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**ARTICLE I**

**Alcoholic Beverages Ordinance**

(Amended July 30, 2021)

**Purpose.** An Ordinance to consolidate all Chatham County alcoholic beverages licensing and excise tax ordinances; align with the State of Georgia O.C.G.A. Title 3 - Alcoholic Beverages; and for other purposes.

**§17-101 Title.** The Title of the Ordinance shall be "The Chatham County Alcoholic Beverage Ordinance."

**§17-102 Definitions.** As used in this title, the term:

1. Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
2. Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine as defined in O.C.G.A. §3-1-2.
  - a. "Liquor" means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume. The term does include "distilled spirits."
  - b. "Wine" means any alcoholic beverage containing not 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 includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this O.C.G.A. §3-1-2.
  - i. "Fortified wine" means any alcoholic beverage containing not 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 includes, but is not limited to, brandy.
  - c. "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley,

malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine. The term does include "malt beverage."

- i. "Hard cider" means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this title, hard cider shall be deemed a malt beverage. The term does not include "sweet cider."

Any term not defined in this Code shall be used as in O.C.G.A. Title 3. (Amended July 30, 2021.)

**§17-103** Jurisdiction. This Ordinance shall be effective and applicable in unincorporated Chatham County, Georgia.

**§17-104** Business Must Apply for License. From and after the passage of this Ordinance every person engaged in either a retail or wholesale alcoholic beverage business, as approved by the General Assembly of the State of Georgia, shall file an application for a license to conduct such business with the Chatham County Occupational Tax Section of Building Safety and Regulatory Services, to be approved by the Chatham County Commissioners, before engaging in or continuing said business.

**§17-105** Expiration and Renewal of Licenses. . A l c o h o l i c Beverage Licenses shall expire on December 31 of each calendar year.

1. Evidence shall be provided that all monthly alcoholic beverage excise tax returns and payments are current with the Chatham County Finance Department as of December 31 each year before an alcoholic beverage license will be renewed. (Amended July 30, 2021.)
2. Failure to renew the Alcoholic Beverage License by January 31 will result in suspension of the Alcoholic Beverage License with notification to the State of Georgia Department of Revenue of the suspension. (Amended July 30, 2021.)
3. Any renewal applications received after January 31 shall require a reapplication for an alcoholic beverage license and the application fee will be assessed at 150% of a new application fee. The applicant shall be required to comply with all rules and regulations for the granting of new licenses as if no previous license had been held. This will

include a reassessment of all investigative, administrative, and any other State or Federal fees.

4. No alcoholic beverage sales will be permitted during the reapplication process. All alcoholic beverage sales shall be suspended until the renewal license is issued. (Amended July 30, 2021.)

**§17-106** Classifications and Fees. Each new applicant for an alcoholic beverage license shall pay a non-refundable application fee according to the following schedule for each license type whether the license is granted, denied, or withdrawn:

Type	Fee
Liquor	\$300
Beer	\$150
Wine	\$150

Annual license fees for new or renewing alcoholic beverages licenses are hereby fixed and assessed by classification on an annual basis:

**LICENSE CLASSIFICATION FEE** (Amended July 30, 2021.)

Retail Beer - Sale by package only	\$600
Retail Beer - Sale by the drink for consumption	\$600
Retail Liquor - Sale by package only	\$2,500
Retail Liquor - Sale by the drink for consumption	\$2,500
Retail Wine - Sale by package only	\$600
Retail Wine - Sale by drink for consumption	\$600
Sunday Sales Permit Alcoholic beverages, drink only for consumption	\$200
Sunday Sales Permit for package retailers	\$100
Wholesale Beer	\$1,500
Wholesale Wine	\$1,500
Wholesale Liquor	\$5,000
Distiller, Brewer, or Manufacturer of Alcoholic Beverages	\$5,000

1. Every person engaged in more than one of the businesses provided for in this section and in the Ordinance shall pay the aforesaid license fees for each business engaged in and each such beverage sold. The business name as it appears on license must be the same as advertised name at the business location.
2. Every person engaged in any of the business provided for in this section and in the Ordinance shall pay the aforesaid license fees for every separate place in which he transacts or engages in business.

3. Application for new alcoholic beverage license must be advertised in a local newspaper three (3) business days prior to being placed on the agenda for the Chatham County Commissioners approval. The fee charged for such advertising shall be paid by the applicant. (Amended July 30, 2021.)

**§17-107** Tax on Wholesalers. Each wholesale dealer in alcoholic beverages shall pay, in addition to the regular license provided by this Ordinance, a tax on beverages sold to retailers located within unincorporated Chatham County.

The following rates are established by this Ordinance in accordance with O.C.G.A 3-5-80 for Beers and O.C.G.A 3-4-80 for Liquors and Wines.

1. Beers
  - a. One dollar and twenty cents (\$1.20) per case of 48 bottles or cans when each bottle or can contains 6 ounces.
  - b. One dollar and forty cents (\$1.40) per case of 48 bottles or cans when each bottle or can contains 7 ounces.
  - c. One dollar and twenty cents (\$1.20) per case of 36 bottles or cans when each bottle or can contains 8 ounces.
  - d. One dollar (\$1.00) per case of 24 bottles or cans when each bottle or can contains 10 ounces.
  - e. One dollar and twenty cents (\$1.20) per case of 24 bottles or cans when each bottle or can contains 12 ounces.
  - f. One dollar and forty cents (\$1.40) per case of 24 bottles or cans when each bottle or can contains 14 ounces.
  - g. One dollar and sixty cents (\$1.60) per case of 24 bottles or cans when each bottle or can contains 16 ounces.
  - h. One dollar and sixty cents (\$1.60) per case of 12 bottles or cans when each bottle or can contains 32 ounces.
  - i. Forty-four cents (44 ) per barrel, keg, or drum with a capacity of one and one eighth (1.125) gallons.
  - j. Eighty-seven cents (\$.87) per barrel, keg, or drum with a capacity of two and one quarter (2.25) gallons.

- k. One dollar fifty cents (\$1.50) per barrel, keg, or drum with a capacity of (3.875) gallons (1/8 barrel).
- l. Three dollars (\$3.00) per barrel, keg, or drum with a capacity of seven and three quarters (7.75) gallons (1/4 barrel).
- m. Six dollars (\$6.00) per barrel, keg, or drum with a capacity of fifteen and five tenths (15.5) gallons (1/2 barrel).
- n. Twelve dollars (\$12.00) per barrel, keg, or drum with a capacity of thirty-one (31.0) gallons (one barrel).

2. Liquors and Wines

For liquors and wines sold to retailers located within unincorporated Chatham County for sale either by the package or by the drink, the tax shall be computed on the basis of \$.22 cents (\$.22) per liter and a proportionate tax at like rates on all fractional parts of a liter as follows:

- Eighty-three cents (\$.83) per gallon;
- Forty cents (\$.40) per half-gallon;
- Twenty cents (\$.20) per quart;
- Sixteen cents (\$.16) per one-fifth gallon;
- Ten cents (\$.10) per point;
- Eight cents (\$.08) per one tenth gallon; and
- Five cents (\$.05) per one-half pint or smaller.

3. Due Dates, Allowances, Penalties and Report Process

All taxes on alcoholic beverages, paid or collected by wholesale dealers are due and payable to the Chatham County Finance Department on or before the 10th day of the month following the collection in which beverages are sold by the wholesale dealer in accordance with the reporting requirements of O.C.G.A 3-5-81(b)and(d). (Amended July 30, 2021.)

Dealers collecting the tax authorized by this section of the Ordinance 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 1% of the amount due.

There shall be a penalty of not less than \$5.00 nor more than 5% of the amount due assessed on all remittances not submitted by the proper due date. (Amended July 30, 2021.)

All remittances of alcoholic beverage taxes must be accompanied by a completed report form approved by the Chatham County Finance Department and a copy of the report of monthly sales to retailers made to the State Department of Revenue.

**§17-108** Sale Prohibited if Taxes Are Not Paid. It shall be unlawful for any person to sell at retail or for consumption any alcoholic beverages on which the taxes provided for in this Ordinance have not been paid to the wholesale dealer or distributor for the County.

It shall likewise be unlawful for any wholesale or other person to deliver any alcoholic beverages to any retail dealer or in unincorporated Chatham County without first collecting the taxes as provided in this Ordinance.

**§17-109** Possession by Retailers Prohibited Unless Taxes Are Paid. It shall be unlawful for any retail dealer to have in his possession any alcoholic beverages unless the tax required by the County has been paid to the wholesaler, distributor or other source delivering or causing the beverages to be delivered to the retail dealer. Whenever any such beverages are found in the possession of a retail dealer and the records of the payment of taxes do not appear upon the records of the wholesaler, it will be presumed that the tax has not been paid and the burden shall be upon the retailer or seller to prove such fact. All aforesaid beverages found in the possession of any retail dealer on which the tax has not been paid shall be subject to confiscation by the County authorities and shall be sold by the County authorities and the receipts thereof paid into the County treasury.

**§17-110** Granting the License. The Commissioners of Chatham County shall grant a license hereunder when the same is found to be in the public interest and general welfare.

The Chatham County Commissioners in determining whether or not any license or permit applied for hereunder shall be granted, shall consider the following standards.

1. The applicant's reputation, character, and mental and physical capacity to conduct a business engaged in the sale of alcoholic beverages.
2. The location for which the license is sought as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.

3. The number of license previously granted for similar businesses in the trading area of the place for which license is sought.
4. The proximity of the location of said establishment to schools, churches, libraries, and other public buildings in the surrounding area as provided for in Section 17-111.
5. Whether applicant is a previous holder of a license to sell alcoholic beverages, and whether applicant has violated any law, regulation or ordinance relating to such business.
6. If applicant is a previous holder of a license to sell alcoholic beverages, whether unusual police observation and inspection were required, including the number and frequency of complaints filed by citizens objecting to the manner of conducting business at said location.

**§17-111** Rules and Regulations. The following rules and regulations are hereby established and shall govern the conduct and operation of every such place of business and of every person owning and operating such place of business:

1. All establishments duly licensed hereunder must fully comply with all sanitary requirements promulgated by the Chatham County Health Department, and current International Building Code and National Fire Protection Association (NFPA-96) and all life safety requirements as determined by the Occupational Tax Section of Building Safety and Regulatory Services.
2. Illegal gambling or any other illegal activity conducted on the premises of any establishment located in unincorporated Chatham County licensed hereunder shall be cause for revocation of such license.
3. No alcoholic beverages provided for in this Ordinance shall be kept for sale or given away, in any building, storehouse, place of business or vehicle located within 100 yards of any church building or within 200 yards of any school building, educational building, or located within 100 yards of the property line of any school ground, college campus, church or recognized place of worship, as measured along a straight line on the ground between the two property lines.
  - a. Measurements to determine distances required by this ordinance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner: (Amended May 24, 1991)

- i. from the front door of the structure from which beverage alcohol is sold or offered for sale; (Amended May 24, 1991)
  - ii. in a straight line to the nearest public sidewalk, walkway, street, road or highway; (Amended May 24, 1991)
  - iii. along such public sidewalk, walkway, street, road or highway by the nearest route; (Amended May 24, 1991)
  - iv. to the front door of the building, or to the nearest portion of the grounds; (Amended May 24, 1991)
  - v. but in no case less than 100 feet between buildings as measured along a straight line on the ground. (Amended May 24, 1991)
4. Disorderly conduct in any place of business or other place where the alcoholic beverages provided for in the Ordinance are permitted to be sold is expressly forbidden by this Ordinance, and every person owning and/or operating a place of business for which a license has been granted, and for which the license fee has been paid, shall be subject to license revocation, in the manner provided for in this Ordinance, for permitting any disorderly conduct in such places of business.
5.
  - a. All persons holding an alcoholic beverage license within Chatham County shall be permitted to sell alcoholic beverages on any election day, local and statewide. However, no sale of alcoholic beverages shall be permitted within two hundred fifty (250) feet of any polling place or of the outer edge of any building within which such polling place is established.
  - b. Election days shall include all elections as defined in Office Code of Georgia, Section 3-3-20.
6. Retail establishments selling alcoholic beverages by the drink shall not open before 9 a.m. and shall not close later than 2 a.m. except on Sunday when the closing shall be no later than 2:55 a.m. When New Year's Eve falls on Sunday, then the establishment licensed hereunder may open at 12:01 a.m. on January 1. (Amended December 16, 2011; effective January 1, 2012)
7. No person shall serve or sell alcoholic beverages by the drink on Sunday unless a valid license for Sunday sales has been issued by the Chatham County Commissioners as provided for in

Section 17-113. (Amended December 16, 2011; effective January 1, 2012)

8. Retail establishments selling alcoholic beverages by the package shall not open before 9 a.m. and shall not close later than 2 a.m., except on Sunday between the hours of 12:30 p.m. and 11:30 p.m. (Amended December 16, 2011; effective January 1, 2012)
9. Retail dealers shall keep their place of business sufficiently lighted to protect the health and safety of patrons and persons lawfully on the premises.
10. Retail grocery establishments selling malt beverages an/or wine shall permit sales only between the hours of 9:00 a.m. and 2:00 a.m., except on Sunday between the hours of 12:30 p.m. and 11:30 p.m. (Amended December 16, 2011; effective January 1, 2012)
11. Chatham County reserves the right to promulgate additional regulations or ordinances pertaining to the conduct of the business of selling alcoholic beverages and any person licensed hereunder shall be subject to such additional regulations that may be promulgated from time to time by the Commissioners of Chatham County.
12.
  - a. No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age.
  - b. No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage.
  - c. No person under 21 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining illegally any alcoholic beverage.
  - d. No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age.
  - e. No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
  - f. Any owner and/or holder of an alcoholic beverage license or his/her employee who is convicted of violating paragraph 12(a) shall be subject to the penalties as

determined by the Court pursuant to O.C.G.A. §3-3-23.1 (b) (1), for each violation involving each minor.

- g. The conviction of any owner and/or holder of an alcoholic beverage license for violating paragraph 12 (a) shall be cause for revocation of his/her alcoholic beverage license. The Board of Commissioners shall determine whether the first offense shall result in the revocation of the alcoholic beverage license. Any revocation shall be in addition to the required fine imposed by the Court. This subparagraph shall apply to a first offense.
- h. The conviction of an employee of an owner and/or holder of an alcoholic beverage license for violating paragraph 12(a) shall result in placing the alcoholic beverage license of the owner and/or license holder on probation for one year. Notice shall be sent to the owner and/or license holder notifying him/her of the violation and probationary status of his/her alcoholic beverage license. This probationary status shall be in addition to the required fine placed by the Court.

The second offense by the owner and/or holder of an alcoholic beverage license or his/her employee shall result in the revocation of the alcoholic beverage license.

**§17-112** Reserved.

**§17-113** Sunday Sales. The following definitions and criteria for license application and renewal are hereby established.

- 1. Sunday Sales. The sale of alcoholic beverages for consumption on the premises in eating establishments or inns between the hours of 11:00 a.m. and 12:00 midnight on Sunday. (Amended December 21, 2018)
  - a. Eating Establishment shall mean an establishment which is licensed to sell distilled spirits, malt beverages or wine and which derives at least fifty percent (50%) of its total annual gross food and beverage sales from the sale of prepared meals or food. A commercial eating establishment shall have an area specifically designed, set aside, set up and operating to serve meals and food on the premises and shall have a fully-equipped commercial kitchen to include an appropriate stove, refrigerator, food preparation area, sink, and other items required by the County Health Department and Inspections Department for the preparation of foods, and such commercial kitchen shall meet the code requirements referred to in Section 17-111 paragraph (1) of this Code.

Further, an eating establishment shall have a printed or posted menu from which selections of prepared meals can be made. (Amended January 12, 1990)

2. Inn as used in this section, 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 income from the rental of rooms for overnight lodging.
3. Policy Statement. The intent of this Sunday Sales Ordinance is to allow those full service restaurants that serve the public as part of the community's tourism business to sell alcoholic beverages with the meals on Sunday. It is not the intent of this Ordinance to encourage neighborhood taverns and bars to serve alcoholic beverages on Sunday via the mechanism of serving incidental meals on Sunday. (Amended January 12, 1990)

**§17-114** License Application Classifications. The following three license application classifications and criteria for Sunday Sales licenses are hereby established and defined as follows:

1. New Applicant at New Location shall mean an establishment that has not been licensed for alcohol beverage sales for any purpose for at least one year prior to application at this place of business.
2. Application at Existing Location shall mean an application for a Sunday sales license at a location which has an alcohol beverage license under the same ownership and licensee.
3. Application at existing location with alcohol and Sunday Sales license renewal shall mean a renewal of a Sunday Sales license by the current owner.

**§17-115** Licensing Procedures.

1. An applicant for a "New Location," as defined above, shall complete an affidavit by the applicant certifying to the intent to meet the requirements of Section 17-113. Each new license holder, after having operated for a period for twelve (12) months, shall renew the Sunday Sales license at the end of that twelve (12) months.

An application for an "Existing Location," as defined above, shall include an affidavit by the applicant certifying to the intent to meet the requirements of Section 17-113.

2. Renewal applications shall include an affidavit attesting to the accuracy of financial information supplied by the licensee, and that the gross revenue for the last twelve (12)

months of business under the present ownership and licensee comprise at least fifty (50%) percent of the business' gross revenues from food or in the case of an "Inn," room rentals.

In the absence of this data, the business owner will not be considered for Sunday Sales License until the required affidavit is submitted.

3. Each serving location or place under the same ownership and within the same building or structure under one roof shall be considered one business under the terms of this ordinance and shall be licensed by one application and one license issued.
4. A separate license shall be required for serving locations in separate buildings under the same ownership or management control, and for all locations under separate ownership or management or ownership control.
5. A separate license shall be required for a serving location within a building or structure. If that serving location is under separate ownership or management control from other serving locations within the same building or structure and in such case each serving location shall meet the appropriate criteria for a Sunday Sales license without considering either food sales or room rental of the other serving locations within the same building or structure.
6. The accounting and purchasing records for each license issued must be maintained in a manner that is separate and distinct from any other business or activity.
7. A non-refundable application fee of One Hundred dollars (\$100.00) is required for all Sunday Sales applications.
8. Failure to renew the Sunday Sales License by the required due date will result in suspension of the Sunday Sales License with notification to the State of Georgia Department of Revenue of the suspension. Failure to supply all information requested will result in disapproval of the application for the license.

Any renewal applications received 30 days after the required due date shall require a reapplication for a Sunday Sales alcoholic beverage license and the application fee will be assessed at 150% of a new application fee. The applicant shall be required to comply with all rules and regulations for the granting of new Sunday Sales license as if no previous license had been held. This will include a reassessment of all investigative, administrative, and any other State or Federal fees.

9. Each license holder under this ordinance is authorized to sell alcoholic beverages for consumption on the premises in those establishments above on Sundays in compliance with the Georgia Alcoholic Beverage Code, O.C.G.A. Section 3-3-1, et seq.
10. In enforcing this ordinance, Chatham County and its authorized agents, employees and representatives have the right to audit the records and financial books of applicants and license holders. Chatham County and its authorized agents, employees and representatives also have the right to enter upon the premises of applicants and license holders to inspect the premises and determine whether they comply with this ordinance.
12. The provisions of this Amendment shall become effective January 1, 2012. (Amended July 30, 2021)

**§17-116** Reserved.

**§17-117** Enforcement. Failure to comply with any of the requirements and provisions of these regulations, including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Ordinance. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than Five hundred dollars (\$500), or imprisoned in the County jail for not more than 30 days for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

**§17-118** Revocation of License.

1. The County Manager shall have the right to deny, suspend or revoke any alcoholic beverages license if:
  - a. The license application is not filed in good faith or is filed by some person as a subterfuge for any other person.
  - b. Any applicant for an alcoholic beverage license or any licensee under this Ordinance willfully fails to comply with any provision of this Ordinance.
  - c. Any person to whom a license has been issued is no longer engaged in the dealing of alcoholic beverages or no longer qualifies as a licensee under this Ordinance.

2. After any denial, suspension or revocation of a license granted under this Ordinance, the applicant or licensee shall be afforded an appeal to the Board of Commissioners for reconsideration. Notice and a hearing as follows:
  - a. The notice shall be served personally or by certified mail not less than twenty (20) days before the hearing. The notice shall include:
    - i. A statement of the time, place and nature of the hearing;
    - ii. A statement of the legal authority under which the hearing is to be held;
    - iii. A reference to the sections of the ordinances and statutes involved.
    - iv. A short and plain statement of the matters asserted;
    - v. A statement as to the right of any party to representation by legal counsel at the hearing, the right of any party to present evidence on all issues, and the right of any party to subpoena witnesses and documentary evidence.
  - b. At the hearing, all parties may be represented by legal counsel, and may respond to and present evidence on all issues involved.

**§17-119** Repeal of Conflicting Ordinances. All Ordinances or parts of Ordinances of Chatham County concerning "Alcoholic beverages" enacted prior to this ordinance, resolution, or regulation are hereby repealed in their entirety and any other Ordinance, resolution or regulation that is inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**§17-120** Severability. If any provision of this Ordinance is declared unconstitutional or null and void, the remaining provision shall continue in full force and effect.

**§17-121** Effective Date. This Ordinance shall become effective September 8, 1989. (Amended July 30, 2021)

**§17-122** Watercraft and Excursion Boats. The provisions of this ordinance shall apply to all watercraft used as floating bars and/or that do not provide transportation whether motorized or non-motorized, sight-seeing, and any other excursion watercraft which shall be defined as: "A water craft which

conducts retail sales or transports members of the general public within the water ways of Chatham County for compensation" and, in addition to having a business license, such water craft shall, upon serving alcoholic beverages by the drink, comply with all provisions of Section 17-111 "Rules and Regulations" in the eating establishment required under Section 17-113.

**§17-123** Alcoholic Beverage Excise Tax. . Each bar or restaurant within unincorporated Chatham County shall pay in addition to the regular license provided by this ordinance, an excise tax of 3% on liquor sold by the drink.

1. Report Process, Due Date and Penalties

- a. True and correct records of all sales of such alcoholic beverages; such records shall be preserved for a period of three (3) years and to be made available on request for inspection by any duly authorized representative of Chatham County.
- b. Collect from each alcoholic beverage sold by the drink the amount of tax due under the ordinance and hold the same in trust for the County until such amount is remitted to the County, as provided in this section.
- c. All taxes on liquor sold by the drink are due and payable to the Chatham County Finance Department on or before the 20th day of the month. The record of sales shall be included with the excise tax return.
- d. There shall be a penalty of not less than \$5.00 or 5%. An additional 5% or \$5 penalty, whichever is greater will be applied for each additional month up to 25% or \$25, whichever is greater, on all remittances not submitted by the proper due date. (Amended July 30, 2021.)
- e. All remittances of excise taxes must be accompanied by a completed report form approved by the Chatham County Finance Department including the monthly record of sales report.

2. Sale Prohibited if Taxes Are Not Paid. It shall be unlawful for any person to sell liquor by the drink that taxes provided for in this ordinance have not been paid to the County.

3. Revocation of License. The County Manager shall have the right to deny, suspend or revoke any alcoholic beverage license for failure to remit excise tax returns and payment in a consistent and timely manner. After any denial, suspension or revocation of a license granted under this Ordinance, the

applicant or licensee shall be afforded an appeal to the Board of Commissioners for reconsideration. (Amended July 30, 2021.)

## ARTICLE II

### County Restrictions

**§17-201** County Facilities. Except as set forth herein below, it shall be unlawful for any person to sell or consume any alcoholic beverage or to own or possess any controlled substance on any County-owned property or within any County-owned building or facility. For the purpose of this section, the term "controlled substance" shall mean and include those substances scheduled or prohibited in the "Georgia Controlled Substances Act" (O.C.G.A. § 16-13-1 through 96).

The consumption of alcoholic beverages shall be permitted at boat ramps, fishing piers, Henderson Golf Course, and at the Tybee Pier and Pavilion, except at those boat ramps, fishing piers, golf course, or at the Tybee Pier and Pavilion which the Commission has determined to be places that which an undue number of breaches of the peace have occurred and/or undue maintenance has been required due to the consumption of alcoholic beverages at such boat ramps, fishing piers, or the Tybee Pier and Pavilion. After the Board of Commissioners has made a determination that the consumption of alcoholic beverages should not be allowed at a particular boat ramp, fishing pier, or the Tybee Pier and Pavilion, such facility shall be posted by the County Police Department and/or other appropriate County staff with an appropriate sign prohibiting the consumption of alcoholic beverages. (Amended December 6, 1996)

The sale and consumption of alcoholic beverages shall be permitted at county facilities and parks with an approved application for a Special Event Permit through the Department of Building Safety and Regulatory Services and approval by the Commission during any of its duly-organized meetings. (Amended March 25, 2011)

**§17-202** Penalties for Violation. Failure to comply with any of the requirements and provisions of these regulations, including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Ordinance. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than \$500, or imprisoned in the County Jail for not more than 30 days, for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

**§17-203** Repeal of Conflicting Ordinances. All ordinances or parts of ordinances or resolutions in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

**§17-204** Severability. Should any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance be adjudged invalid or held unconstitutional by a court or competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

## ARTICLE III

### The Chatham County Nude Dancing Ordinance

§17-301 Title. The title of the Ordinance shall be "The Chatham County Nude Dancing Ordinance."

§17-302 Jurisdiction. This Ordinance shall be effective and applicable in Chatham County, Georgia, outside the corporate limits of any municipality therein.

§17-303 Findings; Public Purpose.

1. Based on the experience of other urban counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Richmond County, Georgia; Fort Lauderdale; Palm Beach, Manatee County, Florida, Indianapolis, Indiana; Austin, Texas; Phoenix, Arizona; and Los Angeles, California; all of which are relevant to the problems and conditions prevailing in Chatham County, Georgia, we take note of the notorious and self-evident conditions attendant to the commercial within our country. Moreover, it is the finding of the Commission that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude-bars" or establishments offering so-called "nude entertainment," begets criminal behavior and trends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein above described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this Ordinance is hereby adopted.
2. Enactment. The following types of entertainment, attire, and conduct are prohibited upon any premises licensed to sell, serve, or dispense alcoholic beverages, as defined by

O.C.G.A., Section 3-1-2, for consumption on such premises within the unincorporated area of Chatham County.

- a. The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages which such person is unclothed or in such attire, costume or clothing, as to expose in view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and genitals.
- b. Live entertainment where any person appears in the manner described in paragraph (1) of this section or where such persons (or person) perform(s) act of or acts which simulate any of the following:
  - i. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.
  - ii. The caressing or fondling of the breasts, buttocks, anus or genitals.
  - iii. The displaying of the male or female pubic hair, anus, vulva or genitals.
3. The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in paragraphs (1) and (2) above.

Provided, however, that nothing contained in this Section II shall apply to the premises of any mainstream performance house, museum or theater which derives less than twenty (20) per cent of its gross annual income from the sale of alcoholic beverages.

**§17-304** Enforcement. Failure to comply with any of the requirements and provisions of this Ordinance shall constitute a violation. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00), imprisonment in the County jail for 30 days, or for any single offense, or any combination thereof, and shall pay all costs and expenses. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

**§17-305** Severability. It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph, or section hereof shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same could have been enacted by the Board of Commissioners without the Incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.

**§17-306** Repeal of Conflicting Ordinance. All Ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

## ARTICLE IV

### **Alcoholic Beverage Caterer Ordinance**

(Article IV adopted in its entirety  
on March 26, 2010; amended July 30, 2021)

**§17-401** Title. The title of the ordinance shall be "The Chatham County Alcoholic Beverage Caterer Ordinance."

**§17-402** Definitions.

1. Authorized catered event means an event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed or provided.
2. Alcoholic beverage caterer means any retail dealer who has been licensed by the county to sell alcoholic beverages by the drink or the unopened package.
3. Licensed alcoholic beverage caterer means any person licensed for the sale of alcoholic beverages by the State of Georgia and who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off licensed premises and in connection with an authorized catered function.
4. Additional definitions are included by reference in Section 17-102.

**§17-403** Jurisdiction. This ordinance shall be effective and applicable in unincorporated Chatham County, Georgia.

**§17-404** Eligibility for Off-Premises License: Application: Fee.

1. Any licensed alcoholic beverage caterer who additionally holds a valid license from a County or Municipality outside unincorporated Chatham County which authorizes the licensee to sell alcoholic beverages by the drink for consumption on the premises may be issued from the same licensing authority an off-premises license which authorizes such licensed alcoholic beverage caterer to sell alcoholic beverages by the drink off-premises and in connection with an authorized catered event.

**§17-405** Business Must Apply for License. From and after the passage of this ordinance every person engaged in the retail sales of alcoholic beverages off-premises shall file an application for a license to conduct such business with the Occupational Tax Section of Building Safety and Regulatory

Services, to be approved by the Chatham County Commissioners, before engaging on or continuing said business.

**§17-406** Expiration of License. License shall expire at the end of each calendar year, and may be renewed only in the manner and form as provided in this ordinance for the original granting of licenses. Failure to renew business license by January 31 of each year shall incur the penalty charges as outline in 17-105.

**§17-407** Fee. The license fee is hereby fixed and assessed on an annual basis. Fees shall be paid annually. A one time, non-refundable application processing fee of \$100.00 shall be charged for all new business license applications.

**§17-408** Event Permits. In order to sell or distribute alcoholic beverages at an authorized catered function, a licensed alcoholic beverage caterer shall be required to:

1. Apply to the local governing authority of the jurisdiction where the function is to be catered for an event permit. The application shall include the name of the caterer; the date, address and time of the event; and the license alcoholic beverage caterer's license number. When the catered function is domiciled in a local political subdivision which issues the alcoholic beverage caterer's license, that local governing authority shall be authorized to charge an event permit fee of \$50.00 and levy excise taxes on the total quantity of alcoholic beverages brought into such political subdivision by the caterer;
2. Provided satisfactory reports to the commissioner on forms provided by the department stating the quantity on any and all alcoholic beverages transported from the licensee's primary premises to the location of the authorized catered function and such other information as required by the commissioner; and
3. Maintain original local event permits and documents required by the department in the vehicle transporting the alcoholic beverages to the catered function at all times.

**§17-409** Violations.

1. It shall be unlawful for a food caterer to distribute or sell alcoholic beverages off the premises of the food caterer's business without a license issued pursuant to this chapter. This subsection shall not affect any other provisions of this title which may require a food caterer who has license to sell alcoholic beverages on the premises of the food caterer's business.

2. It shall be unlawful for a licensed alcoholic beverage caterer licensed under this chapter to distribute or sell alcoholic beverages off premises except in connection with an authorized catered function within the scope of the event permit.
3. It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell alcoholic beverages in any jurisdiction which does not permit the sale of alcoholic beverages by the drink for consumption only on the premises.
4. It shall be unlawful for a licensed alcoholic beverage caterer to sell alcoholic beverages during any hours in which the sale of alcoholic beverages by the drink for consumption only on the premises is not permitted in the jurisdiction.
5. It shall be unlawful for a licensed alcoholic beverage caterer to employ any person under 21 years of age who, in the course of such employment, would dispense, serve, sell or handle alcoholic beverages. It is the intent of this subsection to prevent any person employed by such caterer, or any other employee, to knowingly violate any prohibitions contained in code section 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age.
6. Nothing in this chapter shall be construed to authorize the sale of alcoholic beverages by a caterer to any jurisdiction where the sale of liquor by the drink for consumption only on the premises has not been legalized.

**§17-410** Enforcement. Failure to comply with any of the requirements and provisions of these regulations, including with grants or variance or special exception, shall constitute a violation of this ordinance. Any person who violates this ordinance shall, upon conviction thereof, be fined not more than \$500.00, or imprisoned in the County jail for not more than 30 days, for any single offense, or any combination thereof, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this ordinance.

**§17-411** Revocation of License. The County Manager shall have the right to deny, suspend or revoke any license if:

1. The license application is not filed in good faith or is filed by some person as a subterfuge for any other person.

2. Any applicant for a license or any licensee under this ordinance wilfully fails to comply with any provision of this ordinance.
3. Any person to whom a license has been issued is no longer engaged in the dealing of alcoholic beverages or no longer qualifies as a licensee under this ordinance.

**§17-412** Repeal of Conflicting Ordinances. All ordinances or parts of ordinances of Chatham County concerning "Alcoholic Beverage Caterer" enacted prior to this ordinance, resolution, or regulation are hereby repealed in their entirety and any other ordinance, resolution or regulation that is inconsistent or in conflict with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**§17-413** Severability. If any provision of this ordinance is declared unconstitutional or null and void, the remaining provision shall continue in full force and effect.

**§17-414** Effective Date. This ordinance shall become effective March 26, 2010. (Amended July 30, 2021)