provides pre-recorded music for the purpose of dancing, or provides entertainment such as, but not limited to dancers, comedians, karaoke, performers, billiards or other like or similar entertainment. The term *entertainment establishment* shall not include a restaurant as hereinafter defined.

*Fixed salary* means the amount of compensation paid to any member, officer, agent or employee of a 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 council on any profits from the sale of alcoholic beverages. For the purposes of this definition, tips or gratuities which are added to bills of members and their guests under club regulations shall not be considered as profits from the sale of alcoholic beverages.

*Food caterer* means any person who prepares food for consumption off the premises.

*Fortified wines* 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 "fortified wine" includes, but is not limited to, brandy.

*Grocery store* means a business which holds a grocery store retail business license issued by the city, and which:

- (1) Is engaged primarily in the retail sale of food and beverage items by the package designed for non-premises consumption; and
- (2) Maintains at no time a retail inventory of alcoholic beverages which in more than 30 percent, valued at its retail sales price, of the total retail inventory of merchandise of such business, valued at its retail sales price.

*Legal age* means the age established by O.C.G.A. § 3-3-23, as amended from time to time, as the age below which alcoholic beverages may not lawfully be sold to, furnished to, purchased by or possessed by a person.

*License* means the authorization granted by the city to engage in the sale of specified alcoholic beverages upon the premises so licensed for a calendar year, or the remaining portion of a calendar year.

*Licensed alcoholic beverage caterer* means any retail dealer who has been licensed pursuant to this Chapter and in accordance with state law.

*Licensed premises:* Includes all the space or area owned, leased and/or controlled by the licensee and used for the purpose of operating under the license, including but not limited to all rooms wherein alcoholic beverages are sold, furnished, served, or consumed, except when such a room is located in a

hotel, motel, or similar facility or in a shopping center in which case only such room and any adjoining storage, office, toilet, and other similar rooms shall constitute the licensed premises. *Licensed premises* shall also include adjoining patios, decks, porches or sidewalk cafes. A floor plan for each licensed premise as defined herein must be submitted with each application for a license under this chapter.

*Licensee* means a person holding a license issued pursuant the terms of this chapter.

*Lounge* means a separate room or seating area connected with a part of and adjacent to the premises of a restaurant, **hotel or private club**, or its adjacent lobby or reception area.

*Malt beverages* 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 six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer provided that the term "malt beverage" does not include sake, also known as Japanese rice wine.

*Manager* means the individual who supervises the regular operations of a business licensed under this chapter and who is physically present on site at such business (a) at least 35 hours per week, or (b) at least 90 percent of the hours such business is open to the public, whichever is less.

***Multi-purpose theater:* Any theater facility with a minimum seating capacity of 500 persons which offers live entertainment, plays, musicals, dinner theater or leases space for birthday parties, wedding receptions or similar events whether such events are catered by a **private** catering service or by the licensee.**

*Package* means a bottle, can, keg, barrel or other original consumer container.

*Premises* means the space or area owned, leased, or controlled by the licensee and used by the licensee for the purpose of operating under the license and shall include that area circumscribed by the property lines of the property for which an alcoholic beverage license is issued by the city; except that in the case of hotels and motels, the term "premises" shall include only that portion of the property where alcoholic beverages are sold, delivered, or served.

*Private club* means a nonprofit organization which is organized under state law which meets each of the following requirements:

- (1) Has either a tax exempt status under section 501 of the United States Internal Revenue Code or operates pursuant to a charter from a state or national parent organization which has such tax

- exempt status;
- (2) Has been in existence at least one year prior to the filing of its application for an alcoholic beverage license to be issued pursuant to this chapter;
  - (3) Has at least 50 members paying dues on a regular periodic basis;
  - (4) Is organized and operated exclusively for the pleasure and recreation of its members and their guests or for other non-profitable purposes;
  - (5) Has facilities which are available for use only by the membership thereof and their guests and not by the general public;
  - (6) Owns, rents or leases a building or space within a building for facilities for the use of its members and their guests;
  - (7) Maintains kitchen and dining room space, equipment and items necessary to appropriately provide food service of full course meals for its members and their guests;
  - (8) Is staffed with a sufficient number of employees for the preparation and service of meals for its members and their guests;
  - (9) Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits, beyond a fixed salary, from the sale of alcoholic beverages to the club or to its members or their guests; and
  - (10) Has such licenses as are required for the operation thereof.

*Restaurant* means a business kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served for a period of at least five hours per day on at least five days per week with the exception of (i) holidays, (ii) vacations not exceeding two weeks duration, and (iii) periods of redecorating not exceeding 30 calendar days duration except to the extent extended by the city council in its discretion upon request therefor; and which meets all of the following requirements:

- (1) Meets all health and sanitation requirements for food service establishments required under applicable federal, state and local laws, codes, ordinances, rules and regulations;
- (2) Maintains upon the premises thereof in operative condition cooking and kitchen facilities and equipment appropriate to accommodate the preparation of meals for 30 food service customers at one time;
- (3) Maintains upon the premises thereof seating facilities, at booths or tables designed for food service, sufficient for at least 30 food service customers at one time, not including seating provided by counters and stools, with booths and tables for purposes hereof being large enough to adequately accommodate at least two place settings of cutlery and dishes;
- (4) Maintains at all times such additional facilities, equipment and items as well as employees as shall be necessary for the cooking, preparation and service of meals for consumption at tables or booths located upon the premises for at least 30 food service customers at one time;

- (5) Is at all times during the hours of operation thereof prepared to serve full course meals with substantial entrees from a substantial variety of culinary choices, or substantial substitutes therefor, chosen by food service customers from a printed menu available to all food service customers at prices which are competitive with other restaurants in the community whether or not such other restaurants engage in the sale of alcoholic beverages; and
- (6) Derives at least 50 percent of its total gross food and beverage sales from the sale of full course meals prepared, served and consumed upon the premises thereof.

*Retail sale* means the sale or offer of sale of any alcoholic beverage to any member of the public.

*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, combination 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 section.

- (b) As used in this chapter, the singular and the plural shall each include the other, the masculine and feminine shall each include the other, and any verb tense may include any other verb tense.
- (c) As used in this chapter, the term "may" is permissive and the term "shall" is mandatory.

### **Sec. 6-2. - Activities are privileges.**

The manufacture, distribution, sale and possession of alcoholic beverages within the city are privileges and not rights with any privilege with respect thereto granted pursuant to this chapter to the holder of any alcoholic beverage license being held and enjoyed only for so long as the holder of such license issued pursuant to this chapter shall fully and completely comply with all provisions of this chapter.

### **Sec. 6-3. - Compliance required.**

No person shall:

- (1) Distribute, sell, or offer to sell, either at retail or wholesale, any alcoholic beverage in the city except to the extent permitted pursuant to a current alcoholic beverage license issued by the city;
- (2) Distribute, handle, possess, sell, or offer to sell any alcoholic beverage in the city in violation of any provisions of this chapter or

any provision of any law or regulation of the state relative to any alcoholic beverage;

- (3) Distribute, handle, possess, sell or offer to sell any alcoholic beverage in the city except in compliance with the provisions of this chapter.

#### **Sec. 6-4. - Sales permitted.**

The sale of malt beverages, wines and distilled spirits, subject to the provisions of this chapter, as this chapter may be amended from time to time, are permitted in the city.

#### **Sec. 6-5. - Consumption in public places.**

Except to the extent otherwise specifically permitted, no person shall consume any alcoholic beverage while such person is located in or upon any public street, road, alley, lane or sidewalk of the city or upon the premises of any building owned or leased by the city or upon the premises of any other property, either real or personal, owned or leased by the city. Functions sponsored by the city or any other governmental unit shall be exempt from this prohibition.

#### **Sec. 6-6. - Open containers.**

(a) *"Open container" defined.* The term "open container", as used in this chapter, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term "open container" shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption.

(b) *"Semipublic parking facility" defined.* The term "semipublic parking facility" shall include any privately owned area wherein motor vehicles may be parked by the public in conjunction with any business, enterprise, commercial establishment, office building, church, school, or multiple-family residential building.

(c) *Possession of open container prohibited.* It shall be unlawful for any person to have in his or her possession any alcoholic beverages in any open container while on the public streets, sidewalks, alleyways or rights-of-way, in any public or semipublic parking facility including areas of ingress and egress, or on any outdoor public patio within the City of Tifton, Georgia.

(d) *Application to special events.* This prohibition shall not apply to any exceptions or exemptions as may be provided for by ordinance or resolution regulating special events within City of Tifton or functions sponsored by the City or any other governmental unit.

(e) *Application to sidewalk cafes.* The prohibition in subsection (c) above shall

not apply to patrons of a sidewalk cafe as defined in the sidewalk cafe ordinance, if such establishment is otherwise licensed to sell alcoholic beverages under the applicable laws and ordinances in City of Tifton.

- (f) *Exemption not applicable to persons in automobiles.* The exemption contained in subsection (d) above shall not apply to persons in automobiles.
- (g) *Possession in automobiles prohibited.* It shall be unlawful for any person to have in his or her possession any alcoholic beverages in any open container while an occupant of any motor vehicle, whether such vehicle is underway or not, while such vehicle is on the public streets, sidewalks or rights-of-way, or in any public or semipublic parking facility within City of Tifton. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger or is not located in a locked glove compartment, locked trunk or other locked non-passenger area of the vehicle.
- (i) *Application of subsection (h) to passengers of limousines; buses and campers.* Subsection (h) shall not apply to:
  - (1) A passenger of a limousine or other similar vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for hire and such driver holds a valid commercial driver's license pursuant to Georgia law or any other state;
  - (2) A passenger of a bus in which the driver holds a valid commercial driver's license pursuant to Georgia law or any other state;
  - (3) Or to the occupants in the living quarters of a camper or motor home.
- (j) *Posting of notice by establishments.* All licensed alcohol establishments are hereby required to post in a conspicuous location inside such establishment a notice informing patrons that open containers are prohibited on the public streets, sidewalks or right-of-ways, or in any public or semipublic parking facility within City of Tifton.

#### **Sec. 6-7. - False and misleading statements.**

No person shall make, cause to be made, or present to the city any application for issuance, application for renewal, report, or other notification with respect to any alcoholic beverage license issued or sought to be issued or renewed by the city or any tax on alcoholic beverages due to the city which contains as of the date made or presented, any untrue or misleading statement or representation.

#### **Sec. 6-8. - Knowledge of chapter.**

The holder of any alcoholic beverage license as well as all employees, agents and servants of any business in which such alcoholic beverage license is utilized shall be conclusively presumed, for purposes of this chapter, to have at all times complete and full knowledge of all provisions of this chapter.

**Sec. 6-9. - Notification to state revenue department of violations.**

Upon determination of the existence of circumstances which are required pursuant to the provisions of O.C.G.A. § 3-3-21 to be reported to the state department of revenue, the finance director shall promptly report the existence of such circumstances to the state department of revenue as required.

**Sec. 6-10. - Criminal conviction not required.**

Any proceeding or action which may be taken by the city with respect to the suspension or revocation of any alcoholic beverage license or the grant, denial or renewal of any such license shall be and are administrative in nature with respect to the privileges of the holder of such license and the right of such holder to continue to engage in the sale of alcoholic beverages in accordance with the provision of this chapter. No conviction, dismissal, acquittal, other plea or other disposition with respect to any criminal violation involving the sale, distribution or possession of alcoholic beverages or any other alleged criminal conduct shall be necessary for any action by the city pursuant to the provisions of this chapter relative to any such license or otherwise effect any action taken by the city relative thereto.

**Sec. 6-11. - Violation and penalties.**

- (a) It shall be unlawful for any person to violate any of the provisions of this chapter.
- (b) The following guidelines for the disposition of alcoholic beverage license violations are hereby adopted. It is emphasized that these are guidelines only and can be altered based upon the facts of any individual case. The guidelines for disposition of alcoholic beverage license violations are as follows:
  - (1) First offense within past two years: 30 days suspension and \$150.00 reinstatement fee;
  - (2) Second offense within past two years: 90 days suspension and \$250.00 reinstatement fee; unless
  - (3) Second offense within past 12 months: Revocation;
  - (4) Third offense within past two years: Revocation.

**Secs. 6-12—6-29. - Reserved.**

**ARTICLE II. - MINIMUM AGE**

Sec. 6-30. - Presence of persons not of legal age.

Sec. 6-31. - Consumption by persons not of legal age.

Sec. 6-32. - Possession by persons not of legal age.

Sec. 6-33. - Furnishing to persons not of legal age.

Sec. 6-34. - Acquiring for persons not of legal age.

Sec. 6-35. - Employment of persons not 18 years of age.

Sec. 6-36. - Failure to check identification.

**Sec. 6-30. - Presence of persons not of legal age.**

- (a) All on-premises beer and wine licensees and all on-premises distilled spirits licensees are prohibited, during regular business hours, from admitting persons under the minimum legal drinking age as established in O.C.G.A., § 3-3-23 unless otherwise authorized by ordinance or law. Licensees covered by the provisions of subsection (a) shall post at or near all entrances in plain view of customers a prominent sign reciting verbatim the prohibition contained in the first sentence of subsection (a).
- (b) When a licensee operates a bar/lounge on the premises of or in conjunction with the operation of a hotel/motel or private club, such bar/lounge shall be subject to the provisions of this section.
- (c) This section shall not be construed to prohibit persons under the minimum drinking age from entering restaurants, multi-purpose theaters or a dinner theater as defined in Section 6-1.
- (d) The purpose of this Code section is to prohibit the presence of persons under the legal drinking age in establishments that derive the major source of their revenues from the sale of alcoholic beverages, but it shall not apply to any employee of the licensee.
- (e) It shall be unlawful for persons under the minimum legal drinking age as established in O.C.G.A. § 3-3-23 to enter the premises of any on-premises beer and wine licensee or any on-premises mixed drinks licensee unless otherwise authorized by ordinance or law. Licensees covered by the provisions of subsection (e) shall post at or near all entrances in plain view of customers a prominent sign reciting verbatim the prohibition contained in the first sentence of subsection (e).
- (f) It shall be unlawful for persons under the age of legal majority as defined in O.C.G.A. § 39-1-1 to be employed by or to perform services on the premises of any on-premises beer and wine licensee or any on-premises mixed drinks licensee, provided, however, that this subsection shall not apply to a restaurant as defined in section 6-1.
- (g) No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of gaining admission to the premises of any on-premises beer and wine licensee or any on-premises mixed drinks licensee.

**18 YEAR- OLD OPTION (Entertainment Establishment)**

- (b) All entertainment establishments are required to verify the age of all persons entering the establishment prior to entry with a photo identification such as a drivers license. Any person under the age of 21 years old who is admitted into an entertainment establishment holding a retail liquor and/or beer license and engaging in the business of selling beer, wine or distilled spirits by the drink shall be identified by a red wrist band or strap containing the words, "Underaged Person/No Alcohol", repeated over the entire length of the band, and said band shall be attached around the wrist of the under-aged person. Such wrist band must be approved by the chief

of police or his designee. All persons age 21 and over entering such an establishment after 8:00 p.m. or earlier if entertainment as defined in subsection (d) of this section is being provided, must be stamped upon entry with a special stamp on the opposite hand that bands are placed on the wrists of those under 21 years of age to demonstrate they are of legal age to purchase and consume alcohol. Such stamp must be approved by the chief of police or his designee. Any person under the age of 21 years who is found to be inside any establishment or location under the control and jurisdiction of this chapter, for any amount of time, without the above described red wrist band fastened around said person's wrist shall be guilty of a violation of this chapter. Any owner, manager or employee of the business that was aware that a person under the age of 21 was present inside the building or location and allowed such person to enter or remain without the required wrist band shall be guilty of violating this chapter; and any owner, manager or employee who should reasonably have known that a person under the age of 21 years of age was present inside said business or location without the required red wrist band shall be guilty of a violation of this chapter. Any person consuming alcohol without the required stamp or any bartender or employee who serves any customer without the required stamp, or any customer who provides or allows an under age 21 customer to consume a drink purchased by that customer will be guilty of a violation of this chapter. Violations of this section will result in an individual fine of \$250.00 for a first offense, \$500.00 for a second offense, and a fine to be determined by the municipal court judge for any third and subsequent offense. The business owner will also be subject to additional penalties, including suspension or revocation of their alcohol license.

- (c) For purposes of this chapter a business establishment which has as its primary business the operation of a restaurant but also has a bar/lounge in conjunction with the restaurant shall not be an entertainment establishment as defined in subsection (d) of this section.
- (d) For purposes of this section the term "entertainment establishment" shall mean any business licensed by the city as a retail liquor or beer dealer and is a live music venue or provides pre-recorded music for the purpose of dancing, or provides entertainment such as, but not limited to, dancers, comedians, performers, karaoke, billiards or other like or similar entertainment and/or charges a cover charge as a condition of entry.

**Sec. 6-31. - Consumption by persons not of legal age.**

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized, permit or allow any person who has not attained legal age to consume any alcoholic beverage upon the premises licensed.

**Sec. 6-32. - Possession by persons not of legal age.**

No person, who is the holder of any alcoholic beverage license issued

by the city nor any agent, servant, or employee of any business in which any such license is utilized, shall in connection with the operations of the business in which such license is utilized, except as otherwise specifically provided in this chapter, permit or allow any person who has not attained legal age to possess any alcoholic beverage upon the premises licensed.

**Sec. 6-33. - Furnishing to persons not of legal age.**

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized sell, provide, give, furnish or distribute any alcoholic beverage to any person who has not attained legal age, except for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state. Notwithstanding the foregoing, no person shall be in violation of the provisions hereof in the event that (i) such person has been furnished with identification showing that the person who is being furnished with alcoholic beverages has attained legal age and (ii) under the surrounding circumstances the person so furnished such identification could reasonably conclude that the person furnishing such identification had attained legal age. For purposes of this section, the term "identification" means any document issued by a governmental agency containing a description of the person such as the person's photograph or other written description of and providing the person's date of birth, and shall include, without being limited to, a passport, a military identification card, or a driver's license.

**Sec. 6-34. - Acquiring for persons not of legal age.**

No person, who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized purchase or acquire any alcoholic beverage for or on behalf of any person who has not attained legal age, or otherwise procure for or furnish to any person who has not attained legal age any alcoholic beverage, except for medical purpose upon the prescription of a physician duly licensed under the laws of the state.

**Sec. 6-35. - Employment of persons not 18 years of age.**

- (a) No holder of an alcoholic beverage license nor any agent, servant or employee of any business in which such license is utilized shall permit or allow any person who has not attained 18 years of age and who is employed by any business operated upon premises for which an alcoholic beverage license is issued by the city to engage in the sale, distribution, or acceptance of orders for alcoholic beverages; provided, however, that the provisions hereof shall not apply to nor prohibit persons who have not attained 18 years of age who are employed by a business in connection with the operation at such premises of a grocery store, as such term is defined in this chapter from engaging in the sale, distribution, and handling of alcoholic beverages at such premises in connection with employment in

the operation of such business.

- (b) No holder of an alcoholic beverage license nor any agent, servant or employee of any business in which such license is utilized shall permit or allow any person who has not attained 18 years of age to be employed by any business operated upon premises for which a license for the consumption of alcoholic beverages upon such premises is issued by the city; provided, however, that the provisions of this subsection shall not apply to nor prohibit the employment of persons who have not attained 18 years of age in connection with the operation upon such premises of a restaurant, provided further, that persons who have not attained 18 years of age shall not engage in the sale, service, or acceptance of orders of alcoholic beverages in connection with the operation of any such restaurant.

**Sec. 6-36. - Failure to check identification.**

No person who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of the business in which any such license is utilized shall in connection with the operation of the business in which such license is utilized fail to require or check the identification of the person to whom any alcoholic beverage is sold or furnished prior to the sale, furnishing or distribution of any alcoholic beverage or any person who has not attained legal age, except for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in the state. No person shall be in violation of the provisions hereof in the event that (i) such person has been furnished with identification showing that the person who is being furnished with alcoholic beverages has attained legal age and (ii) under the surrounding circumstances the person so furnished such identification could reasonably conclude that the person furnishing such identification had attained legal age. For purposes of this action, the term "identification" means any document issued by a governmental agency containing a description of the person such as the person's photograph or other written description and providing the person's date of birth, and shall include, without being limited to, a passport, a military identification card, or a driver's license.

**OR**

In any case where a reasonable or prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing such alcoholic beverage to request to see and to be furnished with proper identification in order to verify the age of such person; and the failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so knowingly.

No person shall be in violation of the provisions hereof in the event that (i) such

person has been furnished with identification showing that the person who is being furnished with alcoholic beverages has attained legal age and (ii) under the surrounding circumstances the person so furnished such identification could reasonably conclude that the person furnishing such identification had attained legal age. For purposes of this action, the term "proper identification" means any document issued by a governmental agency containing a description of the person such as the person's photograph or other written description and providing the person's date of birth, and shall include, without being limited to, a passport, a military identification card, or a driver's license.

**Secs. 6-37—6-60. - Reserved.**

**ARTICLE III. - LICENSES**

- Sec. 6-61. - License required for sales.
- Sec. 6-62. - Classification of licenses.
- Sec. 6-63. - Activities authorized pursuant to licenses.
- Sec. 6-64. - Qualifications for license.
- Sec. 6-65. - Location.
- Sec. 6-66. - Applications.
- Sec. 6-67. - Designation of agent.
- Sec. 6-68. - Application fee.
- Sec. 6-69. - Investigation of application.
- Sec. 6-70. - Recommendation.
- Sec. 6-71. - Grant or denial of application.
- Sec. 6-72. - Issuance of license.
- Sec. 6-73. - Conditions and limitation of license.
- Sec. 6-74. - License fees.
- Sec. 6-75. - Duration.
- Sec. 6-76. - Expiration.
- Sec. 6-77. - Application for renewal.
- Sec. 6-78. - Lapse of license.
- Sec. 6-79. - Operation pending renewal.
- Sec. 6-80. - Review of application for renewal.
- Sec. 6-81. - Grant or denial of renewal.
- Sec. 6-82. - Grounds for denial of application for renewal.
- Sec. 6-83. - Transfer of licenses.
- Sec. 6-84. - Emergency suspension.
- Sec. 6-85. - Suspension or revocation of license.
- Sec. 6-86. - Grounds for suspension or revocation.
- Sec. 6-87. - Termination.
- Sec. 6-88. - License issued in error.
- Sec. 6-89. - Amended applications.

Sec. 6-90. - Waiting period before reapplication.

Secs. 6-91—6-99. - Reserved.

Sec. 6-100. - One-day license for charitable organizations.

Secs. 6-101—6-120. - Reserved.

**Sec. 6-61. - License required for sales.**

No person shall sell or offer to sell any alcoholic beverages which is permitted to be sold in the city pursuant to the provisions of this chapter unless such sale is made or is to be made pursuant to the authority of a current effective alcoholic beverage license issued by the city pursuant to the provisions of this chapter.

**Sec. 6-62. - Classification of licenses.**

Alcoholic beverage licenses authorized to be issued by the city and required pursuant to the provisions of this chapter to be held for the sale of alcoholic beverages are classified as follows:

- (1) Wholesale malt beverage license;
- (2) Retail malt beverage package license;
- (3) Retail malt beverage consumption license;
- (4) Wholesale wine license;
- (5) Retail wine package license;
- (6) Retail wine consumption license; and
- (7) Retail distilled spirits consumption license.
- (8) **Retail off-premises caterer license**

**Sec. 6-63. - Activities authorized pursuant to licenses.**

The holder of an alcoholic beverage license issued by the city, as well as the employees of such holder, shall be authorized subject to the provisions of this chapter, the laws of the state relative thereto and the rules, regulations and requirements of the state department of revenue relative thereto to engage in the following respective activity but none other than those which are specifically authorized with respect to each such license:

- (1) Wholesale malt beverage license, wholesale sale only of malt beverage in original unbroken and sealed containers to the holders of effective retail malt beverage licenses issued by the state department of revenue for the purpose of resale only;
- (2) Retail malt beverage package license, retail sale only of malt beverages in original unbroken and sealed containers to consumers for take out only and not for consumption upon the licensed premises;
- (3) Retail malt beverage consumption license, retail sale only of malt beverages to consumers for consumption only upon the licensed premises;
- (4) Wholesale wine license, wholesale sale only of wine in original unbroken and sealed containers to the holders of current retail wine

licenses issued by the state department of revenue for the purpose of resale only;

- (5) Retail wine package license, retail sale only of wine in original unbroken and sealed containers to consumers for take out only and not for consumption upon the licensed premises;
- (6) Retail wine consumption license, retail sale only of wine to consumers for consumption only upon the licensed premises.
- (7) Retail distilled spirits consumption license, retail sale only of distilled spirits to consumers for consumption only upon the licensed premises.
- (8) Retail off-premises caterer license retail sale only of alcohol for which the licensee is licensed to dispense

#### **Sec. 6-64. - Qualifications for license.**

No alcoholic beverage license required by the provisions of this chapter shall be issued to any person or for any location unless and until it has been successfully demonstrated to the satisfaction of the city council that:

- (1) Such person, or the person who shall actually and actively be in charge and management of the day to day operation of the business in which such license shall be utilized is a citizen of the United States of America;
- (2) Such person by reason of such person's business experience, financial standing, moral character, mental capacity, physical capacity, trade associations, record of arrest, and reputation in communities in which he has lived is, in the opinion of the city council, likely to operate the business in which the license will be utilized in conformity with federal, state and local laws, ordinances, rules, regulations, and requirements, including particularly the provisions of this chapter and the laws, rules and regulations of the state and the United States relative to the manufacture, sale, and distribution of alcoholic beverages, and, in making such determination, the city council shall, in addition to the other and further provisions of this section, consider all information that would be considered by the city council if this person was being denied a renewal license pursuant to the requirements of [section 6-82](#) or, if this person was having his license suspended or revoked pursuant to the requirements of [section 6-86](#); provided further that no license shall be issued to or for:
  - a. Any person whose business in which the license will be utilized is conducted by a manager or agent unless such manager or agent possessed and meets all of the qualifications required hereunder for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
  - b. A partnership unless all partners, members and managers of such partnership, as well as the manager of the business in which the license will be utilized, possess and meet all of the

qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;

- c. A corporation unless all officers thereof, all directors thereof and all shareholders thereof who shall either directly or beneficially as such word is defined and utilized in the Internal Revenue Code of the United States and regulations issued pursuant thereto own more than 20 percent of the outstanding shares of stock thereof, as well as the manager of the business in which the license will be utilized, possess and meet all of the qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;
- d. Any person who has been convicted, has entered a plea of nolo contendere or has forfeited a bond with respect to any felony within ten years prior to the filing of any such application or with respect to any misdemeanor within five years prior to the filing of any such application including particularly but not being limited to those offenses involving force or violence, prostitution, gambling, or tax law violations in the event that such conviction, plea or bond forfeiture tends to indicate, in the opinion of the city council, that the applicant may not maintain or operate the business in which the alcoholic beverage license sought by the applicant would be utilized in conformity with federal, state or local laws, rules and regulations. The terms "felony" and "misdemeanor" as used in this subsection shall include the violation of any criminal law of the United States of America, the state, or any other state of the United States of America; provided that the term "misdemeanor" shall not include those violations which are commonly referred to as "traffic violations." The term "conviction" as used in this subsection shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the city council, in its sole discretion, may decide to authorize the issuance of a license to a person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere to, or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, it has determined, in the sole discretion of the city council, that such action is in keeping with the ends of justice and the public interest and welfare;
- e. Any person who has been convicted of, has entered a plea of nolo contendere to, or forfeited a bond to any charge of violation of any state, federal, or local law involving the manufacture, sale, distribution, or possession of alcoholic

beverages, contraband, or any "controlled substances" as such term is utilized under laws of the state, or any other substance, the control or possession of which is controlled or prohibited under laws of the state or the United States of America, or any other state of the United States. The term "conviction" shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the city council, in its sole discretion, may decide to authorize the issuance of a license to a person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, it has determined, in the sole discretion of the city council, that such action is in keeping with the ends of justice and the public interest and welfare;

- f. Any person who as either the previous holder of any alcoholic beverage license issued by any authority, or as a party interested in any business in which any alcoholic beverage license issued by any authority was utilized, either conducted, or allowed the conduct of, the business with respect to which such license was issued in such a manner as to cause, in the opinion of the city council, greater than normal police activity, observation or inspection in order to prevent the violation of any law or regulation either relating to such license or the business associated therewith or in order to maintain public order;
- g. Any location not suitable therefor, in the opinion of the city council, because of either traffic congestion or the general character of the neighborhood or by reason of the effect which the utilization of such license at such location would have upon adjacent and surrounding properties or upon adjacent neighborhoods;
- h. Any location for which there is an unpaid or unsatisfied tax or other financial obligation due to the city which is not then the subject of appeal or litigation;
- i. Any person who has not attained the age of 21 years;
- j. Any person who either held any alcoholic beverage license issued by any authority which was revoked by such authority within a one-year period immediately prior to the date of the filing of an application or was a party interested in any business in which any alcoholic beverage license issued by any authority was revoked by such authority within the one-year period prior to the date of the filing of an application;

k.1 Any location that is within 300 feet, as measured in a straight

line from the nearest point on the property which will be the location of the business in which the alcoholic beverage license will be utilized to the nearest point on the property upon which is located a church, school, college, or alcohol or drug treatment center operated by any governmental agency, with the terms "school" and "college" as used in this subsection meaning those institutions which are both (i) operated either by a governmental or church entity and (ii) are engaged in courses of instruction which are commonly taught in public primary or secondary schools or colleges in the state;

2. Notwithstanding the general distance provisions of subsection 6-64(2)k. 1., pursuant to O.C.G.A. § 3-3-21(b)(3) licensees for the retail sale of alcoholic beverages for consumption on the premises only shall be subject to regulation as to distances from churches, schools and colleges as follows:

(i) No minimum distance requirements shall apply to the downtown area defined as all of the C-D [commercial downtown] zoning district together with the following area located immediately north of and abutting the C-D zoning district and within—and not abutting or adjacent to the outside edges of—the following borders: On the south by the C-D zoning district, on the east by Love Lane, on the north by 10th Street and on the west by Central Avenue.

(ii) In all other areas of the City of Tifton in which the retail sale of alcoholic beverages for consumption on the premises is allowed, there shall be a minimum of 300 feet as measured in a straight line from the front door of the premises from which on-site consumption of alcoholic beverages is furnished and consumed to the front door of the building of a church, school or college. [See in this regard the measurement of distances as set forth in Regulation 560-2-2-.32 of the Alcohol and Tobacco Tax Division of the Georgia Department of Revenue.]

- I. Any location at which the utilization of the licensee would cause or create any violation of the zoning ordinance of the city or of the building code or fire code of the city;
- m. Any location at which an alcoholic beverage license has previously been suspended or revoked by either the city or the state department of revenue and where, in the opinion of the city council, there exists the likelihood that the utilization of such license at such location would cause or necessitate greater than normal police activity, observation or inspection in order to either prevent violation of laws and regulations relating to such location or to maintain public order, due to the history of either (i) violations of the provisions of this

chapter or of the laws, rules and regulations of the state relative to alcoholic beverages by the holder of the previous license at such location or agents, servants or employees thereof or (ii) activities or conduct of patrons of the business in which such previous license was utilized at such location, all as compared to the locations of other licenses, or would cause or tend to cause, in the opinion of the city, council, greater than normal community problems or conflict as compared to the locations of other licenses;

- n. Any location at which an alcoholic beverage license has previously been suspended or revoked by either the city or the state department of revenue and where, in the opinion of the city council, problems associated with the utilization of a prior alcoholic beverage license at such location were such that it would not be in the best interest of the public health, safety or welfare to grant any other alcoholic beverage license for such location;
- o. Any person or any location with respect to which the granting or utilization of a license would constitute a violation of laws, rules or regulations of the state; or
- p. Any person with respect to whom information is required under subsection 6-66(2), (3) or (4) who has not paid or satisfied any tax or other financial obligation due to the city which is not then the subject of appeal or litigation.

#### **Sec. 6-65. - Location.**

Notwithstanding any other provision of this article, the location with respect to which an alcoholic beverage license has been issued by the city shall remain eligible for issuance of alcoholic beverage licenses by the city notwithstanding subsequent changes which would otherwise render the locations non-licensable under subsection 6-64(2)k for so long as an alcoholic beverage license remains issued for such location by the city and further provided that in the event of the termination of any such license issued with respect to such location the location itself shall thereafter remain eligible for the issuance of alcoholic beverage licenses if within six months following such termination an alcoholic beverage license is issued by the city for such location.

#### **Sec. 6-66. - Applications.**

Prior to the issuance of any alcoholic beverage license, the applicant therefor shall file with the city a written application, in such form and substance as shall from time to time be determined by the city manager, together with separate certified checks payable to the city or cash for both the application fee provided for in this article and for the licensee fee provided for in this article. Applications for alcoholic beverage licenses shall be presented to the finance director or his designee, shall be signed by the applicant if any individual, or by all partners if a partnership, or by a duly authorized agent if a corporation, shall be verified by oath or affidavit, shall contain the following statements and

information and shall otherwise meet the following requirements:

- (1) In the case of an individual applicant who will actually and actively be in charge and management of the day to day operation of the business in which the license applied for will be utilized, then the name, age, sex, height, weight, birthdate, social security number, current residence address, business addresses, and all previous such addresses of the applicant within the last ten years;
- (2) In the case of an individual applicant who will not actually and actively be in charge and management of the day to day operation of the business in which the licensee applied for will be utilized, then the name, age, sex, height, weight, birthdate, social security number, current residence address, business addresses, and all previous such addresses within the last ten years of both the applicant and the person who will actively manage such business;
- (3) In the case of a partnership, then the name, date and location of formation, federal tax identification number, current principal business address, and all prior business addresses within the past ten years of such partnership as well as the name, age, sex, height, weight, birthdate, social security number, current business address, current residence address, and all prior such addresses within the past ten years of all partners, members and managers of such partnership and the manager or managers of the business in which the license applied for will be utilized;
- (4) In the case of a corporation, then the name, date and location of incorporation, federal tax identification number, current principal business address, name and address of registered agent in the state for service of process, and all prior business addresses within the last ten years of such corporation as well as the name, age, sex, height, weight, social security number, current business address, current residence address, and all prior such addresses within the last ten years of all officers thereof, all directors thereof, and all shareholders thereof who own either directly or beneficially, as such word is defined and utilized in the Internal Revenue Code of the United States and regulations issued pursuant thereto, more than 20 percent of the outstanding shares of stock thereof, and of the manager or managers of the business, in which the license applied for will be utilized;
- (5) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has made at any prior time any application to any governmental entity for any alcoholic beverage license of any nature and, if so, the circumstances thereof, including the disposition and current status thereof, all in sufficient detail to evaluate such application;
- (6) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever held any alcoholic beverage

- license issued by any governmental entity, the circumstances thereof, and the present status of such license all in sufficient detail to evaluate such application;
- (7) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever held any alcoholic beverage license issued by any governmental entity which has been suspended or revoked and, if so, the circumstances thereof, all in sufficient detail to evaluate such application;
  - (8) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever been convicted of, entered a plea or nolo contendere to, or forfeited a bond on, any crime other than traffic violations and, if so, the nature and circumstances thereof, all in sufficient detail to evaluate such application;
  - (9) A statement with respect to whether any person or entity other than the applicant and those persons with respect to whom information is required under subsection (2), (3) or (4) of this section is or will be either directly or indirectly interested in the profits or losses of the business in which the license applied for will be utilized and, if so, the circumstances thereof, all in sufficient detail to evaluate such application;
  - (10) The classification of license applied for;
  - (11) The location with respect to which the license will be utilized and the name and nature of the business in which the license will be utilized, all in sufficient detail to evaluate such application;
  - (12) A statement that both the applicant and all other person's with respect to whom information is required under subsection (2), (3) or (4) of this section are fully qualified in all respects under this chapter to be the holder of an alcoholic beverage license issued by the city and that all such persons are entitled to have the license requested issued in accordance with the provisions of this chapter;
  - (13) A statement that the location with respect to which the licensee is sought meets all conditions, qualifications and criteria established in this chapter for the location of a business utilizing the alcoholic beverage license applied for;
  - (14) Such other information and statements as shall from time to time be required by the city manager or the city council;
  - (15) A complete set of fingerprints administered by the police department of the applicant and all persons with respect to whom information is required under subsection (2), (3) or (4) of this section;
  - (16) A head and shoulder photograph, such as is contained on a state driver's license, taken within the past three years of the applicant and all persons with respect to whom information is required under subsection (2), (3) or (4) of this section; and
  - (17) Written consents of the applicant and all persons with respect to whom information is required under subsection subsection (2), (3) or (4) of this section that the city has the continuing

permission and authority of all such persons to monitor the public records of the city, county, the state and of the United States to ensure on-going compliance with the statements set forth in subsections (7) and (8) of this section. Any license granted upon an application that does not contain such written consent shall automatically expire at midnight on December 31 of the year in which issued. Such license cannot be renewed under the provisions of sections [6-77](#) and [6-79](#). Rather, the city shall treat the request for renewal for such license as an application for a new license under [section 6-66](#)

#### **Sec. 6-67. - Designation of agent.**

All applicants for alcoholic beverage licenses made by a corporation or a partnership shall name in the application one or more persons as the agent and representative for the corporation or partnership to receive all communications, notices, service of process or other papers or documents on behalf of the corporation or partnership in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any such license. The application shall give the mailing address of such person, or persons, with the mailing of any notice to any such person at the address so furnished being sufficient notice to the corporation or partnership. If any such person shall cease to be the agent and representative of such corporation or partnership, another person shall immediately be appointed by the license holder and written notice shall be given the city stating the name and address of such new agent and representative.

#### **Sec. 6-68. - Application fee.**

The application for an alcoholic beverage license shall be accompanied by a certified check payable to the city or cash in an amount as set forth in the schedule of fees and charges on file in the office of the city clerk as an application fee to cover the cost of processing the application and conducting necessary investigations, which fee shall be nonrefundable upon denial of the application and shall not apply toward any licensee fee or excise tax payable by the licensee if the application is granted.

#### **Sec. 6-69. - Investigation of application.**

Upon receipt by the **city clerk** or designee of any application for an alcoholic beverage license, such application shall be forwarded to the chief of police for investigation, who, following such investigation, shall report his findings with respect thereto in writing and shall attach thereto the police record, if any, of every person named in the application.

#### **Sec. 6-70. - Recommendation.**

The **city clerk** shall conduct investigation and study with respect to an application for the issuance of an alcoholic beverage license as he shall deem necessary and report the investigation to the city council with his

recommendation as to what action should be taken with respect to the grant or denial of the application for such license.

**Sec. 6-71. - Grant or denial of application.**

- (a) Following receipt by the city council of an application for an alcoholic beverage license together with the written report of the chief of police and the written recommendations relative thereto, the city council shall either:
  - (1) Grant such application and direct issuance of a license in connection therewith subject to compliance with the provisions of this chapter; or
  - (2) Table action on such application pending a hearing on such application as provided in this section.

If such application is so tabled by the council then the city clerk shall cause a written citation to be issued to the applicant requiring such applicant to show cause, if any the applicant can, at a hearing at a time and place specified therein which shall not be less than five nor more than 30 days from the date of service of the citation by mail or otherwise upon the applicant as to why the application should not be denied as well as written notice of the findings of the chief of police and the recommendation of the city clerk relative to such application.

- (b) The hearing provided for above, which need not be a regular meeting of the city council, may be continued by announcement at such time and place due to the lack of a quorum of the city council or request of the applicant or for good cause shown. At such hearing the applicant shall have the opportunity to show cause why the application should be granted and should not be denied and shall be entitled to the opportunity to present evidence, to present witnesses, to cross examine witnesses presenting evidence against granting of the application, to be represented by an attorney, and to have the proceedings transcribed or recorded at the applicant's expense, all in accordance with such rules and procedures as may be adopted from time to time by the city council relative thereto.
- (c) Following the conclusion of such hearing the city council shall, at a regular or called meeting thereof within 30 days of the date of such hearing, render its decision regarding the grant or denial of such application.
- (d) Upon the denial of such application, the city clerk shall cause the applicant to be notified in writing within ten days of such decision of the nature of the decision and the reasons therefor and shall cause to be returned to the applicant the licensee fee tendered in connection with the application but not the application fee which shall be nonrefundable.
- (e) Upon the grant of such application the city clerk shall promptly notify the applicant thereof and the finance director shall promptly proceed to cause the license applied for to be issued.

**Sec. 6-72. - Issuance of license.**

Upon the approval of an application for an alcoholic beverage license by the city council, the **city clerk**, or his designee, shall cause to be issued to the applicant the license applied for with respect to the location listed in the application upon payment of all fees and charges required therefor and subject to the conditions and limitations imposed in this chapter relative thereto.

### **Sec. 6-73. - Conditions and limitation of license.**

The grant and issuance of an alcoholic beverage license to an applicant shall be conditioned upon:

- (1) Payment of all fees, charges and taxes applicable thereto;
- (2) Obtaining and maintenance of a license issued by the state department of revenue to the applicant for the location listed in the application for the same type activity which is authorized in the alcoholic beverage license issued by the city;
- (3) Obtaining and maintaining a business license issued by the city with respect to the business in which such alcoholic beverage license is to be utilized;
- (4) All statements, representations and information contained in the application for such license and all renewal and amended applications relative thereto continuing to remain materially unchanged except to the extent contained in amended application which have been granted pursuant to the provisions of section 6-89; and
- (5) Compliance with all requirements and provisions of this chapter and all laws, rules and regulations of the state relative to the sale, distribution and possession of alcoholic beverages.

### **Sec. 6-74. - License fees.**

- (a) In addition to all other charges, taxes, and fees relative thereto, annual alcoholic beverage license fees as set forth in the schedule of fees and charges on file in the office of the **city clerk** are imposed (which, consistent with city policy, are set by the city manager with the informal consent of city council) and shall be paid prior to the issuance of or renewal of any alcoholic beverage license;
- (b) License fees for the sale of alcoholic beverages are due and payable immediately upon issuance thereof and immediately as of the date of renewal thereof;
- (c) Any license issued at any time during a calendar year after March 1 shall require the payment of the license fee on the same proration schedule as utilized for the payment of occupation taxes first becoming due after July 1; and
- (d) All license fees payable under this section shall be paid either in lawful currency of the United States of America or by certified or cashier's check payable to the city.

### **Sec. 6-75. - Duration.**

No alcoholic beverage license shall be issued for a period of time less than the remainder of such calendar year. In the event of the revocation, suspension, termination, lapse or surrender of a license before the expiration of a calendar year there shall not be any refund therefor.

**Sec. 6-76. - Expiration.**

All alcoholic beverage licenses shall expire at midnight on December 31 of the year in which issued with all applications for a renewal of the license for the ensuing year to be treated as applications for new licenses except to the extent otherwise provided in this chapter.

**Sec. 6-77. - Application for renewal.**

The holder of any alcoholic beverages license who desires to renew such license shall annually file with the **city clerk**, or his designee, an application therefor in such form and content as shall be determined from time to time by the city manager on or before 12:00 noon on November 1 of the year preceding the year for which the application for renewal is made. Such application for renewal shall be accompanied by the applicable annual license fee for the ensuing year. Failure of any holder of any alcoholic beverage license to file such application for renewal by such time and to pay together therewith the required applicable annual license fee for the ensuing year shall render the license void, lapsed, and non-renewed effective as of the last minute of December 31 of that year; provided however, that for providential cause shown to the satisfaction of the city manager, the city manager may, in his sole discretion, extend the time for filing of such application for renewal and payment of such license fee for a period of time not later than January 31 of such ensuing year.

**Sec. 6-78. - Lapse of license.**

- (a) If the holder of any alcoholic beverage license fails to timely file an application for renewal or to pay such annual license fee, as the time therefor may be extended pursuant to this chapter, then such license shall automatically become nonrenewed and lapsed.
- (b) In such event, in order to obtain an alcoholic beverage license, such former licensee shall be required to file an application for another alcoholic beverage license in accordance with the provisions of this chapter.
- (c) In such event, pending receipt of other such alcoholic beverage license, such former licensee shall not be entitled to engage in the sale of the alcoholic beverages formerly authorized pursuant to such lapsed license and shall immediately cease and desist in conducting such sales.

**Sec. 6-79. - Operation pending renewal.**

Upon the timely filing of an application for renewal of any alcoholic beverage license and the payment of the required license fee therefor pursuant to the provisions of section 6-77, the holder of such license shall be entitled to continue to engage in the activity authorized pursuant to the license issued for the previous year, subject to the provisions of this article, pending action on the

application for renewal of such license.

**Sec. 6-80. - Review of application for renewal.**

All applications for renewal of alcoholic beverage licenses shall be reviewed by the **city clerk** and/or his designees prior to the December regular meeting of the city council.

- (a) All applications for renewal that have had:
  - (1) No change in ownership and no change in management; and
  - (2) No events that could trigger any ground for denial of nonrenewal set forth in section 6-82 of this Code shall be renewed administratively. The **city clerk** shall provide city council with a list of such administrative renewals.
- (b) Those applications for renewal that have had:
  - (1) A change in ownership or management; and/or
  - (2) Any event that could trigger any ground for denial of nonrenewal set for in section 6-82 of this Code shall be submitted by the **city clerk** to city council along with a written recommendation with respect to the renewal or nonrenewal of each such alcoholic beverage license. Recommendations for renewal may be summary in form and may be collective; however, any recommendation for nonrenewal shall be made individually and shall specify the reasons for recommendation for nonrenewal.

**Sec. 6-81. - Grant or denial of renewal.**

- (a) On or before the regular January meeting thereof, the city council shall with respect to each application for renewal coming to it pursuant to section 6-80(b) of this Code either:
  - (1) Grant such application for renewal; or
  - (2) Table action on such application pending a hearing on such application for renewal as provided in this section.
- (b) If an application for renewal is so tabled then the **city clerk** shall cause a written citation to be issued to the applicant requiring the applicant to show cause why the application for renewal should be granted at a hearing at a time and place specified therein which shall not be less than five days nor more than 30 days from the date of service of the citation by mail or otherwise upon the applicant as well as written notice of the recommendation and reasons of the **city clerk** relative to nonrenewal of such license or the recommendation of the **city clerk** for renewal of such license, as the case may be.
- (c) The hearing provided for in subsection (b) of this section, which meeting need not be a regular meeting of the council, may be continued by announcement at such time and place due to the lack of a quorum of the city council or at the request of the applicant or for good cause shown. At

such hearing the applicant shall have the opportunity to show cause why the application for renewal should be granted and shall be entitled to the opportunity to present evidence, to present witnesses, to cross examine witnesses presenting evidence against granting the application for renewal, to be represented by an attorney, and to have the proceeding transcribed or recorded at the applicant's expense, all in accordance with such rules and procedures as may be adopted from time to time by the city council relative thereto.

- (d) Following the conclusion of such hearing the city council shall, at a regular or called meeting thereof within 30 days of the date of such hearing, render its decision regarding the granting or denial of such application for renewal.
- (e) Upon the denial of such application the city clerk shall cause the applicant to be notified in writing within ten days of such decision of the nature of such decision and the grounds therefor and shall cause to be returned to the applicant the license fee tendered in connection with the application for renewal whereupon, effective 30 days following notification by the city clerk to the applicant thereof, all rights of the applicant to operate under the license for the preceding year shall lapse and terminate and the applicant shall cease and desist from all activity authorized under the prior alcoholic beverage license sought to be renewed.
- (f) Upon the grant of such application for renewal the city clerk shall promptly notify the applicant thereof and the city clerk shall promptly proceed to cause the license applied for to be renewed.

**Sec. 6-82. - Grounds for denial of application for renewal.**

The city council shall be entitled to deny renewal of any alcoholic beverage license upon a finding by the city council, following the hearing prescribed in connection therewith, of the existence, in the opinion of the city council, of any of the following:

- (1) Any violation by the holder of the alcoholic beverage license or by any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license of any of the following:
  - a. Any federal or state law, rule or regulation relative to the manufacture, distribution, sale or possession of alcoholic beverages;
  - b. Any provision, condition, requirement or limitation contained in this chapter;
  - c. Any criminal law which is classified as a felony; or
  - d. Any criminal law involving moral turpitude;
- (2) Any violation by the holder of the alcoholic beverage license or by any employee, agent, or servant of the holder of such license or the business in which such license is utilized, in connection with the maintenance or operation of any business in which an alcoholic beverage license issued by the city is utilized, of any of the

following:

- a. Any federal or state law, rule or regulation relative to the manufacture, sale, distribution or possession of alcoholic beverages;
  - b. Any provision, condition, requirement, or limitation contained in this chapter;
  - c. Any other ordinance of the city; or
  - d. Any ordinance, rule, regulation or law of any governmental entity otherwise regulating the business in which such alcoholic beverage license is utilized;
- (3) The initial application for issuance of such alcoholic beverage license, any application for renewal thereof, or any amended application relative thereto contained, as of the time made, material false or misleading statements or information or was otherwise misrepresentative or misleading;
- (4) Failure of the applicant for renewal, or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license, to meet, as of the time of the application for renewal, the requirements established in this chapter for the initial issuance of such license;
- (5) Suspension or revocation during the period of time that the alcoholic beverage license issued by the city has been issued for such location by the state department of revenue of any alcoholic beverage license issued for the location of the business in which alcoholic beverage license issued by the city is utilized;
- (6) Failure of the holder of the license or any employee or agent of the business in which such license is utilized to promptly report to the police department of the city:
- a. Any violation of this chapter;
  - b. Any other violation of law;
  - c. Any violation of any other city ordinance; or
  - d. Any breach of the peace, disturbance or alteration which occurs upon the premises of the business in which such alcoholic beverage license is utilized;
- (7) Repeated failure of the holder of the license or the employees, agent and servants of the business in which such license is utilized to promptly control and prevent upon the premises of such business any of the following activities or conduct:
- a. Fighting;
  - b. Disorderly conduct;
  - c. Utilization of controlled substances;
  - d. Gambling;
  - e. Indecent conduct;
  - f. Excessive noise; or
- (8) Failure of the holder of the license or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license to promptly pay and satisfy all taxes and other financial obligations due to the city which are not the subject of appeal or litigation.

**Sec. 6-83. - Transfer of licenses.**

- (a) All alcoholic beverage licenses issued by the city shall be personal to the person to whom issued and are applicable only to the location for which application therefor is made and accordingly no license shall be transferable to any person or entity or to any other location.
- (b) Notwithstanding the provisions of subsection (a) of this section, in the event of the death of any person holding a license, or any interest therein, then upon application and approval by the city manager subject to the terms of this section, an alcoholic beverage license may be utilized by the administrator, executor or personal representative of such deceased person, or by the heirs at law of the deceased person, in the event that such administrator, executor, personal representative or heirs meet all of the qualifications contained in this chapter for the issuance of such alcoholic beverage license, with the license of such deceased person to be so utilized by the administrator, executor, personal representative, or heirs of such deceased person only for the time necessary to complete administration of the estate of such deceased person, but in no event longer than six months from the date of the death of such deceased person, with such license to lapse upon the earlier of such six-month period, completion of such administration, or December 31 of the year in which death shall occur.
- (c) Notwithstanding the provisions of subsection (a) of this section, in the event that the person to whom an alcoholic beverage license is issued certifies under oath in writing to the city manager that the business served by such alcoholic beverage license is relocating to another physical location within the city, the city manager may, upon payment to the city of an application amendment fee, provide for an amended license specific to the new location if such new location meets all of the requirements of this chapter. In no event shall any holder of an alcoholic beverage license operate under that license at more than one location at any time.
- (d) Notwithstanding any other provision of this chapter, any change in the ownership interests of a partnership or corporation which holds any alcoholic beverage license, as reflected in the initial application for such license, shall cause the immediate cessation of sales of any alcoholic beverages and no sales of alcoholic beverages shall be made until such change in the ownership interests is approved by the city council based upon the qualification of all persons then interested therein in accordance with the provisions hereof or until the issuance of another license to such corporation or partnership upon a new application therefor; provided, however, that this provision shall not apply in a situation in which one or more individuals who have existing interest in the entity which holds the license cease to have such interest and the remaining ownership interest in such entity remains unchanged except as to the division of the remaining interests therein.

**Sec. 6-84. - Emergency suspension.**

Notwithstanding any other provision of this chapter:

- (1) The chief of police shall be authorized, upon concurrence with respect thereto by the city manager, to suspend the right of the holder of any alcoholic beverage license to sell or otherwise distribute any alcoholic beverage, and to close the business in which such license is utilized, for such period of time as shall be determined to be necessary, but in no event in excess of 24 hours duration, in the event of:
  - a. Any national, state or local emergency;
  - b. Any riotous or violent circumstances either with respect to such location only or the community generally; or
  - c. Any circumstances which require such action in order to prevent conditions which are contrary to public health, welfare or safety.
- (2) The city council may, in its sole discretion, and either with or without notice or hearing, suspend the right of the holder of any alcoholic beverage license to sell or otherwise distribute any alcoholic beverage for such period of time as it may deem necessary, but in no event in excess of 30 days duration, in the event of:
  - a. Any national, state or local emergency;
  - b. Any riotous or violent circumstances either with respect to such location only or the community generally; or
  - c. Any circumstances which require such action in order to prevent conditions which are contrary to public health, welfare or safety; provided, however, that in no event shall such period of suspension exceed ten days duration without an opportunity to be heard being afforded to the holder of such license in connection with the continuance thereafter of such emergency suspension, with notice thereof and such hearing hereon being the same as provided in section 6-85 for suspension of alcoholic beverage licenses generally.

**Sec. 6-85. - Suspension or revocation of license.**

- (a) Upon a preliminary determination by the city manager that a ground or grounds exist for the suspension or revocation of an alcoholic beverage license pursuant to the provisions of this chapter, then the city manager shall cause a written citation to be issued to the holder of such license requiring such holder to show cause, if any such holder can, at a hearing before the city council at a time and place specified therein which shall not be less than five days nor more than 30 days from the date of service of the citation, by mail or otherwise, upon such holder as well as written notice of the reasons believed by the city manager to authorize possible suspension or revocation of such license.
- (b) The hearing provided for in subsection (a) of this section, which need not be a regular meeting of the council, may be continued by announcement

at such time and place due to the lack of a quorum of the city council or at the request of the license holder or for good cause shown for a period of not longer than ten days. At such hearing the holder of the license shall have the opportunity to show cause why the license should not be suspended or revoked and shall be entitled to the opportunity to present evidence, to present witnesses, to cross examine witnesses presenting evidence in favor of suspension or revocation, to be represented by an attorney, and to have the proceeding transcribed or recorded at the license holder's expense, all in accordance with such rules and procedures as may be adopted from time to time by the city council relative thereto.

- (c) Following the conclusion of such hearing the city council shall, at a regular or called meeting thereof within 30 days of the date of such hearing, render its decision regarding whether the license in issue should be suspended or revoked and, if suspended, then the duration of such suspension and the amount of license reinstatement fee which amount shall not be in excess of \$250.00, if any, as the city council shall in its sole discretion determine to be appropriate under the circumstances, which license reinstatement fee shall be paid as a condition to reinstatement of the license following suspension.
- (d) Upon the suspension or revocation of such license then the city manager shall cause the license holder to be notified in writing within ten days of such decision of the nature of such decision and the grounds therefor and thereupon the license shall immediately become suspended or terminated in accordance with such decision and the license holder shall immediately upon receipt of such notice cease and desist from all activity authorized under such alcoholic beverage license in accordance with such decision and physically surrender such license to the finance director.
- (e) If the city council determines that grounds do not exist to suspend or terminate such license or decides to not suspend or terminate such license notwithstanding the existence of grounds therefor then the city manager shall promptly notify the license holder thereof.

#### **Sec. 6-86. - Grounds for suspension or revocation.**

The city council shall be entitled, in its sole discretion, to either suspend or revoke any alcoholic beverage license upon a finding by the city council, following the hearing prescribed in connection therewith, of the existence of any of the following:

- (1) Any violation by the holder of the alcoholic beverage license or by any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license of and of the following:
  - a. Any federal or state law, rule or regulation relative to the manufacture, distribution, sale or possession of alcoholic beverages;
  - b. Any provision, condition, requirement or limitation contained in this chapter;

- c. Any criminal law which is classified as a felony; or
  - d. Any criminal law involving moral turpitude.
- (2) Any violation by the holder of the alcoholic beverage license or by any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license or by any employee, agent, or servant of the holder of such license or the business in which such license is utilized, all in connection with the maintenance or operation of any business in which an alcoholic beverage license issued by the city is utilized, of any of the following:
- a. Any federal or state law, rule or regulation relative to the manufacture, sale, distribution or possession of alcoholic beverages;
  - b. Any provision, condition, requirement, or limitation contained in this chapter;
  - c. Any other ordinance of the city; or
  - d. Any ordinance, rule, regulation or law of any governmental entity otherwise regulating the business in which such alcoholic beverage license is utilized.
- (2) The initial application for issuance of such alcoholic beverage license, any application for renewal thereof, or any amended application relative thereto contained, as of the time made, material false or misleading statements or information or was otherwise misrepresentative or misleading;
- (3) Failure of the holder of such license or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license, to meet, as of the time of the notice of hearing relative thereto, the requirements established in this chapter for the initial issuance of such license;
- (4) Suspension or revocation during the period of time that the alcoholic beverage license issued by the city has been issued for such location by the state department of revenue of any alcoholic beverage license issued for the location of the business in which the alcoholic beverage license issued by the city is utilized;
- (5) Failure of the holder of the license or any employee or agent of the business in which such license is utilized to promptly report to the police department of the city:
- a. Any violation of this chapter;
  - b. Any other violation of law;
  - c. Any other violation of any other city ordinance; or
  - d. Any breach of the peace, disturbance or alteration which occurs within or upon the premises of the business in which such alcoholic beverage license is utilized;

- (6) Repeated failure of the holder of the license or the employees, agent and servants of the business in which such license is utilized to promptly control and prevent within or upon the premises of such business any of the following activities or conduct:
  - a. Fighting;
  - b. Disorderly conduct;
  - c. Utilization of controlled substances;
  - d. Gambling;
  - e. Indecent conduct;
  - f. Excessive noise; or
- (7) Failure of the holder of the license or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license to promptly pay and satisfy all taxes and other financial obligations due to the city which are not the subject of appeal or litigation.
- (8) With respect to a retail distilled spirits consumption license, failure to derive at least 50 percent of its gross food and beverage sales, excluding tips and gratuities, from the sale of food prepared, served and consumed upon the licensed premises thereof.

#### **Sec. 6-87. - Termination.**

All rights and privileges of the holder of an alcoholic beverage license issued by the city shall terminate upon the first to occur of the following:

- (1) Death of the holder of such license, except to the extent on any right to continue to utilize such license as provided in subsection 6-83(b);
- (2) Dissolution of a corporation or partnership which are holder of such license;
- (3) The filing of any voluntary bankruptcy proceedings under the bankruptcy code by the holder of such license or the failure of the holder of such license to, within 60 days of the date of filing thereof, obtain dismissal of and involuntary proceeding filed under the bankruptcy code against the holder of such license;
- (4) Lapse of such license pursuant to the provisions of this chapter;
- (5) Denial by the city council of an application for renewal of such license;
- (6) Revocation thereof by the city council;
- (7) Surrender thereof by the licensee to the city;
- (8) Automatically without any action on the part of the city upon revocation by the state department of revenue of any alcoholic beverage license issued by the state department of revenue to the holder of the license in issue with respect to such location; or
- (9) The licensee ceases to be engaged in the sale of alcoholic

beverages permitted with such license.

**Sec. 6-88. - License issued in error.**

No rights with respect to any license which is issued in violation of the provisions of this chapter shall attach thereto in favor of any person and the city shall be entitled at any time subsequent to the issuance of such license in error to terminate and cancel any such license.

**Sec. 6-89. - Amended applications.**

In the event that either (i) the business in which any alcoholic beverage license is utilized cease to be actively managed or operated on a day-to-day basis by the person so designated with respect thereto in the latest application relative to such license whether an initial, amended or renewal application; or (ii) any other material change occurs in any of the statements, representations or other information contained in any application relative to such license whether in an initial, amended or renewal application which has not otherwise been modified pursuant to an amended application previously granted pursuant to the provisions of this section, then:

- (1) Within 30 calendar days of such occurrence the licensee shall file with the **city clerk** an amended application with respect to such license, in such form and of such content as shall from time to time be prescribed therefore by the city manager, disclosing, in sufficient detail to evaluate the application, the nature and extent of such changes and, in the case of the cessation of management of such business as reflected in the latest such application, the full details and particulars relative to the person who is then actively managing or operating such business on a day-to-day basis, all to the same extent as required in an initial application;
- (2) An amended application shall be accompanied by payment to the city by cashier's check or cash of an amended application processing fee which shall be nonrefundable regardless of the ultimate decision relative to such amended application;
- (3) Upon receipt of an amended application, city officials shall conduct such investigations as shall be appropriate relative thereto and shall make recommendations relative thereto as in the case of an initial application;
- (4) Upon receipt of recommendations relative thereto the city council shall proceed to act on such amended application as in the case of an initial application utilizing the same qualifications and criteria relative thereto as for an initial application and utilizing the same procedures with respect thereto;
- (5) Grant or denial of an amended application shall be based upon a finding by the city council that, as of the date of the determination thereof by the city council, the amended application either meets or fails to meet the requirements, criteria and qualifications contained

- in this chapter which are necessary for the initial issuance of such alcoholic beverage license;
- (6) Approval of an amended application by the city council shall constitute, effective as of the date of such approval, an amendment of the initial application;
  - (7) The licensee shall, following determination thereof by the city council, be notified by the city manager **or his designee** of such decision as in the case of an initial application; and
  - (8) Effective 15 days following notification by the city manager of denial of an amended application for such longer period of time as the city manager in his sole discretion determines appropriate under the circumstances, but in no event later than 30 days from the date of such notification: (i) such license shall lapse due to the failure of the licensee to continue to meet the qualifications, requirements and criteria for the grant of such license; (ii) all privileges relative to such license shall cease and terminate; (iii) such former licensee shall not be entitled to engage in the sale of the alcoholic beverages formerly authorized pursuant to such lapsed license; (iv) such former licensee shall immediately cease and desist from conducting such sales; and (v) in order to be authorized thereafter to engage in the sale of such alcoholic beverages the former licensee shall be required to file an application for another alcoholic beverage license and obtain approval thereof, all in accordance with the provisions of this chapter.

**Sec. 6-90. - Waiting period before reapplication.**

Notwithstanding any of the provisions of this article, any unsuccessful applicant must wait 90 days from the date of final decision before reapplying.

**Secs. 6-91—6-99. - Reserved.**

**Sec. 6-100. - One-day license for charitable organizations.**

(a) *Definitions.*

- (1) To qualify as a "charitable organization" as used herein, an organization must:
  - a. Either be incorporated as a nonprofit corporation, or must be formally organized, with a constitution and bylaws, and with a central governing body such as a board of trustees or directors to be directly responsible for the one-day license; and
  - b. Said organization must also have been granted approved tax-exempt status by United States Internal Revenue Service.
- (2) The term "charitable purposes" as used herein shall include the following: relief of the indigent, medical research, provision of medical equipment, education, including youth education; historical preservation, preservation and encouragement of the fine arts;

crime prevention and rehabilitation; libraries; zoos; scientific research and development; community development; industrial and commercial recruitment; and recreation.

- (3) The term "proceeds" as used herein means the gross proceeds from the event in connection with which the license is issued after payment of all of the expenses of the event.
- (b) *License; fee.* In addition to the other alcoholic beverage licenses provided for in this chapter, the city council may issue a consumption license valid for one day only to any charitable organization, authorizing the holder to dispense, at one location only, distilled spirits, alcoholic beverages, wines and malt beverages, by the drink for consumption only on the premises; provided, that:
- (1) The proceeds from the event shall be used only for charitable purposes; and
  - (2) The city has permitted the event consistent with the event permit requirements of section 6-175 of this chapter.

The provisions of section 6-74 of this chapter shall apply with respect to license fees.

- (c) *Application.* Any charitable organization desiring to obtain a one-day alcoholic beverage license shall make application with sufficient evidence to satisfy the city council that the organization is a nonprofit charitable organization and that the proceeds will be used for charitable purposes. The organization shall designate one person who is a resident of the city who shall be responsible for the lawful and proper conduct of the alcoholic beverage license, giving the name, address and other information sufficient to identify such person.
- (d) *Excise tax not applicable.* The excise tax imposed by article V of this chapter shall not be applicable to the one-day license inasmuch as the sale of alcoholic beverages is not involved.
- (e) *Final report.* Within 30 days after the conclusion of the event, the license holder shall file a final report and accounting with the city council, said report and accounting to include a statement of the gross receipts, the amount of expenses paid, the net proceeds remaining, and how and to whom and for what purpose said net proceeds are to be distributed. Failure to comply with this reporting requirement shall make such charitable organization ineligible for the issuance of any subsequent license.
- (f) *Suspension or revocation.* The city manager shall have the right at any time to suspend or revoke the one-day license on any ground which constitutes a ground for suspension or revocation of licenses generally under sections 6-85 and 6-86 of this chapter. Any aggrieved organization shall have the right of appeal to the city council.
- (g) *Applicability of chapter.* Except as otherwise provided in this section, the remaining provisions of this chapter shall be applicable to the one-day license. The charitable organization and the responsible person identified

pursuant to subsection (c) hereinabove shall be in charge and responsible for the event and shall be subject to the laws of the State of Georgia and the City of Tifton with respect to any violation of any license or permit issued by the City of Tifton.

- (h) If a one-day alcoholic beverage license is issued following the full application review process involving the decision of city council, such qualified charitable organization may submit an application for an annual event renewal one-day alcoholic beverage license to the city manager or his designee who shall either grant such license or recommend denial. A staff recommendation to deny a renewal one-day alcoholic beverage license shall be reviewed and decided by city council.

**Secs. 6-101—6-120. - Reserved.**

**ARTICLE IV. - OPERATIONAL REGULATIONS**

Sec. 6-121. - Hours during which sales prohibited.

Sec. 6-122. - Hours during which other activities prohibited.

Sec. 6-123. - Sales on election day.

Sec. 6-124. - Advertising.

Sec. 6-125. - Consumption prohibited upon premises of package licensee.

Sec. 6-126. - Sales prohibited beyond premises.

Sec. 6-127. - Furnishing alcoholic beverages to intoxicated person.

Sec. 6-128. - Assisting other in violations.

Sec. 6-129. - Misrepresentation of beverages.

Sec. 6-130. - Specific rules for consumption on premises.

Sec. 6-131. - Operation only by licensee or designated manager.

Sec. 6-132. - Display of license.

Sec. 6-133. - Posting of laws regulating sales.

Sec. 6-134. - Signage restrictions.

Sec. 6-135. - Obstruction of view of interior of premises and lighting of premises.

Sec. 6-136. - Restrictions on compensation.

Sec. 6-137. - Restrictions on premises rental fees.

Sec. 6-138. - Restrictions upon activities of employees.

Sec. 6-139. - Access of police officers and public officials.

Sec. 6-140. - No brown bagging allowed.

Sec. 6-141. - Noise control.

Secs. 6-142—6-160. - Reserved.

**Sec. 6-121. - Hours during which sales prohibited.**

The sale of any alcoholic beverage by the holder of any alcoholic beverage license, including package beer and/or wine, or by any employee of any business in which such license is utilized, is prohibited during the following periods of time:

From 2:00 a.m., prevailing time, on Sunday until 7:00 a.m. prevailing time on Monday; from 2:00 a.m., prevailing time Tuesday, Wednesday, Thursday, Friday and Saturday until 7:00 a.m., prevailing time, of that same day.

## **SUNDAY SALES**

The sale of alcoholic beverages is hereby authorized for consumption on-premises in eating establishments on Sundays between the hours of 12:30 p.m. and 12:00 midnight. For the purposes of this section, "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 the beverage sales from the sale of prepared meals or food.

Package sales of malt beverages and wine by retailers on Sundays are authorized between the hours of 12:30 p.m. and 11:30 p.m.

### **Sec. 6-122. - Hours during which other activities prohibited.**

- (1) Neither any holder of any alcoholic beverage license nor any employee of any business in which such license is utilized shall allow or permit any alcoholic beverage to be handled in any manner upon the premises of the business in which such license is utilized or any alcoholic beverage to be located upon any table, counter, or other such customer service area upon such premises, either in the form of the original container therefor or otherwise, from one hour after the last time permitted to sell an alcoholic beverage as set forth in section 6-121 of this chapter until such time as alcoholic beverages may again be sold as set forth in section 6-121 of this chapter.
- (2) All licensed premises for the sale of retail beer and/or wine by the drink or retail liquor by the drink, excluding bona fide full-service restaurants as defined below which have obtained an after-hours service permit from the City Clerk, shall be closed to the public, and the premises shall be cleared of all persons (except employees of the licensed premises engaged in their employment duties) not to exceed 15 minutes beyond the time that the last alcoholic beverage can be lawfully located upon the table, counter or other customer service area of the licensed premises . Thereafter all licensees shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be furnished to, consumed by, or possessed by any person within the premises; and the premises shall remain closed for business until the beginning hours of operation (7:00 a.m.). Following such mandatory closing time, up to four employees of the business located upon the licensed premises may remain for up to an additional hour to handle all post-closing duties. If, because of special circumstances, additional time is needed by the employees for post-closing duties, the holder of the alcoholic beverage license at such licensed premises may contact the police for additional time for which permission shall not be unreasonably withheld.

It shall be unlawful for any person to violate any provision of this paragraph.

For the purposes of this subsection (j), "bona fide full service restaurant" means an established place of business:

- a. Which is licensed to sell alcoholic beverages, distilled spirits, malt beverages, or wines for consumption on the premises;
- b. Where meals with substantial entrees selected by the patron from a full menu are served;
- c. Which has adequate facilities and sufficient employees for cooking or preparing and serving such meals for consumption at tables in dining rooms on the premises;
- d. Which derives at least 50% percent of its gross income from the sale of such meals prepared, served and consumed on the premises and has derived at least 50% percent of its gross income from the sale of such meals prepared, served and consumed on the premises for at least twelve months prior to application for permit (the calculation of gross income from food sales shall not include any sums paid by patrons for admission to the facility);
- e. Which does not provide live music or other types of entertainment or permit dancing by the patrons;
- f. All of the above-listed requirements for a bona fide full-service restaurant must be sworn to by affidavit executed by the owner, operating partner, if a partnership, or president of the corporation, if a corporation. The application for an after-hours service permit must be accompanied by said affidavit.

**Sec. 6-123. - Sales on election day.**

The sale of alcoholic beverages shall be permitted and is authorized during polling hours of any local, state or federal election; provided that the foregoing shall not authorize the sale of any alcoholic beverage within 250 feet of any polling place during the period of time that polls are open for voting.

**Sec. 6-124. - Advertising.**

No holder of any alcoholic beverage license shall allow or permit any advertising to be placed or run in any media or by any other means with respect to the availability of alcoholic beverages at the location licensed except to the extent permitted by state law and rules and regulations relative thereto.

**Sec. 6-125. - Consumption prohibited upon premises of package licensee.**

No holder of a license only for the package sales of any alcoholic beverage nor any employee, agent or servant of any business in which only a license for package sales is utilized shall knowingly allow or permit the breaking of any package containing any alcoholic beverage upon the premises where

sold, or intentionally allow or permit the consumption of any of the contents of any package containing any alcoholic beverage upon the premises where sold.

**Sec. 6-126. - Sales prohibited beyond premises.**

No holder of any alcoholic beverage license or any employee, agent or servant of any business in which any alcoholic beverage license is utilized (herein collectively referred to as "licensee") shall sell or distribute any alcoholic beverage at any location other than within the interior of the building located upon premises so licensed in which such sales are authorized or upon the patio or deck (whether under roof or not) adjoining the licensed premises. The licensee shall not be authorized to sell or distribute any alcoholic beverage at any other location upon or within the licensed premises (hereinafter referred to as "open areas") including, but not limited to, the parking lot of such location unless any such open areas are set apart by a rope, fence or other similar access control mechanism that has been approved by the police department in the interest of public safety and the promotion of law enforcement; and, further provided that such licensee must continually supervise any and all such open areas to prevent non-customers from gaining access.

**Sec. 6-127. - Furnishing alcoholic beverages to intoxicated person.**

Notwithstanding any other provisions of this chapter, no person who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall sell, give, provide, distribute, or furnish any alcoholic beverage to any person who is then in an obvious state of intoxication.

**Sec. 6-128. - Assisting other in violations.**

No person who is the holder of any alcoholic beverage license issued by the city nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall promote, encourage, or assist any other person in conducting or engaging in any activity or action which is in violation of any provision of this chapter.

**Sec. 6-129. - Misrepresentation of beverages.**

No person who is the holder of any alcoholic beverage license issued by the city, nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall add to or otherwise adulterate the contents of a package or refill any empty package, or in any other manner misrepresent the quantity, quality or brand name of any alcoholic beverage.

**Sec. 6-130. - Specific rules for consumption on premises.**

(a) *Rules applicable to all alcoholic beverages.* No person who is the holder of any alcoholic beverage license issued by the city or any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall sell or distribute alcoholic beverages for consumption upon the premises under any of the following circumstances:

- (1) Serve multiple servings for a single price or offer all a person can drink for a set price;
  - (2) Make a single price the basis for a required purchase of two or more servings;
  - (3) Selling or furnishing alcoholic beverages at reduced prices based upon redemption or surrender of coupons, receipts, or other devices authorizing the serving of alcoholic beverage drinks on a subsequent day;
  - (4) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage is consumed;
  - (5) Allow or permit any unconsumed alcoholic beverage sold for consumption on the premises to be removed from the licensed premises;
  - (6) Nothing contained in this section shall be construed to prohibit the dispensing of malt beverages in pitchers or in jumbo sizes which are available at all times that the business in which the alcoholic beverage license is utilized is open for business at the usual, customary or established retail price therefor.
- (b) *Rules applicable to distilled spirits.* In addition to the rules set forth in subsection (a) of this section, these rules shall likewise apply to the on premises consumption of distilled spirits:
- (1) Sponsor, conduct, allow or permit contests or promotions which have as their primary purpose the increasing of the consumption of distilled spirits on the premises.
  - (2) Sell or furnish distilled spirits at any time that the restaurant or private club to which such license is attached is closed.

**Sec. 6-131. - Operation only by licensee or designated manager.**

Notwithstanding any other provisions of this chapter, no holder of any alcoholic beverage license issued by the city shall permit or allow any business in which such license is utilized to be managed or operated for any period of time longer than 15 days by any person except to the extent otherwise specifically provided in this chapter who is not listed upon the initial application for such license, upon the most recent application for renewal thereof, on an amended application relative thereto which has been approved by the city council, or upon a then pending and unacted upon amended application relative thereto.

**Sec. 6-132. - Display of license.**

The holder of every alcoholic beverage license issued by the city shall post and prominently display in a conspicuous place upon the premises licensed all alcoholic beverages licenses by the city and by the state department of revenue.

**Sec. 6-133. - Posting of laws regulating sales.**

The holder of every alcoholic beverage license issued by the city shall

post and prominently display in a conspicuous place upon the premises licensed all notices required by state law relative to the sale of alcoholic beverages as well as such other notice or notices relative to the sale of alcoholic beverages pursuant to license issued by the city as shall from time to time be prescribed by the city manager of such form, size and content as shall be prescribed by the city manager.

**Sec. 6-134. - Signage restrictions.**

No holder of any alcoholic beverage license issued by the city pursuant to this chapter shall at any time allow or permit any sign, signage or other visual media of any type or nature whatsoever upon any portion of the premises licensed relative to alcoholic beverages, the price thereof, the availability thereof, or the name, logo, trademark, or symbol of any brand of alcoholic beverage except to the extent specifically authorized in this section or in violation of any of the restrictions set forth as follows:

- (1) There may be located upon the exterior of the building located upon the licensed premises which is utilized in connection with the sale of alcoholic beverages one sign on each of not more than two exterior walls with each of such signs not being in excess of five percent of the gross wall area of each such wall from grade level to actual roof line of a one story building or to the actual floor line of the second floor if more than one story;
- (2) Signage authorized pursuant to subsection (1) of this section shall only be located below the roof line of a one-story building, or, below the actual floor line of the second floor if the building is more than one story, and shall be mounted flush against such exterior walls with no portion thereof extending more than eight inches from the wall surface;
- (3) In addition to the signage authorized pursuant to subsection (1) of this section, there may also be located upon the licensed premise one freestanding sign not exceeding 20 square feet in area which shall be located at a height of not more than 20 feet above ground level;
- (4) No signage authorized pursuant to subsection (1) or (3) of this section shall be illuminated in any manner nor shall any letter or lettering utilized therein exceed eight inches in height;
- (5) No signage authorized pursuant to subsections (1) or (3) of this section shall make any reference to the price of any alcoholic beverage;
- (6) No signage authorized pursuant to subsections (1) or (3) of this section shall make any reference in any manner to the availability of alcoholic beverages for consumption upon the licensed premises;
- (7) Notwithstanding the provisions of subsection (6) of this section, restaurants may utilize the word "lounge" in signage to the extent that a lounge as defined in this chapter is located upon the same premises as such restaurant;

- (8) Signage authorized pursuant to subsections (1) and (2) of this section shall consist of the utilization of the words "Beer," "Wine," "Ale," "Champagne" only or any combination of such words together with the trade name of the business in which the alcoholic beverage license is utilized, if desired;
- (9) Except to the extent specifically authorized in this section no sign, signage or other visual media or any type or nature whatsoever relative to alcoholic beverages shall be located upon the exterior of any building located upon the licensed premises or upon any unenclosed portion of the licensed premises;
- (10) No sign, signage or other visual media or any type or nature whatsoever which is located upon the interior of any building located upon the licensed premises relative to (i) the price of any alcoholic beverage; or (ii) to the availability of alcoholic beverages for consumption upon the premises shall at any time be visible from the exterior of such building;
- (11) Except to the extent prohibited in subsection (10) of this section signs, signage, and visual media relative to alcoholic beverages, the price thereof, the availability thereof for package sales and/or consumption upon the licensed premises, as licensed, and the name, logo, trademark and symbol of brands of alcoholic beverages are permitted within the interior of that portion of the building in which the sale of alcoholic beverages is conducted, subject however to such other provisions contained in this chapter;
- (12) Nothing contained in any of the foregoing provisions of this section shall be deemed to prohibit or restrict the parking upon the licensed premises of a wholesale dealer or upon the licensed premises of a retail dealer for a period of time not in excess of one hour of a delivery vehicle of a licensed wholesale dealer;
- (13) Notwithstanding any other provision of this section, no sign, signage or visual media of any type or nature whatsoever shall at any time be erected, located or maintained except in strict accordance with the City of Tifton Land Development Code;
- (14) Except to the extent specifically permitted and authorized in this section, no holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage licensed is utilized shall at any time allow or permit upon the premises licensed any sign, signage, or other visual media of any type or nature whatsoever relative to any alcoholic beverage, the price thereof, the availability thereof, or the name, logo, trademark or symbol of any brand of alcoholic beverage.
- (15) Notwithstanding any other provision in this section, holders of alcohol licenses may advertise special pricing and special events related to on premises consumption only upon the door and window entryways to the building located upon the licensed premises and within any sales service area beyond the roof of the building as allowed pursuant to the provisions of section 6-126 of this Code.

**Sec. 6-135. - Obstruction of view of interior of premises and lighting of premises.**

- (a) For the safety of law enforcement personnel and other public officials, every business in which an alcoholic beverage license is utilized shall provide a door, window or other opening through which the interior of the premises licensed for the sale of alcoholic beverages shall be visible from the exterior. Neither the holder of any alcoholic beverage license nor any agent, servant or employee of any business in which such alcoholic beverage license is utilized shall obstruct, block, or obscure the view through any door, window or other opening of the interior of the premises licensed for the sale of alcoholic beverages.
- (b) Both the exterior and interior of all premises licensed by the city for the sale of alcoholic beverages shall be so arranged as to afford an unobstructed view from the outside thereof of the interior portion of the premises which is utilized for the sale of alcoholic beverages.
- (c) The exterior of all premises licensed by the city for the sale of alcoholic beverages shall at all times be illuminated with sufficient light intensity so as to allow a complete view of all portions of the exterior thereof.
- (d) The exterior of all premises licensed by the city for the sale of alcoholic beverages shall at all times be illuminated with sufficient light intensity so as to allow a complete view of the interior of such premise which is utilized for the sale of alcoholic beverages by a person standing on the inside of the entrance of such premises.

**Sec. 6-136. - Restrictions on compensation.**

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any such alcoholic beverage license is utilized shall permit or allow any agent, servant or employee of such business who is not the owner of an interest in such business to either directly or indirectly, receive or obtain in any manner any salary or other compensation of any nature whatsoever which is based solely upon the volume of alcoholic beverages sold upon such premises either by or as a result of the efforts of such agent, servant or employee individually or of such business generally or which is based solely upon the profit derived by such business from the sale of any alcoholic beverages.

**Sec. 6-137. - Restrictions on premises rental fees.**

It shall be unlawful for an alcoholic beverage license holder to enter into any agreement whereby the rental paid for the licensed premises is based in whole or in part upon the volume of alcoholic beverages sold upon such premises or based in whole or in part upon the profit derived by such business utilizing the alcoholic beverage license.

**Sec. 6-138. - Restrictions upon activities of employees.**

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized

shall permit or allow any agent, servant or employee of such business or license holder upon the premise licensed during any period of time that such agent, servant or employee is acting for the benefit of or on behalf of such business or license or is otherwise in the employ of such business or licensee to:

- (1) Dance with any customer or patron of such business;
- (2) Dance upon any bar, counter or table; and
- (3) Consume any alcoholic beverage purchased by a customer or patron of such business.

**Sec. 6-139. - Access of police officers and public officials.**

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall at any time deny or prevent access to the licensed premises, or any portion thereof, to any police officer, to any state or federal or local law enforcement officer or to any local, state or federal building, zoning or fire inspector or official in connection with the conduct of such officer's, inspector's or official's duties or fail or obstruct any such officer, inspector or official in connection with the conduct of any investigation by any such officer, inspector or official with respect to the licensed premises or any activity or conduct upon the licensed premises involving alcoholic beverages.

**Sec. 6-140. - No brown bagging allowed.**

**Brown bagging is prohibited within the City of Tifton.** Without limiting the generality of the foregoing, the prohibition against brown bagging includes the provision that alcohol cannot be brought, sold, furnished or otherwise distributed upon the business premises at any time by any person other than the holder of the alcoholic beverage license issued for that licensed premises (who must abide by all the provisions of this Code). So-called "private parties" or "private events" involving the consumption of alcohol are not authorized at any time upon the licensed premises unless the alcohol is distributed by the holder of the alcoholic beverage license issued for that licensed premises — again, pursuant to the provisions of this Code — at a time that the holder of the alcoholic beverage license is permitted to sell, furnish or otherwise distribute alcohol at or upon the licensed premises. Such authorized times are set forth in [section 6-121](#) of this Code [i.e., no Sunday events involving alcohol even if the alcohol is purported to be offered "free" as an emolument of attendance].

**Sec. 6-141. - Noise control.**

The holder of any alcoholic beverage license shall not allow or permit any customer, patron or other person upon the licensed premises to make, continue or cause to be made any noise that can be heard beyond the property boundary of the licensed premises that unreasonably or unnecessarily annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the city. Moreover, the holder of any alcoholic beverage license shall

comply with the noise control provisions of chapter 38 [environment] of this Code.

**Secs. 6-142—6-160. - Reserved.**

**ARTICLE V. - EXCISE TAXES**

Sec. 6-161. - Excise tax imposed.

Sec. 6-162. - Monthly reports and payment.

Sec. 6-163. - Examination of books and records.

Sec. 6-164. - Penalties.

Sec. 6-165. - Taxes collected upon delivery.

Sec. 6-166. - Tax on sale of distilled spirits by the drink.

Sec. 6-167. - Delinquency.

Secs. 6-168—6-174. - Reserved.

**Sec. 6-161. - Excise tax imposed.**

There is hereby levied and imposed upon each holder of a wholesale alcoholic beverage license selling alcoholic beverages within the city a specific excise tax in addition to all other fees, taxes and charges relative thereto upon the sale of alcoholic beverages within the city as follows:

- (1) Per case of 24 seven-ounce containers .....\$0.70
- (2) Per case of 24 eight-ounce containers .....0.80
- (3) Per case of 24 12-ounce containers .....1.20
- (4) Per case of 24 14-ounce containers .....1.40
- (5) Per case of 24 16-ounce containers .....1.60
- (6) Per case of 36 8-ounce containers .....1.20
- (7) Per case of 12 32-ounce containers .....1.60
- (8) Per case of 48 seven-ounce containers .....1.40
- (9) For each one-half barrel (15½ gallons) of tap or draft beer .....6.00
- (10) A proportionate tax per one-half barrel (15½ gallons) of tap or draft beer on all fractional parts of half-barrels, at the rate of .....6.00
- (11) A proportionate tax per 12 ounces for all malt beverages not sold in barrels or other bulk container on all fractional parts of 12-ounce sizes not specified above, at the rate of .....0.05
- (12) With respect to wines:
  - a. Per one liter (33.8 ounce) containers .....0.22
  - b. Per three-quarter liter (25.4 ounce) containers .....0.16
  - c. Per one-half liter (16.4 ounce) containers .....0.11
  - d. Per three-eighth liter (12.7 ounce) containers .....0.08
  - e. Per .535 liter containers .....0.05
  - f. A proportionate tax per liter for all fractional parts of liters not specified above, at the rate of .....0.22
- (13) With respect to distilled spirits: A per liter tax and proportionate tax for all fractional parts of liters at the maximum rate allowed by the State of Georgia.

**Sec. 6-162. - Monthly reports and payment.**

Each holder of a wholesale alcoholic beverage license shall file a monthly report by the tenth day of each calendar month itemizing for the preceding calendar month the exact quantities of all alcoholic beverages, by nature and by size and type of container, sold within the city and at such time shall remit to the city the amount of excise tax due to the city in accordance with the provisions of this chapter.

**Sec. 6-163. - Examination of books and records.**

The books and records of all wholesalers selling or delivering these beverages and all retailers thereof in the city shall be subject to inspection and audit by the agents of the city to ensure compliance herewith. It shall be unlawful for any person to deny to any authorized agent of the city reasonable access to its books and records and shall be the duty of each person to keep accurate records of payments and collections of the case tax and remittances.

**Sec. 6-164. - Penalties.**

- (a) The failure to make a timely report and remittance required shall render a wholesaler liable for a penalty equal to 25 percent of the total due during the first 30-day period following the date the report and remittance were due and a further penalty of 50 percent of the amount of this remittance for each successive 30-day period or any portion thereof during which the report and the remittance were not filed.
- (b) The filing of a false or fraudulent report shall render the wholesale dealer making the report liable to a penalty equal to 100 percent of the amount of the remittance which would be required under an accurate and truthful report.
- (c) Any person, wholesaler or retailer that shall violate the provisions hereof shall, upon conviction, be punished as prescribed by the municipal court and may in addition be subject to suspension or revocation of the license to sell such beverages.

**Sec. 6-165. - Taxes collected upon delivery.**

- (a) It shall be unlawful for any retailer of alcoholic beverages to receive and retain these beverages unless he shall have paid the tax thereon.
- (b) It shall be unlawful for any wholesaler of alcoholic beverages to sell or deliver these beverages to any retailer thereof unless he shall concurrently with this delivery collect the tax imposed.
- (c) It shall be unlawful for any wholesaler of alcoholic beverages to fail to remit to the city, when promptly due, the taxes levied, and collected by the wholesaler. It shall be unlawful for any person engaged as a retailer of these beverages to receive these beverages from another retailer unless tax has been paid.
- (d) It shall further be unlawful for any retailer of alcoholic beverages to receive and retail these beverages from another retail store, whether the other

store shall be owned by the receiving retailer or not, or whether the other store is located within the corporate limits of the city or not, unless the tax shall have been paid and remitted to the city clerk.

**Sec. 6-166. - Tax on sale of distilled spirits by the drink.**

(a) *Definitions.* The following words, terms and phrases shall, for the purposes of this section and except where the context clearly indicates a different meaning, be defined as follows:

*City* means the City of Tifton and, variously, the incorporated areas of Tifton, wherein the City of Tifton is empowered to impose this tax by O.C.G.A. § 3-4-130.

*Due date* means 20th day after the close of the monthly period for which the tax is to be computed.

*Finance director* means the duly appointed finance director of the City of Tifton or designee.

*Licensee* means any person holding a license to serve distilled spirits by the drink from the city.

*Monthly period* means the calendar months of any year.

*Person* means an individual, firm, partnership, joint adventure (venture), association, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States, the state and any instrumentality of either thereof upon which the city is without power to impose the tax.

*Tax* means the sales tax on distilled spirits by the drink imposed by this article.

(b) *Imposition; rate of tax.* There is hereby imposed, and there shall be paid, a tax of three percent on the sale of distilled spirits by the drink in the city.

(c) *Collection by licensee.* Every licensee shall collect a tax of three percent on the sale of distilled spirits by the drink at his pouring outlet.

(d) *Determination generally; returns; payments.*

(1) *Due date of taxes.* All amounts of such taxes shall be due and payable to the finance director monthly on or before the twentieth day of every month next succeeding each respective monthly period.

(2) *Penalty and interest for failure to pay tax by due date.* A specific penalty of 15 percent is imposed for failure to pay any amount of tax when due and payable to the city. Delinquent amounts shall bear interest at the rate of one percent per month, or fraction thereof, until paid.

- (3) *Return; time of filing; persons required to file; contents.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed by every licensee with the finance director showing the gross sales of distilled spirits by the drink and the amount of tax collected or otherwise due for the period, and such other information as may be required by the finance director.
  - (4) *Collection fee allowed licensees.* Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the Georgia Retailer and Consumers' Sales and Use Tax Act, as now and hereafter amended.
- (e) *Deficiency determinations.*
- (1) *Recomputation of tax; authority to make; basis of recomputation.* If the finance director is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the city by any person, she may compute and determine the amount required to be paid upon the basis of any information within her possession or that may come into her possession. One or more deficiency determinations may be made of the amount due for one or more monthly periods.
  - (2) *Penalty and interest for failure to pay tax.* A specific penalty of 15 percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one percent per month, or a fraction thereof, from the due date of taxes until the date of payment.
  - (3) *Notice of determination; service of.* The finance director shall give to the licensee written notice of her determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at his address as it appears in the records of the city. Service by mail is complete when delivered by certified mail with a receipt signed by addressee or postal certification that such mail was refused.
  - (4) *Time within which notice of deficiency determination to be mailed.* Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period should last expire.
- (f) *Determination of no return made.*
- (1) *Estimate of gross receipts.* If any person fails to make a return, the finance director shall make an estimate of the amount of the gross receipts of the licensee from the sale of distilled spirits by the drink, or as the case may be, of the amount of total such receipts in this city which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make the

return and shall be based upon any information which is or may come into the possession of the finance director. Written notice shall be given in the manner prescribed in subsection (e)(3).

- (2) *Penalty and interest for failure to pay tax.* A specific penalty of 15 percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one percent per month, or a fraction thereof, from the due date of taxes until the date of payment.

(g) *Collection of tax by city.*

- (1) *Action for delinquent tax; time for.* At any time within three years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the finance director may bring an action in a court of competent jurisdiction in the name of the city to collect the amount delinquent together with penalty, interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.
- (2) *Duty of successors or assignees of licensee to withhold tax from purchase money.* If any licensee liable for any amount under this section sells out his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the finance director either a receipt reflecting full payment or a certificate stating that no amount is due.
- (3) *Liability for failure to withhold.* If the purchaser of a business fails to withhold purchase as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.
- (4) *Credit for tax, penalty or interest paid more than once or erroneously or illegally collected.* Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the city, it may be offset by the finance director. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the finance director, such person shall have three years from the date of payment to file a claim in writing stating the specific ground upon which the claim is founded. The claim shall be audited. If the claim is approved by the finance director, the excess amount paid the city may be credited on any amounts then due and payable from the person by whom it was paid.

(h) *Administration of ordinance; recordkeeping.*

- (1) *Authority of finance director.* The finance director shall administer and enforce the provisions of this section for the collection of the tax.
- (2) *Records required from licensees, etc.; form.* Every licensee shall preserve, for a minimum of three years, all records, receipts, invoices and such other documents as the finance director may prescribe, and in such form as she may require.
- (3) *Examination of records, audits.* The finance director or any person

authorized in writing by her may examine the books, papers, records, financial reports, inventory, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made, to ascertain and determine the amount required to be paid.

- (4) *Authority to require reports; contents.* In administration of the provisions of this section, the finance director may require the filing of reports by person or class of persons having in their possession or custody information relating to the sale of distilled spirits by the drink. The reports shall be filed with the finance director when required by said official, and shall set forth the gross sales from the sale of distilled spirits by the drink, the amount of tax collection thereon, or such other information as the finance director may prescribe.
- (i) *Violations.* Any person violating any of the provisions of this section shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided in City Charter [section 4.13](#). Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued or permitted by such person, and shall be punished accordingly. Any licensee who fails to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the finance director, or who renders a false or fraudulent return, shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as aforesaid.

#### **Sec. 6-167. - Delinquency.**

If after 45 days any excise tax imposed by this division is not paid by any holder of a wholesale alcoholic beverage license, then the excise tax assessed against such license holder shall become delinquent and all of the provisions of this Code relative to the collection of delinquent taxes shall be applicable for the collection of such excise tax. Alcoholic beverages on which city taxes have not been paid are subject to seizure and may be destroyed or sold by public sale as provided by law.

#### **Secs. 6-168—6-174. - Reserved.**

### **ARTICLE VI. - CATERING**

Sec. 6-175. - Sale off premises for catering purposes.

Secs. 6-176—6-190. - Reserved.

#### **Sec. 6-175. - Sale off premises for catering purposes.**

- a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Food caterer* means any person who prepares food for consumption off the premises.

*Licensed alcoholic beverages caterer* means any retail dealer who has obtained a license for liquor by the drink, and/or beer and wine by the drink.

- (b) *Malt beverages.* Any licensed alcoholic beverage caterer who holds a valid license authorizing licensee to sell malt beverages or to sell beer or wine by the drink for consumption on the premises may be issued an off-premises license which authorizes said licensed alcoholic beverage caterer to sell beer or wine by the drink off the premises and in connection with an authorized catered function.
- (c) *Liquor.* Any licensed alcoholic beverage caterer who additionally holds a valid license to sell distilled spirits by the drink for consumption on the premises may be issued an off-premises license which authorizes such licensed alcoholic beverage caterer to sell liquor and beer by the drink off-premises and in connection with an authorized catered function.
- (d) *Annual license fee.* Any alcoholic beverage caterer shall make application for an off-premises license as provided in subsections (b) and (c) of this section shall pay annual license fee as set forth in the schedule of fees and charges in the office of the city clerk.
- (e) A licensed alcoholic beverage caterer is eligible to sell or furnish only those types of alcoholic beverages as he can sell or furnish pursuant to his underlying alcoholic beverage license.
- (f) *Event Permit.*
  - (i) An event permit, issued by the city manager or his designee, is required before an otherwise licensed alcoholic beverage caterer can sell or furnish alcoholic beverages off premises, i.e., at any location other than the licensed premises utilizing the underlying alcoholic beverage license. In order to obtain an event permit, the licensed alcoholic beverage caterer shall be required to submit a fully accurate and completed application on the form prescribed by the city which shall include the following information:
    - (1) Name of caterer and caterer's license number;
    - (2) Date of event;
    - (3) Time (hours) of event;
    - (4) Location (address) of event;
    - (5) Host or sponsor of event;
    - (6) Estimated number of persons to attend the event that are of legal age;
    - (7) Estimated number of persons to attend the event that are not of

- legal age;
  - (8) Whether "open bar" or "cash bar" of alcoholic beverages at event;
  - (9) Estimated quantities of malt beverages, wine and/or distilled spirits (to extent authorized by license) to be served at event;
  - (10) Whether facility is private or public;
  - (11) Whether location is within 300 feet of a church or school building;
  - (12) A plat or sketch shall be submitted showing the service area where alcoholic beverages will be served indicating whether said area is within the building or in an open area;
  - (13) An event fee in an amount shown upon a schedule of fees, not to exceed the amount provided by state law, maintained in the office of the city clerk shall be submitted along with the application;
  - (14) Comply with the reporting provisions of O.C.G.A. § 3-11-3;
  - (15) Provide security and parking enforcement plans and personnel as required by the city.
- (ii) An event permit cannot be obtained unless the event permit application referenced in subsection (b) hereinabove is accurately completed in full and submitted to the city manager or his designee at least 14 calendar days prior to the scheduled date of the event or function. Notwithstanding the foregoing, an event permit may be issued within a shorter time frame by the city manager in his sole and sound discretion.
- (iii) An event permit may be refused by the city manager or his designee for any one of the following reasons:
- (1) Inadequate parking or enforcement personnel at the facility designated;
  - (2) Criminal record of host or caterer permit holder;
  - (3) Previous complaints on location or of applicant;
  - (4) Previous damage to facility by applicant or permit holder.
- (g) The city reserves the right to define and/or restrict the service area for serving of alcoholic beverages.
- (h) The city shall control the dispensing of alcohol in all of its facilities by requiring the use of a licensed alcoholic beverage caterer if alcohol is furnished at any such facility. Consistent with this article, alcohol may also be dispensed by a licensed alcoholic beverage caterer who has been issued an event permit at facilities of any local, state or federal public entity.
- (i) Violation.
- (1) It shall be unlawful for any food caterer or person to distribute or sell distilled spirits, malt beverages or wine off the premises of the food caterer's business without a license issued pursuant to this section.

- (2) It shall be unlawful for any licensed alcoholic beverage caterer licensed under this section to distribute or sell distilled spirits, malt beverages or wine off-premises except in connection with an authorized catered function for which an event permit has been obtained.

## **ARTICLE VII. - HEARING OFFICERS**

Sec. 6-191. - Hearing by hearing officers.

Sec. 6-192. - Appointment of hearing officer.

Sec. 6-193. - Qualifications of hearing officer.

Sec. 6-194. - Notice of hearing.

Sec. 6-195. - Purpose of hearing.

Sec. 6-196. - Conduct of disciplinary hearing.

Sec. 6-197. - Rights of licensee at disciplinary hearing.

Sec. 6-198. - Record of hearing.

Sec. 6-199. - Recordation of hearing and transcript.

Sec. 6-200. - Representation of city at hearing.

Sec. 6-201. - Informal disposition.

Sec. 6-202. - Procedure following hearing by hearing officers.

Sec. 6-203. - Right to respond and object to report of hearing officer.

Sec. 6-204. - Right of city council to conduct de novo hearing.

Sec. 6-205. - Determination by city council following hearing.

Sec. 6-206. - Reconsideration.

### **Sec. 6-191. - Hearing by hearing officers.**

Notwithstanding any other provisions of this chapter, hearings provided for pursuant to section 6-85 may be held, at the discretion of the council, by a hearing officer pursuant to the provisions of this article.

### **Sec. 6-192. - Appointment of hearing officer.**

The hearing officer shall be such person as shall be appointed by the city manager from time to time for such purpose.

### **Sec. 6-193. - Qualifications of hearing officer.**

Any hearing officer appointed by the city manager pursuant to this chapter shall be a member of the State Bar of Georgia in good standing and a member of the Tifton Judicial Circuit Bar Association.

### **Sec. 6-194. - Notice of hearing.**

The city manager shall furnish, or cause to be furnished, to the licensee involved at least ten days prior to the scheduled date of the hearing a notice with respect to such hearing which shall include the time, date, place and purpose thereof as well as the name of the hearing officer before whom such

hearing shall be conducted.

**Sec. 6-195. - Purpose of hearing.**

The purpose of the hearing shall be to:

- (1) Afford officials and employees of the city and others an opportunity to present grounds and/or reasons for the suspension and/or revocation of the license in issue;
- (2) Afford officials and employees of the city and others an opportunity to present the nature of prior violations relative to the license and license in issue, if any, which are considered to be relevant to the issues involved;
- (3) Afford the licensee an opportunity to respond to any and all prior alleged violations and to the circumstances surrounding any such prior alleged violations; to respond to any evidence with respect to any alleged violations; to present evidence, matters, and witnesses relative to compliance by licensee with the provisions of this chapter and any other matter relative to the purpose as is of the hearing and the issues to be resolved; to propose recommendations relative to proposed actions with respect to the license in issue; to otherwise generally respond to any and all recommendations, reasons and grounds submitted relative to the license in issue; and to otherwise generally present matters relative to possible action by the city in connection with such licensee and license.

**Sec. 6-196. - Conduct of disciplinary hearing.**

In connection with the conduct of the disciplinary hearing;

- (1) The hearing officer shall have the authority to:
  - a. Administer oaths and affirmations to witnesses who testify or offer evidence;
  - b. Issue subpoenas but only to the extent authorized pursuant to the provisions of this chapter;
  - c. Generally regulate and manage the conduct of the hearing;
  - d. Set the time and place for any continuation or postponement of the hearing;
  - e. Determine whether or not to require or accept the filing of briefs and if so the time period therefor;
  - f. Rule upon the admissibility of evidence and offers of proof submitted;
  - g. Rule inappropriate and out of order any despairing, irrelevant or inappropriate matter;
  - h. Limit evidence, statements, arguments and presentations which may unduly lengthy, inappropriate, not germane, not relevant or otherwise inappropriate;

- i. Reprimand and/or exclude from the hearing any person who fails to conduct themselves in an orderly and courteous manner during the hearing or fails to comply with the rulings of the hearing officer relative to the conduct of the hearing; and
  - j. Otherwise generally conduct the hearing in an orderly manner as in the nature of a hearing before a special master in the superior courts of the state.
- (2) Continuances may be granted by the hearing officer upon motion of any party or upon the hearing officer's own motion provided that any such continuance shall be granted only to a specific date, time, and space and no such continuance shall be granted for more than 14 calendar days.
- (3) Subpoenas may be issued by the hearing officer to any employee of the city or any elected or appointed officer or official of the city upon the timely request therefor by any party; provided, however, that the hearing officer does not have the authority or the power to issue any subpoena to any person other than employees, officers, or officials of the city.

**Sec. 6-197. - Rights of licensee at disciplinary hearing.**

- (a) At a disciplinary hearing the licensee involved shall be entitled to:
  - (1) Be represented by an attorney or by other representative;
  - (2) Present matters and witnesses relevant to the purpose of the hearing and the issues to be determined;
  - (3) Question those persons presenting matters which are adverse to the interest of the licensee but only to the extent of relevance, as determined by the hearing officer, to the purposes of the hearing and to the issues to be determined; and
  - (4) Offer suggestions or recommendations relative to the nature and/or extent of action, if any, taken with respect to the license and licensee in issue.
- (b) Notwithstanding any other provision of this chapter a licensee subject to such hearing shall not be required to give any testimony or to answer any question with respect to such proceedings nor shall the licensee be required to attend such hearing or to present any evidence or matters in connections therewith.

**Sec. 6-198. - Record of hearing.**

A record with respect to hearings shall be maintained by the city clerk which shall consist of and include the following:

- (1) All written reports, recommendations, responses, objects and other written matters filed in connection with such hearing;
- (2) All documents, instruments and other memorandum introduced into evidence at such hearing;

- (3) A written statement to be prepared by the hearing officer with respect to all matters, if any, officially noticed by the hearing officer;
- (4) All written orders and findings of the hearing officer; and
- (5) A mechanical recording of the hearing or in lieu thereof a transcript thereof if determined by the hearing officer to be appropriate.

**Sec. 6-199. - Recordation of hearing and transcript.**

- (a) The hearing shall be mechanically recorded with the product of such recording being a part of the record of such matter upon completion thereof.
- (b) Any interested party shall be entitled to employ at their own expense and utilize a stenographic reporter in connection with the hearing.
- (c) Should the hearing officer so direct, a stenographic reporter shall be utilized in connection with the hearing for the purposes of recording the hearing with the cost thereof to be paid by the city. Should the hearing officer so direct, the stenographic reporter shall prepare a transcript of the hearing with the cost thereof to be paid by the city. In the event the hearing officer so directs the preparation of a transcript by the stenographic reporter then the licensee, upon payment directly to the stenographic reporter of the cost thereof, shall be entitled to a copy of the transcript so prepared. In the event that the hearing officer does not direct the preparation of a transcript then either the city or the licensee shall be entitled to request preparation of a transcript of the hearing from such stenographic reporter upon payment to the stenographic reporter of the cost thereof.

**Sec. 6-200. - Representation of city at hearing.**

The city shall be represented at hearings by the city manager and upon his request by the office of the city attorney.

**Sec. 6-201. - Informal disposition.**

An informal disposition of a hearing may be made at any stage by stipulation or consent finding, all subject to approval thereof by the hearing officer.

**Sec. 6-202. - Procedure following hearing by hearing officers.**

Within 30 calendar days of the date of the conclusion of such hearing, the hearing officer shall prepare and file with the city clerk a written report which shall contain the following:

- (1) Findings of fact with respect to incidents, actions and/or behavior of the licensee in issue and/or the agents, servants and/or employees thereof which are relevant to the matters and issues to be

- determined;
- (2) Findings of fact with respect to prior matters involving the licensee which are relevant to the issues to be determined;
  - (3) Findings of fact with respect to provisions of this chapter, breached or violated by the licensee, if any, which were determined by the hearing officer to be relevant to the issues to be determined;
  - (4) Findings of fact with respect to recommendations of city officials, if any, and the reasons, if any are presented, for such recommendations; and
  - (5) The recommendation of the hearing officer, if any, with respect to what action should be taken relative to the licensee in issue and, if any, in the extent and nature thereof. Such written report of the hearing officer, together with the record in connection with such hearing, shall be promptly filed with the city clerk and a copy of such report of the hearing officer shall be furnished by the hearing officer to the licensee, to the city manager and to the city attorney.

**Sec. 6-203. - Right to respond and object to report of hearing officer.**

- (a) Both the licensee and the city manager shall be entitled, within 15 calendar days after being furnished with such report, to file with the city clerk written objections to any finding of fact or recommendation of the hearing officer.
- (b) Additionally, both the city manager and the licensee or the employee shall be entitled, within 15 calendar days after being furnished with such report of the hearing officer, to file a request with the city manager for a de novo hearing before the city council.

**Sec. 6-204. - Right of city council to conduct de novo hearing.**

Upon the filing of a request within 15 calendar days of the furnishing of the report of the hearing officer, or upon the decision of the city council on its own motion, the city council shall be entitled to conduct a de novo hearing with respect to the issues involved in connection with such license and licensee, which hearing shall be conducted upon same basis and accordance with same procedures as the hearing before the hearing officer.

**Sec. 6-205. - Determination by city council following hearing.**

- (a) Following the filing of the report of the hearing officer and the lapse of the 15-day period for the filing of objections to the report of the hearing officer, the city council shall proceed to make a determination with respect to the issues relative to the license and the licensee involved.
- (b) Such determination shall be based upon the written report and recommendations, if any, of the hearing officer and the written objections to the report of the hearing officer except in the event of a de novo hearing.
- (c) In the event of a de novo hearing the city council shall proceed to conduct a hearing upon the relevant issues and following such hearing make a

- determination based upon matters presented at such do novo hearing.
- (d) Such determination shall be made by the city council in written form within 30 calendar days following lapse of the time for the filing of objections to the report of the hearing officer, or in the event of the determination by the city council to conduct a de novo hearing then within 30 calendar days following the conclusion thereof, with copies of such written determination to be promptly furnished by the city clerk to the city manager, to the city attorney and to the licensee.
  - (e) Such determination shall include what action with respect to the license and licensee, if any, shall be taken including the extent, duration and exact nature thereof as well as the effective date of the commencement of such action.

**Sec. 6-206. - Reconsideration.**

- (a) Both the city manager and the licensee shall be entitled to file a request, within ten calendar days of the date of receipt of the written determination of the city council, for reconsideration of the decision of the city council.
- (b) The city council shall have the right, in the sole discretion of the city council, to reconsider any decision of the city council based upon a request therefor which demonstrates either the existence of substantial new evidence not available to the party prior to the hearing or providential cause.

**ARTICLE VIII. - REMOVAL OF UNFINISHED BOTTLE OF WINE FROM RESTAURANT; SECURE RESEALING**

- (1) Notwithstanding any other contrary provision of law, any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises.
- (2) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.
- (3) If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

DRAFT

**TIFTON CITY COUNCIL AGENDA ITEM**



TO: Tifton City Council  
FROM: Council Members Chris Parrott & Julie Smith  
DATE: 07/17/2013  
DEPARTMENT: City Council  
SUBJECT: Tourism

DATE: 07/18/2013  
Workshop Meeting (x)  
Regular Meeting ( )  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

Council Members Parrott and Smith will provide an update to Council regarding recent discussions with the Tourism Association and others as it relates to the City of Tifton.

**PROPOSED ACTION**

Discussion Only.

**SUPPORTING INFORMATION**

**Background Information**

**Financial Implications**

n/a

**Pros and/or Cons**

**TIFTON CITY COUNCIL AGENDA ITEM**

**TO:** Tifton City Council  
**FROM:** Rona Martin, City Clerk  
**DATE:** 07/18/2013  
**DEPARTMENT:** City Clerk's Office  
**SUBJECT:** Board Report



DATE: 06/20/2013  
Workshop Meeting (X)  
Regular Meeting ( )  
Called Meeting ( )

---

**EXECUTIVE SUMMARY**

Please see attached.

**PROPOSED ACTION**

General Discussion.

**SUPPORTING INFORMATION**

See attached.

**Background Information**

**Financial Implications**

- None.

**Pros and/or Cons**

- We currently have a shortage of applications.

**Implementation**

## **Board Report 2013**

### **July Workshop**

#### **Tifton Tree Board**

Vacancy - term expiration 03/31/2013

Board application received by Glenda Fowler included in packet.

#### **Keep Tift Beautiful**

Replacement for J. D. Groover.

#### **Historic Preservation Commission**

Application from Jeffrey Daniel is attached.

**Tifton-Tift County Public Library**-this board has a maximum of 4-3 year terms for a total of 12 years  
William Kelley - term expiration 06/30/2013



204 N. Ridge Avenue  
Post Office Box 229  
Tifton, Georgia 31793

<http://www.tifton.net>

**BOARD MEMBER APPOINTMENT APPLICATION**

The Tifton City Council appoints individuals from the community to serve on various boards or commissions. Completing this application will indicate your availability and interest in serving the City in this capacity.

**ELECTED OFFICIALS:**

G. "JAMIE" CATER, JR.  
MAYOR

JOHNNY TERRELL, JR.  
VICE-MAYOR  
DISTRICT 3

MARIANNA KEESEE  
DISTRICT 1

CHRISTOPHER PARROTT  
DISTRICT 2

JULIE B. SMITH  
DISTRICT 4

NAME Jeffrey Daniel DATE 6/25/13  
ADDRESS (HOME) 1000 Forrest Ave Tifton  
PHONE (DAY): 229 392 4295 (NIGHT): SAME  
EMAIL ADDRESS jeffreydaniel2@hotmail.com  
OCCUPATION IT professional / Business Owner

List one or more boards you are willing to serve on as a board member:

Historical Preservation Committee

List any talents, abilities, or interests that you possess that would benefit the board(s) indicated above.

I Live in the Historical District + own a business in the historic District

List any education, training, or experience you have received that would benefit the board(s) indicated above.

15 years + in Construction.

