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AGENDA
REGULAR MEETING OF THE PERRY CITY COUNCIL
July 2, 2019
6:00 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer.
2. Roll.
3. Invocation and Pledge of Allegiance to the Flag: Mayor Pro Tempore Randall Walker
4. Recognition(s) / Presentation(s): Mayor Pro Tempore Randall Walker
 - 4a. Recognition of newly promoted Sergeants on the Fire Department: Clint Mixon, Brian Banks, Hunter Flournoy and Asa Stanton.
5. Community Partner(s) Update(s):
6. Citizens with Input.
7. Review of Minutes: Mayor Pro Tempore Randall Walker
 - 7a. Council's Consideration – Minutes of the June 17, 2019 work session, June 18, 2019 pre council meeting and June 18, 2019 council meeting.
8. Old Business:
 - 8a. Ordinance(s) for Second Reading(s) and Adoption:
 1. **Second Reading** of an alcohol ordinance to amend the City's Code of Ordinances – Mr. R. Smith.
9. Any Other Old Business:
 - 9a. Mayor Pro Tempore Randall Walker
 - 9b. Council Members
 - 9c. City Manager Lee Gilmour
 - 9d. Assistant City Manager Robert Smith
 - 9e. City Attorney Brooke Newby
10. New Business: Mayor Pro Tempore Randall Walker
 - 10a. Matters referred from July 1, 2019 work session and July 2, 2019 pre council meeting.

10b. Award of Bid(s):

1. Bid No. 2019-28 Animal Shelter Fencing – Mr. M. Worthington
2. Bid No. 2019-34 Wastewater Treatment Plant Landscape Maintenance – Mr. M. Worthington

10c. Special Events Application(s): Ms. A. Turpin

1. The City of Perry is hosting Summer at the Splash Pad on Saturday, July 20, 2019 from 5 pm until 9:30 pm.

11. Council Members Items:

12. Department Heads/Staff Items.

13. General Public Items:

14. Mayor Pro Tempore Items:

15. Adjourn.

MINUTES
WORK SESSION
OF THE PERRY CITY COUNCIL
June 17, 2019
5:00 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer, called to order the work session meeting held June 17, 2019 at 5:00 p.m.

2. Roll:
Elected Officials Present: Mayor Pro-Tempore Randall Walker, Council Members Phyllis Bynum-Grace, Robert Jones, Riley Hunt, William Jackson and Willie King.

Elected Official Absent: None

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby, and Recording Clerk Cyndi Houser

City Departmental Staffing: Chief Steve Lynn – Police Department, Chief Lee Parker – Fire and Emergency Services Department, Mitchell Worthington – Assistant Finance Director, Ashley Hardin – Department of Economic Development Director, Bryan Wood – Director of Community Development, Ellen Palmer – Digital Communications Manager, Chad McMurrian – Lead Engineering Technician, and Ansley Fitzner – Landscape Manager.

Guest(s)/Speaker(s): Curt Eckman and Scott Haller – Parrish Construction

Press: Jada Dukes – Houston Home Journal

3. Items of Review/Discussion: Mayor Pro Tempore Randall Walker

3a. Appearance(s):

1. Presentation relative to Heritage and Legacy Parks: - Mr. Haller and Mr. Eckman

Mr. Haller and Mr. Eckman reviewed the proposed changes to the original bid package for Heritage and Legacy Parks. The revisions also included the necessary utility work required for electrical, water and grading. The proposed changes for the water feature were discussed and included safety and maintenance issues. Based on the presentation and discussions, Council concurred to move forward with a bid package for Heritage and Legacy Parks. Administration also recommended the lighting installation on Carroll Street be taken into consideration. Parrish will incorporate this item into the bid package.

3b. Office of the City Manager: Mr. Gilmour

1. Municipal Court facility:
Mr. Gilmour reviewed a memo regarding the possibility of constructing a separate facility for the Municipal Court. Administration recommended moving forward with concept plans for a stand-alone facility based on the projected growth of the City and federal and state requirements now in effect. Council concurred with moving forward with a concept plan for a structure to be located between the current City Hall and the Public Safety building.
2. Hearing officer request:
Mr. Gilmour advised that an employee receiving an adverse action had requested a hearing. Administration recommended Thomas Richardson be appointed for the position based on his experience. Council concurred with the recommendation.
3. Bidding authorization:
Mr. Gilmour noted the City had obtained the last parcel for the new city hall site and therefore Administration was requesting authorization to move forward with the demolition of the structures on the site. Alternate sites in the recommendation would be the church and the old Jaycees building. Council concurred to move forward with authorizing the demolition of structures on the new city hall site with the church and the Police Services Building (fka the Jaycees building) as alternates.
4. Follow up relative to cooler usage:
Mr. Gilmour referred Council to the memo from Anya Turpin. Once more information is received, the results and recommendation will be presented to Council for action.
5. Discuss implementation of liquor excise tax:
Mr. Gilmour reviewed the history of the excise tax noting that it has been in place for some time, but was not implemented. Administration recommended holding off until the businesses affected had time to reconfigure or update their software and also conduct a survey. Council concurred on tabling the implementation until further investigation.

4. Executive Session entered at 5:50 p.m.: Mayor Pro Tempore Walker entertained a motion to enter into executive session for the purpose of real estate. On a motion by Council Member King, seconded by Council Member Jones and carried unanimously, Council went into executive session for the purpose of real estate.
5. Executive Session adjourned at 6:05 p.m.: Council's work session reconvened. Council adjourned the executive session held June 17, 2019 and reconvened into the council's work session at 6:05 p.m.
6. Adopted Resolution No. 2019-22 stating the purpose of the executive session held on June 17, 2019 was for real estate. On a motion by Council Member Hunt, seconded by

Council Member Jackson and carried unanimously, adopted Resolution No. 2019-22 stating the purpose of the executive session held on June 17, 2019 was for real estate. (*Resolution 2019-22 has been entered in the City's official book of record*).

3c. Community Development Department: Mr. Wood

1. Discussion of fees for IN-REM process.

Mr. Wood explained to Council that in order for the City to obtain a parcel of land in a faster manner and have a warranty deed, it could be placed in the Land Bank as opposed to a tax sale. Staff recommendation was to move forward using the IN-REM process for a particular parcel. It was the concurrence of Council to accept the recommendation to move forward.

7. Council Member items:

Council Members Jackson, Jones, King and Bynum-Grace had no items.

Council Member Hunt inquired about the progress on Keith Drive. He also commented he had played on the new tennis courts.

8. Department Heads/Staff items:

No reports from Mr. Gilmour, Ms. Newby, Mr. Worthington, Ms. Palmer, Chief Parker, Mr. Smith and Mr. McMurrian.

Chief Lynn submitted a request to borrow the City's portable stage from Ms. Tian Foss of the Family Connections of Houston County. It was determined the stage is not DOT road-worthy and could not be taken to Warner Robins for the organization's July event.

Ms. Hardin reported the Food Truck Friday was very successful with over 4,000 people, had lots of positive feedback and two prospective developers in attendance.

9. Adjournment: There being no further business to come before Council in the reconvened work session held June 17, 2019, Council Member Jackson motioned to adjourn the meeting at 6:17 p.m. Council Member Bynum-Grace seconded the motion and it carried unanimously.

MINUTES
PRE COUNCIL MEETING
OF THE PERRY CITY COUNCIL
June 18, 2019
5:00 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer, called to order the pre council meeting held June 18, 2019 at 5:00 p.m.

2. Roll:

Elected Officials Present: Mayor Pro Tempore Randall Walker, Council Members Phyllis Bynum-Grace, William Jackson, Robert Jones, Riley Hunt, and Willie King.

Elected Official(s) Absent: None

City Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby and Recording Clerk Annie Warren.

Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Ashley Hardin – Economic Development Director, Mitchell Worthington – Assistant Finance Director, and Ellen Palmer – Digital Communications Manager.

Guests: None

Media: Jada Dukes – Houston Home Journal

3. Items of Review/Discussion: Mayor Pro Tempore Randall Walker

3a. Discussion of June 18, 2019 council meeting agenda.

10b (1). First Reading of an alcohol ordinance to amend the City's Code of Ordinances. Mr. Smith provided a brief overview of the ordinance.

10c (1). Resolution to approve the Policies and Procedures for the CHIP program. Mr. Wood stated this resolution adopts the policies and procedures and program design standards for the Community Home Investment Program (CHIP).

10c (2). Resolution for approval of a Language Access Plan for the CHIP program. Mr. Wood stated this resolution adopts a Language Access Plan for the CHIP program relative to individuals who have language barriers.

10c (3). Resolution for the approval of a Section 3 Policy. Mr. Wood stated this resolution adopts Section 3 plan to comply with 2 CFR Part 135 of the United States Department of Housing and Urban Development Section 3.

10c (4). Resolution accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 2A – Bobtail Run Right-of-Way. Mr. Wood stated the subdivision was inspected and found to meet the requirements of City acceptance including the right-of-way and recommended approval.

10c (5). Resolution accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 1 – Woodlands Boulevard Right-of-Way. Mr. Wood stated the subdivision was inspected and found to meet the requirements of City acceptance including the right-of-way and recommended approval.

10d. Approval of contract for Grant Specialists of Georgia to administer the CHIP grant. Mr. Wood stated the contract is self-explanatory.

11a (1). Bid No. 2019-28 – Animal Shelter Fencing. Mr. Worthington requested this item be tabled until the next meeting.

4. Council Member Items:

Council Members Bynum-Grace, King, and Jones had no reports.

Council Member Jackson inquired about the study relative to upgrading of lighting at the bypass.

Council Member Hunt reported the light is out at Hill Road and 341.

Mr. Gilmour received a request from a developer for review of fire codes.

Mr. Smith

- the majority of the new wayfinding signage is up
- the downtown kiosk will go up on Friday
- playground has been removed and construction is ongoing for the new playground equipment at Rozar and Creekwood Park
- splashpad Phase 2, we finally have contract with the company

Ms. Newby had no report.

5. Department Head/Staff Items:

Ms. King, Mr. Worthington, Mr. Wood and Ms. Palmer had no reports.

Ms. Hardin reminded everyone of yoga in the park on Saturday at 9 a.m.

Chief Lynn followed up with Mr. Hunt relative to a damage vehicle

Chief Parker reported the Perry Water Battle will be held on June 29 at noon

6. **Adjourn:** There being no further business to come before Council in the pre council meeting held June 18, 2019 Council Member King motioned to adjourn the meeting at 5:40 p.m.; Council Member Jackson seconded the motion and it carried unanimously.

MINUTES
REGULAR MEETING OF THE PERRY CITY COUNCIL
June 18, 2019
6:00 P.M.

1. Call to Order: Mayor Pro Tempore Randall Walker, Presiding Officer, called to order the regular meeting of the Perry City Council held June 18, 2019 at 6:00 p.m.

2. Roll.

Elected Officials Present: Mayor Pro Tempore Randall Walker; Council Members William Jackson, Riley Hunt, Robert Jones, Phyllis Bynum-Grace, and Willie King.

Elected Officials Absent: None

Staff: City Manager Lee Gilmour, Assistant City Manager Robert Smith, City Attorney Brooke Newby and Recording Clerk Annie Warren.

City Departmental Staffing: Chief Steve Lynn – Perry Police Department, Chief Lee Parker – Fire and Emergency Services Department, Brenda King – Director of Administration, Bryan Wood – Director of Community Development, Ashley Hardin – Economic Development Director, Mitchell Worthington – Assistant Finance Director, Ellen Palmer – Digital Communications Manager, Randy Wise – Public Works Department, Jatavis Owens – Public Works Department, Mayor Bill Phelps – Perry Police Department, and Jason Seamon – Perry Police Department.

Guest(s): Judge Ashley Deadwyler and family members, Robbin Jackson, and Mary Lou Simon

Media: Jada Dukes – Houston Home Journal

3. Invocation and Pledge of Allegiance to the Flag: Mayor James E. Faircloth, Jr.

Council Member Jones rendered the invocation and Council Member Jackson led the pledge of allegiance to the flag.

4. Swearing In of Judge Ashley Deadwyler-Heuman: Mayor Pro Tempore Randall Walker

Mayor Pro Tempore Walker administered the oath of office to Associate Municipal Court Judge Ashley Deadwyler-Heuman and introduced her to Council.

5. Recognition(s)/Presentation(s): Mayor Pro Tempore Randall Walker

5a. Recognition of Mr. Randy Wise and Mr. Jatavis Owens – Mr. R. Smith

Mr. Smith introduced Mr. Wise and Mr. Owens and shared with Council an

incident in a coworker was struck by a vehicle. Mr. Wise and Mr. Owens followed the vehicle was instrumental in the arrest of the hit and run driver.

5b. **Introduction of Officer Jason Seaman – Chief S. Lynn**

Chief Lynn introduced Officer Jason Seamon provided a brief bio. Mayor Pro Tempore Walker and Council welcomed Officer Seamon to the City of Perry.

6. **Citizens with Input.** None

7. **Review of Minutes:** Mayor Pro Tempore Randall Walker

- 7a. Council's Consideration – Minutes of the June 3, 2019 work session, June 3, 2019 special meeting, June 4, 2019 pre council meeting and June 4, 2019 council meeting. (*Council Member Jones was absent from the June 3 and 4 meetings.*)

Council Member Bynum-Grace motioned to accept the minutes as submitted; Council Member King seconded the motion and it carried with Council Member Jones abstaining from June 3 and 4 meetings.

8. **Old Business:**

8a. **Ordinance(s) for Second Reading(s) and Adoption:**

1. **Second Reading** of an ordinance adopting FY 2020 Operating Budget for the City of Perry – Mr. L. Gilmour.

Adopted Ordinance 2019-11 adopting FY 2020 Operating Budget for the City of Perry. Council Member Jones moved to adopt the ordinance as presented; Council Member King seconded the motion and it carried unanimously. (*Ordinance 2019-11 has been entered in the City's official book of record.*)

9. **Any Other Old Business:**

- 9a. Mayor Pro Tempore Randall Walker - none
9b. Council Members - none
9c. City Manager Lee Gilmour - none
9d. Assistant City Manager Robert Smith -none
9e. City Attorney Brooke Newby -none

10. **New Business:** Mayor Pro Tempore Randall Walker

- 10a. **Matters referred from June 17, 2019 work session and June 18, 2019 pre council meeting.** None

10b. **Ordinance(s) for First Reading(s) and Introduction:**

1. **First Reading** of an alcohol ordinance to amend the City's Code of

Ordinances – Mr. R. Smith. *(No action required by Council)*

10c. Resolution(s) for Consideration and Adoption:

1. Resolution to approve the Policies and Procedures for the CHIP program – Mr. B. Wood.

Adopted Resolution No. 2019-26 approving the Policies and Procedures for the CHIP program. Mr. Wood presented for Council's consideration a resolution approving the Policies and Procedures for the CHIP program. Council Member Hunt moved to adopt the resolution as submitted; Council Member King seconded the motion and it carried unanimously. *(Resolution No. 2019-26 has been entered into the City's official book of record.)*

2. Resolution for approval of a Language Access Plan for the CHIP program – Mr. B. Wood.

Adopted Resolution No. 2019-27 approving a Language Access Plan for the CHIP program. Mr. Wood presented for Council's consideration a resolution approving a Language Access Plan for the CHIP program. Council Member Hunt moved to adopt the resolution as submitted; Council Member King seconded the motion and it carried unanimously. *(Resolution No. 2019-27 has been entered into the City's official book of record.)*

3. Resolution for the approval of a Section 3 Policy – Mr. B. Wood.

Adopted Resolution No. 2019-28 approving a Section 3 Policy. Mr. Wood presented for Council's consideration a resolution approving a Section 3 Policy. Council Member Hunt moved to adopt the resolution as submitted; Council Member King seconded the motion and it carried unanimously. *(Resolution No. 2019-28 has been entered into the City's official book of record.)*

4. Resolution accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 2A – Bobtail Run Right-of-Way - Mr. B. Wood.

Adopted Resolution 2019-29 accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 2A – Bobtail Run Right-of-Way. Council Member King moved to adopt the resolution as presented. Council Member Jones seconded and it carried unanimously. *(Resolution 2019-29 has been entered in the City's official book of record).*

5. Resolution accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 1 – Woodlands Boulevard Right-of-Way – Mr. B. Wood.

Adopted Resolution 2019-30 accepting the maintenance of certain infrastructure at Woodlands Phase 3 Section 1 – Woodlands Boulevard Right-of-Way. Council Member Jones moved to adopt the resolution as presented. Council Member King seconded and it carried unanimously. (*Resolution 2019-30 has been entered in the City's official book of record*).

- 10d. Approval of contract for Grant Specialists of Georgia to administer the CHIP grant – Mr. B. Wood.

Council Member Hunt moved to approve the contract for Grant Specialists of Georgia to administer the CHIP grant; Council Member Jackson seconded the motion and it carried unanimously.

11. Other Business / Supplemental Agenda: Mayor Pro Tempore Randall Walker

- 11a. Award of Bid(s):

1. Bid No. 2019-28 Animal Shelter Fencing – Mr. M. Worthington

Mayor Pro Tempore Walker entertained a motion to table this item per staff's request. Council Member Jackson motioned to table this item; Council Member Jones seconded and it carried unanimously.

12. Council Members Items: none

Mr. Gilmour, Mr. Smith, and Ms. Newby had no reports.

13. Department Heads/Staff Items.

Ms. King, Mr. Wood, Chief Lynn, Chief Parker and Ms. Warren had no reports.

Ms. Hardin reminded everyone of Yoga in the Park this Saturday, and the Perry Water Battle on June 29.

14. General Public Items: none

15. Mayor Pro Tempore Items:

- July 1, Work session
- July 2, Pre council and council

16. Adjournment. There being no further business to come before Council in the council meeting held June 19, 2019 Council Member Jones motioned to adjourn the meeting at 6:25 p.m.; Council Member Hunt seconded the motion and it carried unanimously.

ORDINANCE

THE COUNCIL OF THE CITY OF PERRY HEREBY ORDAINS that the Perry Code is amended as follows:

1.
By deleting Chapter 3 in its entirety.

2.
By adding a new Chapter 3 as follows:

CHAPTER 3 - ALCOHOLIC BEVERAGES

ARTICLE I. - IN GENERAL

Section 3-1. - Definitions

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:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means all alcohol, distilled spirits, beer, malt beverages, wine and fortified wine as defined in this section.

Alcoholic beverage caterer means any retail dealer licensed to sell alcohol and who provides alcohol at special events or special events facilities.

Art gallery means a retail establishment primarily engaged in, and which derives at least 70 percent of its total annual gross sales from, the sale or display of art books, paintings, sculptures, or other works of art; but specifically excluding libraries, book stores, theaters, and establishments where the display of works of art is incidental to its primary use.

Art studio means a retail establishment primarily engaged in providing instruction in painting, sculpture, drawing, photography, craft work, fiber art, or other visual or graphic art techniques, and which derives at least 70 percent of its total annual gross sales from the sale of such services and art products related to such services; but specifically excluding body art studios and tattoo parlors.

Barrel means 53 gallons.

Beer and malt beverage mean 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. The term "malt beverage" does not include sake, also known as Japanese rice wine.

Bottlehouse means an establishment that, as allowed by this Code, may permit the transport and consumption of alcoholic beverages on the premises.

Brewery means an establishment that manufactures beer and malt beverages.

Brewpub means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in section 3-36(b). In calculating the total annual gross food and beverage sales for any such establishment for the purpose of determining whether the establishment constitutes an eating establishment as defined herein, barrels of malt beverages sold to licensed wholesale dealers or to the public for consumption off the premises shall not be used.

Brown Bagging means the bringing of alcoholic beverages into business establishments holding a license for or eligible to hold a license for the retail sale and consumption of beer and wine or distilled spirits by the drink for the purpose of drinking such alcoholic beverages at such establishments.

Commissioner means the Commissioner of the Georgia Department of Revenue.

Distilled spirits mean any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume, including, but not limited to, all fortified wine.

Distillery means an establishment where alcoholic beverages are produced by the distillation.

Eating establishment means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Farm winery means a winery which makes at least forty (40) percent of its annual production from agricultural produce grown in the state and:

- (1) Is located on premise, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries or fruit to be utilized in the manufacture or production of wine by the winery; or
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

Fixed salary means the amount of compensation paid to any member, officer, agent or employee of a bona fide private club as may be fixed for such person by its members at a prior annual

meeting or by the governing body of the club out of the general revenue of the club, and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation 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 wine means any alcoholic beverage containing more than 24 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.

Gallon or wine gallon means a United States gallon of liquid measure equivalent to the volume of two hundred thirty-one (231) cubic inches or the nearest equivalent metric measurement.

Growler means a bottle capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container may hold less than twelve (12) ounces but not to exceed 68 ounces, and is filled with malt beverage drawn from a barrel, cask, tank, or keg by a licensee, or an employee of a licensee, holding a package malt beverage license issued by the City of Perry.

Home-brew beverage means any malt beverage produced pursuant to O.C.G.A. § 3-5-4.

Licensed alcoholic beverage caterer means any retail dealer who has been licensed pursuant to this Chapter and who otherwise complies with all requirements for an alcoholic beverage caterer contained in this Chapter

Licensee means the individual to whom a license is issued or, in the case of partnership or corporation, all partners, officers and directors of the partnership or corporation.

Malt Beverage 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 (6) percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

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

Person means any individual, company, corporation, association, partnership, or other legal entity.

Premises means the definite closed or partitioned-in locality, whether a room, shop, building, restaurant or club, wherein activities permitted by this chapter are conducted.

Private club means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter;
- (2) Has at least 75 regular dues-paying members; and
- (3) Owns, hires or leases a building space within a building for the reasonable use of its members with:
 - a. A suitable kitchen and dining room space and equipment;
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. No member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Registered agent means any person who is authorized by the licensee and agrees to accept service or process and legal notices on behalf of the licensee.

Retail consumption dealer means any person who sells distilled spirits for consumption on the premises at retail only to consumers and not for resale.

Retailer or retail dealer means, except as to distilled spirits, means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term "retailer" or "retail dealer" means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

Special Event means any organized activity, whether for profit or not, having as its purpose entertainment, recreation, and/or education which takes place on public property or takes place on private property but requires special public services such as the use of parks, public streets, rights-of-ways, or sidewalks as well as events that take place in local business establishments that are outside of the "normal" course of business. Special events may include, but are not limited to, activities such as run/walk events, cycling events, street festivals, parades, grand openings, sales promotional events, concerts, assemblies, block parties and certain outdoor promotional events.

Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol by volume made from fruits, berries or grapes, either by fermentation or by natural fermentation with brandy added. The term "wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term "wine" 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 the term "wine" contained in this section.

Sec. 3-2. - Types of Licenses

- (1) *License required.* With the exception of home-brew beverages, it shall be unlawful for any person to manufacture, serve, furnish, sell or offer for sale, at retail or wholesale, within the corporate limits of the City of Perry any alcoholic beverage, including malt beverage or wine, without having a manufacturer's license or retail or wholesale alcoholic beverage dealer's license. With the exception of home-brew beverages, it shall be unlawful for any person to manufacture, serve, furnish, sell or offer for sale, at retail or wholesale, within the corporate limits of the City of Perry any alcoholic beverage, including malt beverage or wine, in violation of the terms of such license or this chapter.

- (2) *Classes.* The licenses shall be divided into the following classes:
 - a. Class A - Retail Beer and Wine;
 - b. Class B - Retail Liquor;
 - c. Class C - Retail Beer and Wine by the Drink;
 - d. Class D - Retail Liquor by the Drink;
 - e. Class E - Wholesale Beer and Wine;
 - f. Class F - Wholesale Liquor;
 - g. Class G - Alcoholic Beverage Caterer;
 - h. Class H - Brewery;
 - i. Class I - Brewpub;
 - j. Class J - Hotel;
 - k. Class K - Distillery;
 - l. Class L - Bottlehouse;
 - m. Class M – Specialty Gift Shop;
 - n. Class N – Ancillary Winetasting;

- o. Class O – Farm Winery.

Sec. 3-3. – Computation of time.

Except where otherwise specifically defined, when a period of time measured in days, the first day shall not be counted but the last day shall be counted; and, if the last day falls on Saturday or Sunday, the party holding a privilege or the obligation to discharge a duty shall have through the following Monday to either exercise the privilege or discharge the duty. When the last day prescribed for such action falls on a public and legal holiday, the party having the privilege or duty shall have through the next business day to exercise the privilege or to discharge the duty.

Sec. 3-4 – Sec. 3-10. Reserved.

ARTICLE II. - GENERAL REGULATIONS

Sec. 3-11. - General regulations to alcohol licenses.

(a) *Compliance with state and federal laws.* In addition to the rules and regulations of this article, each licensee doing business in the City under this article shall comply with all laws of the state, all federal laws, and all rules and regulations of the Commissioner relating to the sale and distributions of malt beverages, wine and/or distilled spirits in the state;

(b) *License fees.* The annual fee for a retail license for the sale of alcoholic beverages allowed in this chapter shall be determined by the Mayor and City Council and kept on file in the office of the City Clerk in the tax/license department. The fees for any license obtained after July 1 of each year shall be one-half of the annual license fee.

(c) *License per location.* A separate license to sell alcoholic beverages shall be required for each place of business.

(d) *License not transferable to another location of another person.* Except as otherwise stated in this article, no license shall be transferable or assignable to any person or other location; and if a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the governing authority. Under no circumstances will the license fee be refunded to the holder. No license shall be transferred from one person to another during the year in which the license was obtained except in the case of the death of a person holding a license. In such a case, the licensee's executor or administrator may continue to operate under the license for up to six months from the date of qualification. Upon the sale of licensed business under this article, the new owner may operate the business under the old license under this article, but in no event for longer than 60 days or until his application is granted or denied under this article, whichever shall first occur.

(e) *Interests of public employees; prohibited.* No license shall be granted to any city, state or federal employee whose duties include the regulation or policing of alcoholic beverages or licenses or any tax-collecting activity.

(f) *Inspections.* The business premises of a licensee under this article shall be open to inspection at any and all times by officers or officials authorized to conduct such inspections.

(g) *Financial responsibility.* Any applicant for an alcohol license must show financial responsibility to the satisfaction of the governing authority. Financial statements must be submitted with each completed application as prescribed by the governing authority. Forms are to be furnished by the governing authority along with or included in application forms for license.

(h) *Failure to open.* All holders of licenses issued hereunder must within 45 days after the issuance of such license open for business the establishment referred to in the license. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

(i) *Adding to, refilling bottles, misrepresentations as to quantity, etc.* It shall be unlawful for a licensee hereunder, his employees, subcontractors or his agents, to add to the contents of a bottle or to refill an empty bottle or in any manner to misrepresent the quantity, quality or brand name of any beverage licensed hereunder, except for retail sales of growlers.

(j) *Sales, etc., to persons under legal age.* It shall be unlawful to provide alcoholic beverages to any persons under the age permitted by O.C.G.A. § 3-3-23.

(k) *Display of license.* Every licensee, its agents or employees, shall post the most current alcoholic beverage license issued for the licensed premises in public view at eye level (an approximate height of five feet from the floor) within 15 feet of the entrance to the licensed premises.

(l) *Bringing beverages purchased elsewhere onto premises.* It shall be unlawful for a licensee or any other business that has been issued a business occupation tax certificate to allow customers to bring with them their own alcoholic beverages, a practice commonly referred to as "BYOB" or "brown-bagging", subject to a license issued pursuant to Sections 3-29 & 3-31.

(m) *Sales areas, activities.* It shall be unlawful for any licensee to make delivery of any alcoholic beverages licensed to be sold except within the premises or area licensed for sale thereof. No licensee who is not permitted to allow on site consumption shall permit the consumption of alcohol sold by the package on the lot or premises where the licensed establishment is located, nor shall any individual consume the contents of such packages on the lots or premises of such a licensed establishment. Provided, however, that such licensee may sell package alcoholic beverages by means of a drive-in window, provided any such drive-in window shall be well lighted and clearly visible from the street or sidewalk and shall not be located at the rear of any licensed premises.

(n) *Possession of unlicensed beverages.* All licensees hereunder are forbidden to possess, keep, maintain or otherwise store or keep any alcoholic beverages for which the licensee does not hold a license on the premises so licensed.

(o) *Employee consumption during work hours.* It shall be unlawful for any employee of any licensee to consume alcoholic beverages on the premises of the licensee during such employee's working hours.

(p) *Security cameras required for certain establishment selling alcoholic beverages.*

(1) Any licensee for the sale of any alcoholic beverages not consumed on the premises is hereby required to install a continuous video recording system dedicated to each register area and at each entrance and exit with cameras and lens of a type, number and location approved by the public safety director or his or her designee. Such camera must be capable of producing a retrievable and identifiable image on VHS tape or electronic media such as CD or DVD that can be made a permanent record and that can be enlarged through projection or other means.

(2) Cameras meeting the requirements of this section shall be maintained in proper working order at all times and shall be in operation at all hours in which such establishment is open for business. The camera shall be subject to periodic inspection by the chief of police or his designee along with the person on duty at the time of the inspection and in the event the primary system becomes inoperable, the licensee must have the camera repaired or have availability of a backup camera system within a ten-day period of time. In addition, in the event the camera becomes inoperable, the licensee must immediately notify the police chief or his designee. If a crime occurs or an employee believes a crime has occurred, the police department shall be contacted immediately and the film retrieved by a designated police officer.

(3) Violation of any provisions under this section shall constitute an offense hereunder and shall be punishable as follows:

(i) On a first offense, there shall be a minimum fine of two hundred fifty dollars (\$250.00). In addition to said fine, the judge of the municipal court may impose, at their discretion, a suspension of all City alcoholic beverage licenses at the establishment for a period of time not to exceed thirty (30) days.

(ii) On the second offense, if within twelve (12) months of the first, there shall be a minimum fine of three hundred fifty dollars (\$350.00). In addition to said fine, the judge of the municipal court may impose, at their discretion, a suspension of all alcoholic beverage licenses at the establishment for a minimum of sixty (60) days.

(q) *Sale of alcoholic beverages near churches or schools restricted.* No person knowingly and intentionally may sell or offer to sell:

- (1) Any distilled spirits for off premises consumption in or within one hundred (100) yards of any church building or within two hundred (200) yards of any school building, educational building, school grounds or college campus.
- (2) Any wine or malt beverages for off premises consumption within one hundred (100) yards of any school building, school grounds or college campus. This subsection shall not apply to any location for which a new license is applied for if the sale of wine and beer was lawful at such location at any time during the twelve (12) months immediately preceding such application.
 - (i) As used in this section, the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools.
- (3) For purposes of this subsection, the measurement in determining the distance shall be made from the nearest two (2) points between the buildings in question.

Sec. 3-12. - Hours of operation.

- (a) Class A, O, and any sale of alcoholic beverages for offsite consumption by Class H, M, and O Licensees shall be permitted to sell such beverages at any time except between 12:00 midnight on Saturday and 12:30 p.m. on Sunday and between 11:30 p.m. on Sunday and 12:01 a.m. on Monday.
- (b) Class B and any sale of alcoholic beverages for offsite consumption by Class K Licensees shall be permitted to sell such beverages at any time between 8:00 a.m. and 11:45 p.m. on Monday through Saturday and between 12:30 p.m. and 11:30 p.m. on Sunday. No Class B and any sale of alcoholic beverages for offsite consumption by Class K Licensees shall allow any persons inside the establishment after said hours other than regular employees who are engaged in activities to close, clean or stock the establishment, or if the doors to the establishment are unlocked. The only exception to the above may be caused by emergency repairs to equipment and/or facilities.
- (c) Class C, D, G, I, J, L, N, O and any sale of alcoholic beverages for on premises consumption by Class H, K, and M Licensees shall be permitted to sell such beverages between the hours of 8:00 a.m. and 2:00 a.m. on Monday through Saturday. For such classes, the sale of alcoholic beverages for consumption on the premises shall be permitted on Sunday between the hours of 12:01 a.m. and 2:00 a.m. and between the hours of 11:00 a.m. and 12:00 a.m. midnight provided that at least fifty (50) percent of the total annual gross sales of the licensed establishment is derived from the sale of prepared meals or food in all the combined retail outlets of the individual establishment which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging.

(d) Pursuant to O.C.G.A. § 3-3-20(b)(B), the sale by wholesale and retail of alcoholic beverages (distilled spirits, wine and malt beverages) shall be lawful during the polling hours of any election; provided however, nothing herein shall authorize the sale of alcoholic beverages within two hundred fifty (250) feet of a polling place during such time as the polls are opened.

Sec. 3-13. - Persons under twenty-one years of age in poolrooms wherein alcoholic beverages are sold; consumption in poolrooms, etc.

No person under twenty-one (21) years of age shall be allowed to be in or on the premises of any poolroom, billiard room or billiard parlor within the City limits or any place operating in connection therewith wherein alcoholic beverages are sold, served or allowed to be used. In addition, no alcoholic beverages shall be sold, served, or allowed to be used in or on the premises of any poolroom, billiard room or billiard parlor within the City limits or any place operating in connection therewith unless such premise or establishment is an establishment which is authorized to sale alcoholic beverages and derives at least fifty (50) percent of its total annual gross revenue from the sale of products or services other than alcoholic beverages; provided, however, no alcoholic beverages by the drink for consumption on the premises wherein any poolroom, billiard room or billiard parlor is located may be sold, served or used therein unless the establishment derives at least seventy-five (75) percent of its revenue from the sale of products or services other than alcoholic beverages.

Sec. 3-14. – Payment of taxes and fees.

Prior to issuance of any license pursuant to this chapter, an applicant must be in compliance with all applicable requirements under federal, state, and/or city ordinances. Compliance with state statutes and city ordinances shall specifically include the requirement that the applicant or business of the applicant is not delinquent in the payment of any tax or fee owed the city, including, but not limited to, personal or real property taxes, any occupational taxes, sales and use taxes, or payment for any required permit necessary for operation of applicant's business. For purposes of this section, any tax that has been paid, formally appealed to the proper authorities, or is being paid pursuant to a plan authorized and approved by the appropriate tax or revenue commissioner shall not be deemed delinquent.

Sec. 3-15. – Violation of Ordinances.

Violation of any of the provisions of this Chapter shall be deemed a misdemeanor; and any person convicted for the violation of any provision of this section may be punished by being sentenced to not more than one year in jail, or by a fine of not more than \$1,000.00, and the revocation of all alcoholic beverages licenses issued by the City of Perry to such licensee.

Sec. 3-16 – Sec. 3-25. Reserved.

ARTICLE III. - SPECIFIC LICENSE REGULATIONS

Sec. 3-26. - Class A - Retail Beer and Wine.

In addition to the regulations previously provided in Article II of this Chapter, Class A Licensees shall comply with the following regulations:

- (a) Any applicant for a Class A License shall submit fingerprint cards to the City for processing. Any processing fees incident to the fingerprint check shall be paid by the applicant and shall be in addition to any license fees. If the applicant is a corporation with less than ten stockholders; stockholders, officers and agents shall submit fingerprints under this section.
- (b) Class A Licensees shall maintain, on premises, a monthly inventory of merchandise (exclusive of alcoholic beverages) of at least \$7,500.00.
- (c) No sales of malt beverages or wine shall be made to minors or intoxicated persons.
- (d) All premises used for the sale of malt beverages and wine shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.
- (e) Retail sales of growlers in compliance with this section shall be authorized for licensees under this section. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. §§ 3-3-26, and 3-4-25, or other provisions of this section. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed with a tamperproof plastic cap and removed from the premises in its original sealed condition. Consumption on the premises is strictly prohibited. However, samples of tap beers may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

Sec. 3-27. - Class B - Retail Liquor.

In addition to the regulations previously provided in Article II of this Chapter, Class B Licensees shall comply with the following regulations:

- (a) No beverages of any kind may be opened or consumed in the place of business of a Class B Licensee.
- (b) No Class B Licensee shall sell or offer for sale or display or keep in stock at their place of business where distilled spirits are offered for sale, any other products or commodity except the following: beer or wine, when properly licensed, beverages containing no alcohol commonly used to dilute distilled spirits, and food for off-premises consumption.
- (c) No sales of distilled spirits shall be made to minors or intoxicated persons.
- (d) All premises used for the sale of distilled spirits shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

Sec. 3-28. - Class C - Retail Beer and Wine by the Drink.

In addition to the regulations previously provided in Article II of this Chapter, Class C Licensees shall comply with the following regulations:

- (a) No sales of malt beverages and/or wine shall be made to minors or intoxicated persons.
- (b) All premises used for the sale of malt beverages and/or wine shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

Sec. 3-29. - Class C Brown Bagging

(a) Any establishment holding a Class C License may purchase a daily or an annual permit so as to permit brown bagging on such licensed premises. The establishment location must be zoned to allow the sale and/or consumption of alcoholic beverages on site and the applicant must follow the standard application process as required for any alcoholic beverage license request. The fee for a daily permit or an annual permit shall be in an amount to be determined from time to time by City Council and listed in the schedule of fees and charges maintained by the City Clerk. Brown bagging shall be unlawful at all business establishments that do not obtain a brown bagging permit as provided for in this section.

(b) Every Class C Licensee obtaining a brown bagging permit and allowing brown bagging at such establishments shall be subject to the additional rules and regulations:

(1) No bottle or other container of distilled spirits shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time. Possession of such bottle or container of distilled spirits shall be prima facie evidence of the violation of this provision. Bottles or other containers of distilled spirits must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting brown bagging.

(2) Establishments holding brown bagging permits shall not deny or restrict the privilege of brown bagging by patrons or impose any admission charge, cover charge or minimum charge on brown bagging patrons that is not also imposed upon all other patrons during the legal hours of sale and consumption of alcoholic beverages.

Sec. 3-30. - Class D - Retail Liquor by the Drink.

In addition to the regulations previously provided in Article II of this Chapter, Class D Licensees shall comply with the following regulations:

- (a) No sales of malt beverages and/or wine shall be made to minors or intoxicated persons.
- (b) All premises used for the sale of malt beverages and/or wine shall be kept in a safe and sanitary condition as required by the ordinances of this county and the laws of this state.

Sec. 3-31. - Class D Brown Bagging

(a) Any establishment holding a Class D License may purchase a daily or an annual permit so as to permit brown bagging on such licensed premises. The establishment location must be zoned to allow the sale and/or consumption of alcoholic beverages on site and the applicant must follow the standard application process as required for any alcoholic beverage license request. The fee for a daily permit or an annual permit shall be in an amount to be determined from time to time by City Council and listed in the schedule of fees and charges maintained by the City Clerk. Brown bagging shall be unlawful at all business establishments that do not obtain a brown bagging permit as provided for in this section.

(b) Every Class D Licensee obtaining a brown bagging permit and allowing brown bagging at such establishments shall be subject to the additional rules and regulations:

(1) No bottle or other container of distilled spirits shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time. Possession of such bottle or container of distilled spirits shall be prima facie evidence of the violation of this provision. Bottles or other containers of distilled spirits must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting brown bagging.

(2) Establishments holding brown bagging permits shall not deny or restrict the privilege of brown bagging by patrons or impose any admission charge, cover charge or minimum charge on brown bagging patrons that is not also imposed upon all other patrons during the legal hours of sale and consumption of alcoholic beverages.

Sec. 3-32. - Class E - Wholesale Beer and Wine.

In addition to the regulations previously provided in Article II of this Chapter, Class E Licensees shall comply with the following regulations:

(a) Class E Licensees shall furnish to the City a summary of all purchase invoices for malt beverages and wine sold to each retailer in the City on or before the 20th day of each month following such purchases.

Sec. 3-33. - Class F - Wholesale Liquor.

In addition to the regulations previously provided in Article II of this Chapter, Class F Licensees shall comply with the following regulations:

(a) Class F Licensees shall furnish to the City a summary of all purchase invoices for malt beverages and wine sold to each retailer in the City on or before the 20th day of each month following such purchases.

Sec. 3-34. - Class G - Alcoholic Beverage Caterer.

In addition to the regulations previously provided in Article II of this Chapter, Class G Licensees shall comply with the following regulations:

(a) *Resident caterers.* Any licensee holding a Class A, B, C, D, H, I, and J may apply for a Class G License to sell malt beverages, wine or distilled spirits by the drink at a fixed location within the City may apply for an off-premises license that authorizes sales at authorized catered events or functions. A licensed alcoholic beverage caterer may sell only beer, wine, and/or distilled spirits by their alcoholic beverage license.

(b) *Non-resident caterers.* Any entity who possesses a valid license from a jurisdiction within the State of Georgia to sell beer, wine, or distilled by the drink may apply for a license that authorizes sales as authorized catered events or functions for on premises consumption. A licensed alcoholic beverage caterer may sell only beer, wine, and/or distilled spirits by their alcoholic beverage license.

(c) *Non-profit Civic Organization.* A bona fide non-profit civic organization that desires to sell or serve alcoholic beverages temporarily for consumption on a non-licensed premise during a special event shall obtain a license authorizing the organization to sell or serve alcoholic beverages for consumption on the premises of the special event.

(d) Class G Licensees shall maintain a copy of the caterer's valid state alcoholic beverage license, a copy of the caterer's valid local alcoholic beverage catering license and a copy of the caterer's valid local alcoholic beverage catering event permit in the vehicle transporting the alcoholic beverages to the catered function at all times.

(e) *City of Perry sponsored events, festival, or functions.* The City of Perry may issue malt beverage, wine or distilled spirit license in conjunction with city sponsored events.

Sec. 3-35. - Class H - Brewery.

In addition to the regulations previously provided in Article II of this Chapter, Class H Licensees shall comply with the following regulations:

(a) *Brewery production and sales.* A license for on-premises production and on-premises sale of malt beverages may be authorized, provided the following conditions are met:

(1) All state regulations relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(b) *Consumption on the premises.* Brewery shall be permitted to serve malt beverages produced at the brewer's licensed premises for consumption on the premises, subject to the following restrictions:

(1) Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels

in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(c) *Consumption off the premises.*

(1) Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(2) Any sales of malt beverages shall not exceed a maximum of 288 ounces per consumer per day.

(3) Retail sales of growlers in compliance with this section shall be authorized for licensees under this section. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. §§ 3-3-26, and 3-4-25, or other provisions of this section. Growlers may be filled from either kegs procured by the licensee from a duly licensed wholesaler for malt beverages not produced on-site or by malt beverages produced on-site, subject to and counting towards the 3,000 barrel limitation cited previously. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed with a tamperproof plastic cap and removed from the premises in its original sealed condition. Consumption on the premises is strictly prohibited. However, samples of tap beer may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

(d) *Samples.* Samples of tap beers may be made available but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

(e) It shall be unlawful for a brewery licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest) or taking a break during periods of any on-duty employment.

(f) Subject to the provisions in this article, a brewery licensee or employee thereof shall be permitted to taste malt beverages at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day.

Sec. 3-36. - Class I - Brewpub.

In addition to the regulations previously provided in Article II of this Chapter, Class I Licensees shall comply with the following regulations:

(a) Class I Licensees shall be authorized to operate an eating establishment that shall be the sole retail outlet for such on-site produced malt beverages and may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided such alcoholic beverages are purchased from a licensed wholesaler and, provided further, in addition to malt beverages manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottle malt beverages purchased from a licensed wholesale dealer.

(b) Notwithstanding any other provision of this section, a Class I Licensee operating a brewpub may sell up to a maximum of 3,000 barrels annually of such malt beverages manufactured on its premises for consumption on the premises or consumption off the premises. Under no circumstances shall such malt beverages be sold by said licensee to any person holding a retailer's license for the purpose of resale.

Sec. 3-37. - Class J - Hotel.

In addition to the regulations previously provided in Article II of this Chapter, Class J Licensees shall comply with the following regulations:

(a) *Hotel-motel retail sales.* A Class J License shall allow the sale for on-premises consumption of malt beverages, wine and/or distilled spirits to persons otherwise entitled to a retail license for the sale of malt beverages, wine and/or distilled spirits.

(b) An applicant for a Class J License must own or operates a hotel or motel with a minimum of 40 separate rooms and whose primary function and principal business activity is to operate as providing overnight accommodations for adequate pay.

(1) The terms "primary function" and "principal business activity," in addition to their normal and customary usage shall also be defined as generating at least 60 percent of the revenue of such hotel or motel.

(2) It is the intent of this legislation to authorize the consumption of malt beverages, wine and/or distilled spirits by the public on the premises of persons operating a qualified hotel or motel.

Sec. 3-38. - Class K - Distillery.

In addition to the regulations previously provided in Article II of this Chapter, Class K Licensees shall comply with the following regulations:

(a) *Distillery production and sales.* A license for on-premises production and on-premises sale of distilled spirits may be authorized, provided the following conditions are met:

(1) All state regulations relating to the manufacture, sale, and distribution of distilled spirits, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(b) *Consumption on the premises.* Distilleries shall be permitted to serve distilled spirits produced at the distillery's licensed premises for consumption on the premises, subject to the following restrictions:

(1) Total sales of distilled spirits for consumption on the premises and for consumption off the premises at the distillery's licensed premises shall be less than 500 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(c) *Consumption off the premises.*

(1) Total sales of distilled spirits for consumption on the premises and for consumption off the premises at the distillery's licensed premises shall be less than 500 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(2) Any sales of distilled spirits shall not exceed a maximum of 2,250 milliliters per consumer per day.

(d) It shall be unlawful for a distillery licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest) or taking a break during periods of any on-duty employment.

(e) Subject to the provisions in this article, a distillery licensee or employee thereof shall be permitted to taste distilled spirits at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day

Sec. 3-39. - Class L - Bottlehouse.

In addition to the regulations previously provided in Article II of this Chapter, Class L Licensees shall comply with the following regulations:

(a) The following establishments and businesses are eligible to hold a Class L License:

(1) Art Gallery;

- (2) Art Studio;
 - (3) Bed and Breakfast, as defined by the Perry Land Development Ordinance; and
 - (4) Golf Course, as defined by the Perry Land Development Ordinance;
- (b) The alcoholic beverage is brought to the place of business to be consumed on the premises by the individual who transported the alcohol to the business.
- (c) Only the individual who furnished the alcoholic beverage consumes the alcoholic beverage while on the licensed premises.
- (d) The individual furnishing the alcoholic beverage must remove any unconsumed wine and or malt beverages from the licensed premises before leaving the premises.

Sec. 3-40. - Class M - Specialty Gift Shop.

In addition to the regulations previously provided in Article II of this Chapter, Class M Licensees shall comply with the following regulations:

- (a) For all purposes of this section, the term "specialty gift shop" shall be defined as any retail gift shop that derives not more than 15 percent of its gross sales from the sale of packaged gift baskets or similar items containing unbroken containers of wine or beer.
- (b) Notwithstanding any other provision of this chapter to the contrary, a limited exception to the provisions of this chapter shall exist for the owners of specialty gift shops, provided that the owner shall first obtain Class M License as hereinafter provided, and the only sale of alcohol by the owner is through the sale of gift items as specified in subsection (a) of this section and not for consumption on the premises.

Sec. 3-41. - Class N - Ancillary Winetasting.

In addition to the regulations previously provided in Article II of this Chapter, Class N Licensees shall comply with the following regulations:

- (a) Any licensee holding a Class C or M having a minimum of 100 square feet of floor space dedicated to the display of wine offered for sale, shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in the section.
- (b) Wine sampling shall be on limited occasions when a customer requests a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.
- (c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent of the entire floor area of the premises.

- (d) Wine sampling for customers shall be limited to not more than one time per day per customer for a period not to exceed two consecutive hours. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.
- (e) Wine bottles shall be opened only by the licensee and/or an employee, and samples shall only be poured by the licensee and/or employee.
- (f) No open containers of wine shall be removed from the licensed premises.
- (g) Not more than five times per week for a period of not to exceed two consecutive hours as to the individual patron or four hours total, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.
- (h) Holders of an ancillary wine tasting permit shall not charge for samples or tastings but may accept donations for a charitable organization of their choice.
- (i) Wine sampling and tasting is only permitted within the area designated within the applicant's application and may include areas outside of the building license is granted.

Sec. 3-42. - Class O – Farm Winery.

In addition to the regulations previously provided in Article II of this Chapter, Class O Licensees shall comply with the following regulations:

- (a) A Class O License may sell its wine and the wine of any other Georgia farm winery licensee at retail in a tasting room on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other Georgia farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location that is one of the locations in the State of Georgia authorized by O.C.G.A. § 3-6-21.1(b).
- (b) The license created in accordance with this section shall be limited to farm winery tasting rooms authorized by the State of Georgia in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes.
- (c) The section shall not be construed so as to authorize a farm winery to sell wine on Sunday on premises that are not located on the property where such farm wine is produced. A farm winery located on the premises where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accordance with the terms hereof to sell its wine in accordance with Section 3-41 of this Code in the tasting room or other licensed farm winery facility to the same extent of any other licenses issued in accordance

with the terms hereof would otherwise permit. Monday through Sunday the selling or tasting of wine at a farm winery shall occur during those hours allowed under Section 3-41 of this Code.

Sec. 3-43 – Sec. 3-60. Reserved.

ARTICLE IV. – SPECIAL EVENT ALCOHOLIC BEVERAGE PERMIT

Sec. 3-61. - License required; council approval; suspension of enforcement of certain law.

A special event alcohol beverage permit license is required for all special events that involve the sale and consumption of alcohol. Said license shall not be given without the prior approval of the Mayor and City Council. In the event said license is approved, the enforcement of Section 17-54(b) shall be suspended in the area designated for the special event during the time of the special event. Provided, however, said suspension shall apply only to the drinking of alcohol beverages sold by the licensee and shall not suspend the enforcement of the remaining provisions of Section 17-54.

Sec. 3-62. - Place where permit valid; designation of area; patrons outside area; number of permits annually; adjacent property owners or renters of occupied parcels; notification of owners of property.

(a) The special event alcohol beverage permit shall be valid only for the place specified in the permit and the area where alcohol may be served shall be specifically delineated on the application. In no event shall patrons of the licensee go on to property not delineated on the application. Any suspension of the enforcement of any City ordinance contained herein shall not apply on property not delineated on the application.

(b) It shall be unlawful for licensees' employees or patrons of licensee to bring into or take outside the delineated area any alcoholic beverage or to furnish any alcoholic beverage to any person outside the delineated area.

(c) No more than six (6) such permits may be issued to the applicant in any one (1) calendar year.

(d) All applicants must provide proof that all adjacent property owners and/or renters of adjacent property have been notified of the application at least ten (10) days prior to the event.

(e) The owner of the property where sales are to be made, if not the applicant, shall be notified in writing by the applicant of the application, and proof of said notification shall be attached to the application.

Sec. 3-63. - Period of license; business hours.

(a) A special event alcohol beverage permit license shall authorize the licensee to sell alcoholic beverages for consumption only in the designated area for a period not to exceed three (3) days.

(b) The special event alcoholic beverage permit shall be subject to all laws and ordinances regulating the time for selling such beverages including, but not limited to those outlined in Section 3-12.

Sec. 3-64. - License fee.

Each application for a special event alcoholic beverage permit shall be accompanied by a non-refundable fee in an amount as set by resolution of the council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the City Council.

Sec. 3-65. - Application for license; time; review.

(a) Special event alcohol beverage permit license applications must be submitted at least 45 days prior to the planned special event.

(b) At least ten (10) days prior to the event, the applicant shall meet with the appropriate staff members of the City of Perry as designated by the City Manager in the issuance of a permit for the event, the applicant shall sign a statement of understanding of an agreement to the terms and conditions imposed on the event. Such statements shall become a part of the conditions of the permit for the event. Patrons taking alcoholic beverages purchased from the special event alcohol beverage permit licensee outside of the designated area shall be subject to arrest in accordance with subsection 17-54(b).

Sec. 3-66. - Posting of license and notice; proof of license; employees of licensee.

(a) All special event alcohol beverage permit licenses shall be posted at greeting areas or main entrances to the event.

(b) Every area where alcoholic beverages are consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "the possession of alcoholic beverages beyond this point is prohibited". The letters of such sign shall not be less than three (3) inches in height and one-half (½) inch in width and shall be in black letters on a contrasting light background.

(c) City staff may ask event producers or business owners to show proof of license during the event.

(d) All employees working for the licensee during the event must be of legal age to drink.

Sec. 3-67. - General eligibility requirements.

All special event alcoholic beverage permit licensees shall meet the general eligibility requirements outlined in Section 3-101 and shall be currently licensed by the City of Perry for the sale of alcoholic beverages to be consumed on the premises or caterers with an alcoholic beverage use permit.

Sec. 3-68. - Security.

Special event alcoholic beverage permit licensees shall employ through the department of public safety a minimum of two (2) officers for security at all times during the special event.

Sec. 3-69. - Patrons identification; containers of alcohol; cleanup of site.

(a) Licensee must provide some type of acceptable identification tag for patrons and said identification tag shall be worn at all times while the patron is consuming alcohol during the special event. Persons consuming alcohol during the special event without such identification shall be subject to arrest in accordance with Section 17-54(b).

(b) All alcohol sold must be in non-glass containers.

(c) Licensee shall be responsible for all clean-up of the area designated for the sale and consumption of alcohol.

Sec. 3-70. - Revocation of license for failure to comply with state rules and regulations.

Licenses issued under this division shall be revocable in the event the licensee fails to comply with the rules and regulations of the state with the issuance of licenses for special event alcohol beverage permit and the state requirements pertaining to such issuance are hereby referred to and made a part hereof.

Sec. 3-71 – Sec. 3-80. Reserved.

ARTICLE V. - TAX

Sec. 3-81. - Excise tax on sale of distilled spirits at wholesale.

An excise tax computed at the rate of twenty-two cents (\$0.22) per liter shall be paid to the City on all distilled spirits, excluding fortified wine, sold, displayed or stored in the city. The tax shall be paid to the City by the selling distributor or wholesaler on a month-to-month basis before the tenth of the month following sale of same.

State Law reference— Local tax authorized, O.C.G.A. § 3-4-80.

Sec. 3-82. - Tax to be in addition to other charges.

The excise tax provided for in this division shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling alcoholic beverages at retail or wholesale, within the City. The City shall collect the maximum excise tax allowable by law upon the wholesale of malt beverages, spirituous liquors and wine as prescribed in O.C.G.A. §§ 3-5-80, 3-4-80, 3-6-60, or as hereafter prescribed by subsequent state law.

Sec. 3-83. - Payment of taxes.

The taxes levied in this division shall be paid by the retailer to the wholesaler at the time of delivery of the beverages to the retailer. It shall be the duty of each retailer to pay and it shall be the duty of each wholesaler to receive the proper amount of the tax levied upon each case delivered. It shall further be the duty of all persons, firms or corporations selling these beverages at wholesale or making delivery of them in the City to remit by the tenth of the calendar month all sums collected by the wholesaler during the proceeding calendar month. These remittances shall be made to the City Clerk.

Sec. 3-84. - 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. 3-85. - Penalties.

(a) The failure to make a timely report and remittance required shall render a wholesaler liable for a penalty equal to twenty-five (25) percent of the total due during the first thirty-day period following the date the report and remittance were due and a further penalty of fifty (50) percent of the amount of this remittance for each successive thirty-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 one hundred (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. 3-86. - Taxes collected upon delivery.

(a) It shall be unlawful for any retailer of alcohol 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. 3-87. - 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 Perry and, variously, the incorporated area of Perry, wherein the City of Perry is empowered to impose this tax by O.C.G.A. § 3-4-130.

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

Licensee means any person holding a license to serve liquor 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 liquor 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 (3) percent on the sale of liquor by the drink in the City.

(c) *Collection by license.* Every licensee shall collect a tax of three (3) percent on the sale of liquor 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 designated party monthly on or before the tenth 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 fifteen (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 (1) 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 City Clerk showing the gross sales of liquor 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 City Clerk.
 - (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 City Clerk 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, he may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.
 - (2) *Penalty and interest for failure to pay tax.* A specific penalty of fifteen (15) percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one (1) percent per month, or fraction thereof, from the due date of taxes until the date of payment.
 - (3) *Notice of determination; service of.* The City Clerk shall give to the licensee written notice of his 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.
 - (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 (3) 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 (3) 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 City Clerk shall make an estimate of the amount of the gross receipts of the licensee from the sale of liquor 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 City Clerk. 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 fifteen (15) percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one (1) percent per month, or 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 (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the City Clerk 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 City Clerk 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 tax 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 City Clerk. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the City Clerk, such person shall have three (3) 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 City Clerk, 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 City Clerk.* The City Clerk 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 (3) years, all records, receipts, invoices and such other documents as the City Clerk may prescribe, and in such form as he may require.
- (3) *Examination of records, audits.* The City Clerk or any person authorized in writing by him 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 City Clerk may require the filing of reports by any person or class of persons having in their possession or custody information relating to the sale of liquor by the drink. The reports shall be filed with the City Clerk when required by said official and shall set forth the gross sales from the sale of liquor by the drink, the amount of tax collection thereon, or such other information as the City Clerk 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 Code Section 1-10. 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 City Clerk, 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. 3-88. - Tax on malt beverages.

A tax is hereby imposed upon all sales of malt beverage poured in draft form from a tap of six dollars (\$6.00) per fifteen (15) gallons. Fractions of the fifteen-gallon unit may be taxed proportionately at forty cents (\$0.40) per gallon. A monthly report is required by the twentieth of each month stating gross sales on malt beverage by tap.

Sec. 3-89 – Sec. 3-100. Reserved.

ARTICLE VI. – Administrative Procedures.

Sec. 3-101. - General license eligibility requirements.

(a) No alcoholic beverage license shall be granted to any person unless the person is twenty-one (21) years of age prior to filing an application for the license.

(b) When contrary to the public interest and welfare, no alcoholic beverage license shall be issued by the City to:

(1) Any person who has been convicted within fifteen years immediately prior to the filing of the alcoholic beverage application with the City of any felony or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal;

(2) Any person who has been convicted within five years immediately prior to the filing of the alcoholic beverage application with the City of the violation (i) of any state, federal or local ordinance pertaining to the manufacture, possession, transportation or sale of malt beverages, wine or intoxicating liquors, or the taxability thereof;

(3) Any person who has been convicted under any federal, state or local law of any felony involving moral turpitude.

(4) Any person who has been convicted of a crime involving soliciting for prostitution, pandering, gambling, letting premises for prostitution, keeping a disorderly place, the traffic offense of hit and run or leaving the scene of an accident, or any misdemeanor serious traffic offense as defined in O.C.G.A. § 40-6-390 et seq., but excluding any first or second conviction for driving under the influence of alcohol or drugs, or for whom outstanding indictments, accusations or criminal charges exist charging such individual with any of such offenses and for which no final disposition has occurred. If at the time of application, the applicant is charged with any of the offenses prescribed in this subsection, consideration of the application shall be suspended until entry of a plea or verdict or dismissal; or

(5) Any person who has been convicted of three violations of the Code of the City of Perry governing alcoholic beverages licensed hereunder within the last five years immediately prior to the filing of the licensee's application with the City, except that no application will be accepted for 24 consecutive months immediately following the revocation of an alcohol license.

(c) No retail license required by this division shall be granted to any person if such person retains for the operation of the license establishment an employee who has been convicted of a felony.

(d) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

(f) No license for the sale of alcoholic beverages shall be granted to any person when the location for which the license is sought has had a license revoked within the last twelve (12) months unless there is a 100 percent change in ownership and control between the previous licensee and the new application. For purposes of this subparagraph, 100 percent change in ownership and control shall mean a 100 percent change in all individuals, partners, officers, directors, shareholders, members, managers and/or all persons having any whole, partial, beneficial or other interest in the business where the alcoholic beverage license is located. 100 percent change in ownership and control shall not include a transfer in ownership and control to any person in the immediate family of any individuals, partners, officers, directors, shareholders, members, managers and/or any persons having any interest in the business where the alcoholic beverage license is located. The application for the alcoholic beverage license must be applied for and approved prior to the sale of the business. An alcoholic beverage license may not be issued until the new owner has established that the sale of the business is bona fide. The applicant for the new license must provide documentation concerning the sale, including but not limited to documentation concerning ownership of and all business interests in the old license in addition to documentation concerning the ownership of and all business interests in the new license.

Sec. 3-102. - License expiration date.

All alcoholic beverages licenses issued under this chapter shall expire at the end of the calendar year for which they were issued.

Sec. 3-103. - Application.

(a) *Generally.* No license for the sale of alcoholic beverages at retail shall be granted until the application, accompanied by a check or cash in the amount required for the license, setting forth the name of the owners, the business and its location, shall have been approved by the Mayor and City Council, City Manager, the fire marshal and the building inspector. After all department directors named have approved the issuance of the license, it shall be issued by the City Manager, or his/her designee. Applications for license shall be made on forms prescribed by the City Manager, or his/her designee.

(b) *Sworn statements.*

- (1) The applicant shall make a sworn statement of his qualifications according to this chapter and shall place such statement on file with the City Manager, or his/her designee, before any license is issued;
- (2) If the application covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements of those qualifications.

- (c) *In person.* All applications for license shall be made in person.
- (d) *False information.* Any statement on an application for license to sell alcoholic beverages which shall later be found to be false or omission of facts shall subject the applicant to prosecution for perjury under the laws of this state.
- (e) *Consent statement.* A consent statement by the applicant that all necessary investigation reports on the applicant and any employees in the applicant's establishment including, but not limited to, credit reports and reports from law enforcement agencies, may be obtained by the City. Any information in such reports may be furnished to the licensor, and the applicant will be responsible for the cost thereof. If so requested, applicants shall also obtain such consent forms from each employee who will be employed in applicant's establishment. The applicant shall furnish the City a complete set of fingerprints. Such sets shall be forwarded to the state bureau of investigation. The City may require photographs of the applicant and/or fingerprinting and/or photographs of the applicant's employees for the purpose of conducting its investigation.
- (f) *The applicant.*
- (1) The applicant for the alcoholic beverage license shall be a citizen of the United States and the owner of the business; or if the owner of the business is a corporation, partnership or other legal entity, the applicant, who must be a citizen of the United States, may be a substantial and major partner or stockholder or the manager of the business responsible for the regular operation of said business on the premises for which the license is issued. The person who will have day-to-day operating responsibility for the business and who shall actively operate the business on a day-to-day basis, either the applicant or person designated by the applicant as the manager, shall reside within thirty (30) miles of the corporate limits of the City.
 - (2) The application shall include the name and address of the applicant; if a partnership, the names and residence addresses of the partners; if a corporation, names of the officers, the names and addresses of the registered agent for service of process, the name(s) of the manager(s), and the names of all shareholders holding more than twenty (20) percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the City Manager, or his/her designee, the name and address of the new manager and other information as requested within three (3) days of such change.
 - (3) There shall be a fee to defray investigative and administrative costs for the designation of a new manager on an existing license.

- (4) All applicants shall furnish data, fingerprints, photographs, financial responsibility and other records as required by the City Manager, or his/her designee, to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (5) All licensed establishments must continuously maintain with the City the name and address of a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be reside within 45 miles of the city limits of the City of Perry. The licensee shall file the name of such agent, along with the written consent of such agent, with the City Manager, or his/her designee, in such form as he or she may prescribe.
- (6) In all instances in which an application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one (1) year from the final date of such denial.
- (7) Each application for license under this chapter shall be accompanied by a separate check or cash to defray investigative and administrative costs. Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required in this chapter.

Sec. 3-104. - Building requirements; inspection of business premises.

No license shall be issued under this division to any person unless the building in which the business will be located is complete and every applicant for a retail license shall attach to his or her application evidence of ownership or a copy of a lease/rental agreement if the applicant is leasing or renting the building. The business premises of a holder of a license issued under this division shall be open to inspection at any and all times by officers or officials authorized by the City to conduct such inspections.

Sec. 3-105. - Notice hearing etc., on denial.

If the City has reason to believe that the applicant for a license to sell alcoholic beverages is not entitled to the license for which he has applied, the City shall notify the applicant thereof, and upon request by the applicant, afford him due notice and opportunity for hearing on the application. If the City, after affording such notice and opportunity for hearing, finds the applicant is not entitled to a license hereunder, the applicant shall be advised in writing of the findings upon which such denial is based.

Sec. 3-106. - Restriction on license issuance.

When any license or permit to sell alcoholic beverage is rejected or revoked by the City, the City shall not accept or consider any application from the same applicant for license within twelve (12) months from the time of such rejection or revocation.

Sec. 3-107. - Procedure for revocation and suspension of license; judicial review after denial or revocation.

(a) No license which has been issued or which may hereafter be issued by the City under this chapter shall be suspended or revoked, except for due cause as hereinafter provided.

(b) "Due cause" for the suspension or revocation of any license shall consist of any of the following:

- (1) The failure of the licensee to comply with the terms, provisions, requirements and responsibilities of this chapter.
- (2) The failure of the licensee to timely pay the annual license fee called for herein.
- (3) The violation by the licensee of any law regulating the sale of alcoholic beverages.
- (4) The conviction of the licensee of any felony, aggravated misdemeanor or drug related law.
- (5) The licensee's permitting or maintaining a breach, or breaches, of the peace at licensee's establishment.
- (6) The failure of the licensee or his employee to promptly report to the City and to the police department any violation of the laws or ordinances governing the licensing and sale of alcoholic beverages of which he has knowledge.
- (7) The existence of any other condition which would make the continued operation of licensee's establishment detrimental, harmful or undesirable to the community.
- (8) The violation by the licensee of any section of article XIII of chapter 15 of this Code or the violation of any state or federal law regulating gambling.

(c) Upon information concerning any of the provisions outlined in this section herein above, the City shall serve notice upon licensee, personally or by mail addressed to licensee's establishment, requiring licensee to appear before the Mayor and City Council and show cause why the license should not be suspended or revoked. The hearing shall not be held sooner than three (3) days from the receipt of this notice, and the notice shall set forth the date, time and place of the hearing on the matter. This notice shall also state the condition alleged which could, if sustained, result in suspension or revocation of licensee's license.

(d) Within five (5) business days following the hearing on this matter, the Mayor and City Council shall render a decision, notifying licensee in writing of its decision by mail or by personally delivering it to licensee. In the event of revocation, no refund shall be made on any portion of any license fee paid, and the establishment will cease to operate upon notification.

(e) Following any decision denying an application for a license, or any decision for revoking or suspending an existing license, the applicant or licensee shall have the right to prompt judicial review in the manner provided by law.

Sec. 3-108. - Suspension in the event of disorder.

The City may suspend the sale of alcoholic beverage under any license issued in any emergency situation such as civil disorders or natural disasters or in any situation that the City deems such immediate suspension necessary for the protection of the health and welfare of the citizens of the City. Such suspension may be made effective immediately and shall remain in force until the City determines the emergency is over or until the next meeting of the City Council, at which time the suspension shall cease unless the same be extended by affirmative action of the City Council.

Sec. 3-109. - Sale of retail alcoholic beverage business.

It shall be unlawful (and shall call for immediate revocation of all licenses involved) for any retail alcoholic beverage licensee to sale the retail alcoholic beverage business and for the purchaser to attempt to operate the purchased business with seller's license.

Sec. 3-110. - Transferability of license for the sale of alcoholic beverages; surrender of license upon sale, closing of business; manager change; transfer of license for package sales distilled spirits.

(a) Licenses for the sale of alcoholic beverages shall be transferable or assignable under the following conditions:

- (1) Licenses may be transferred to members of the licensee's immediate family provided the transferee has first been approved to hold such license under the terms and conditions of this chapter.
- (2) In the event of the death of a license holder, the holder's heirs or personal representative shall be permitted to operate the establishment or transfer the license to another qualified individual who has first been approved under the terms and conditions contained in this section.
- (3) In no event shall any license be transferable if there are fees, taxes or other revenue due to the City from a license holder.

- (4) Any permitted transferees of licenses under this section shall be subject to a transfer fee and/or investigation fee as determined by the Mayor and City Council and kept on file in the office of the City Manager, or his/her designee.
- (5) In any other event in which a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the City Manager, or his/her designee.

(b) If the alcoholic beverage license was issued in the name of a manager of a licensed business and said manager is replaced, the Mayor and City Council, after investigation of the new manager has been made by the police department, shall have the right to transfer the license to the new manager upon written application for the new manager and provided that the new manager otherwise meets all requirements to be a licensee. If a transfer of the license is allowed, the licensee shall pay any transfer fee required by the Mayor and City Council and kept on file in the office of the City Manager, or his/her designee.

Sec. 3-111. - License fee upon transfer of business or opening of new business after July 1.

The fee for any alcoholic beverage license obtained after July 1 of each year as a result of a transfer of a business or the opening of a new business shall be one-half (½) of the annual license fee. The seller of a licensed alcoholic beverage business shall not be entitled to any refund of the license fee.

Sec. 3-112. - Renewal of all alcoholic beverage licenses.

All alcoholic beverage licenses in this chapter may be renewed by payment of the required fees provided:

- (a) The licensee and location are the same; and
- (b) The licensee is still in compliance with the requirements of state and municipal laws and regulations pertaining to the original issuance of the license and pertaining to the operation of the business under the license at the time of application for renewal; and
- (c) A license on the premises has not been revoked in the past twelve (12) months; but
- (d) If a complaint is received as the licensee's alleged violation of state or municipal laws or regulation, the license shall not be renewed but shall be referred to the Mayor and City Council for decision as to whether renewal shall be granted as follows:
 - (1) The Mayor and City Council shall conduct a hearing after giving the licensee reasonable notice of the time and place of such hearing, as well as the purpose thereof.
 - (2) The licensee may remain open for business until a decision by the Mayor and City Council is made and shall have a period of three (3) days following that

decision in which to pay the required fees if the decision of the Mayor and City Council is to permit renewal of the license.

Sec. 3-113 – Sec. 3-120. Reserved.

ARTICLE VII. – Restaurant District.

Sec. 3-121. - Consumption of alcohol on city streets allowed; limited to restaurant district.

(a) There is hereby established a "restaurant district" within the city wherein open containers of alcoholic beverages shall be permitted.

(b) The restaurant district shall consist of the area described below and as illustrated on the "restaurant district map" below;

- (1) All sidewalks, rights-of-way, and buildings adjacent to Northside Road or its sidewalk on the southern side of the road within the area of the city bounded on the east by Macon Road and on the west by Ball Street;
- (2) All sidewalks, rights-of-way, and buildings adjacent to Ball Street or its sidewalks within the area of the city bounded on the north by Northside Road and on the south by Main Street;
- (3) All sidewalks, rights-of-way, and buildings adjacent to Commerce Street or its sidewalks within the area of the city bounded on the west by Main Street and on the east by Macon Road;
- (4) All sidewalks, rights-of-way, and buildings adjacent to Carroll Street or its sidewalks within the area of the city bounded on the west by Main Street and on the east by Macon Road;
- (5) All sidewalks, rights-of-way, and buildings adjacent to Marion Street or its sidewalks within the area of the city bounded on the south by Main Street and on the north by Commerce Street;
- (6) All sidewalks, rights-of-way, and buildings adjacent to Jernigan Street or its sidewalks within the area of the city bounded on the south by Main Street and on the north by Commerce Street;
- (7) All sidewalks, rights-of-way, and buildings adjacent to Washington Street or its sidewalks within the area of the city bounded on the north by Northside Road and on the south by Main Street;
- (8) All sidewalks, rights-of-way, and buildings adjacent to Meeting Street or its sidewalks within the area of the city bounded on the north by Northside Road and on the south by Commerce Street;

- (9) All sidewalks, rights-of-way, and buildings adjacent to Main Street or its sidewalks with the area of the city bounded on the west by General Courtney Hodges Boulevard and on the east by Macon Road on its northern side and by Evergreen Street on its southern side;
 - (10) All sidewalks, rights-of-way, and buildings adjacent to Macon Road or its sidewalk on the western side of the road within the area of the city bounded on the north by Northside Road and on the south by Main Street; and
 - (11) All city parks within the above-described area or appertaining thereto.
- (c) The following regulations shall apply to this section:
- (1) Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense alcoholic beverages in a plastic cup, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one (1) such alcoholic beverage at a time for removal from the premises.
 - (2) In accordance with Section 17-54(b), it shall be unlawful to remove open containers of alcohol from the restaurant district as described in this section.
 - (3) No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container containing alcohol which exceeds sixteen (16) fluid ounces in size.
 - (4) It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.
 - (5) Consumption of alcoholic beverages described in this section shall be limited to the hours of 11:00 a.m. to 12:00 a.m. (midnight) seven (7) days a week, unless approved by mayor and council for a special event.
 - (6) It shall be unlawful to consume any alcoholic beverage in the restaurant district, as described in this section, that was not purchased from a licensee or licensed vendor.
 - (7) Subsection (a) above does not apply to schools, churches, daycare facilities or anywhere private property owners or tenants do not allow it. A business may decline to allow an open container of alcoholic beverage on the premises by posting a sign that states, "Outside Drinks Not Allowed."

- (8) It shall be unlawful for any person to drink or attempt to drink or to transport or attempt to transport any alcoholic beverages in an open container in any part of a motor vehicle within the restaurant district. This section does not limit the enforcement of, nor reduce the penalties for violation of section 17-61.
- (9) Notwithstanding Section 3-11(k), a Class C, D, G, H, I, J, K, and O Licensee, serving for on-site consumption, shall have the right to serve alcoholic beverages to patrons seated in public or private outdoor dining areas as part of the operation of the business. No such alcoholic beverages served to patrons shall be removed from such dining areas unless in compliance with this article. Such alcoholic beverage shall be served only by an employee of licensee. Such license holder shall erect a sign notifying patrons of such requirements.

Bid Submittal Summary Sheet

Bid Title/Number: 2019-28 Animal Shelter Fencing

M&CC Meeting Date: 7/2/2019


Funding Source: SPLOST 2018

Budgeted Expense? Yes


Responsive Bidders:	Bid Amount
GB&S Services LLC	\$ 18,445.00
Dixie Fence & Kennel Inc	\$ 18,615.00
Hadley's Sanitation & Fence LLC	\$ 20,781.00
Martin-Robbins Fence Co.	\$ 23,269.00
Flint Facilities Maintenance	\$ 25,345.00

Posting Sources:
City of Perry's Website: www.perry-ga.gov
GA Procurement Registry: <https://ssl.doas.state.ga.us/PRSapp/>

Department Recommendation:

Vendor:	GB&S Services LLC
Amount:	\$ 18,445.00
Department:	Building Maintenance
Department Representative:	Renia Davis, Building Maint. Manager
Signature:	

Purchasing Agent Recommendation:

Vendor:	GB&S Services LLC
Amount:	\$ 18,445.00
Purchasing Agent:	Mitchell Worthington, Asst. Finance Dir.
Signature:	

Bid Submittal Summary Sheet

Bid Title/Number: 2019-34 Wastewater Treatment
Plant Landscape Maintenance

M&CC Meeting Date: 7/2/2019

Funding Source: Water & Sewerage Fund


Budgeted Expense? Yes

of Vendors Contacted: 29

Responsive Bidders:	Bid Amount
TCCN LLC dba Real Turf Solutions	\$ 10,500.00
Aquatic Vegetation Control, Inc.	\$ 13,309.30
Allen Turf Landscaping Management, Inc.	\$ 14,781.00
Rivera Landscaping & Irrigation	\$ 36,000.00

Posting Sources:
City of Perry's Website: www.perry-ga.gov
GA Procurement Registry: <https://ssl.doas.state.ga.us/PRSapp/>

Department Recommendation:

Vendor: TCCN LLC dba Real Turf Solutions
Amount: \$ 10,500.00
Department: Public Works
Department Representative: Ansley Fitzner, Landscape Manager
Signature: 

Purchasing Agent Recommendation:

Vendor: TCCN LLC dba Real Turf Solutions
Amount: \$ 10,500.00
Purchasing Agent: Mitchell Worthington, Asst. Finance Dir.
Signature: 



Where Georgia comes together.

Department of Community Development

Organization Hosting Event: The City of Perry Government

Event Coordinator: Nastasha “Anya” Edgley-Turpin, Special Events Coordinator

Name of Event: Summer at the Splash Pad

Date(s) of Event: Saturday, July 20th

Event Start & End: 5 PM through 9:30 PM (or when movie ends)

Event Description: Join us at Creekwood Park in Perry for an evening of free family friendly fun! The City of Perry will be providing a free cookout for the first 200 attendees along with free activities for youth of all ages and a free movie on the lawn at sunset. The feature film will be “The Lego Movie 2: The Second Part” and families are welcome to bring lawn chairs or blankets to sit on while watching!

Council Action Requested:

- Approval of event to be hosted on public property at Creekwood Park & Splash Pad

City Services Requested:

- Leisure Services to provide staff for pre-event maintenance and cookout
- Fire & EMS to provide staff for on-site safety
- Police to provide staff for on-site security (*if deemed appropriate*)