COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina
Meeting Date:	Wednesday, September 5, 2012	Type of Request:	Old Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt proposed amendments to Ordinance 2012-11- Fayette County Code of Ordinances, Part II County Code, Chapter 3, Alcoholic Beverages, by establishing the correct time for Sunday sales to commence.

Background/History/Details:

On August 23, 2012, the Fayette County Board of Commissioners unanimously adopted Ordinance 2012-11 which approved proposed amendments to the Fayette County Code of Ordinances, Part II County Code, Chapter 3, Alcoholic Beverages.

It was later discovered that the recent amendments that were reflected in Ordinance 2012-11 did not set, or establish, the correct time for Sunday sales of alcohol to commence and conclude.

These corrections have been detailed in the memo provided with this request, and an amended ordinance has been prepared for the Chairman's signature.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt proposed amendments to Ordinance 2012-11- Fayette County Code of Ordinances, Part II County Code, Chapter 3, Alcoholic Beverages, by establishing the correct time for Sunday sales to commence, and authorization for the Chairman to sign the Ordinance 2012-11 as amended

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, August 23, 2012
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

To: Board of Commissioners

From: Pete Frisina

Date: August 31, 2012

Subject: Corrections to Ordinance 2012-11 Regarding Sunday Sales

Recent amendments to the County Code regarding the Sunday sales of alcoholic beverages did not reflect the correct time limitations as required by State law. These corrections are as follows:

Sec. 3-79. - Business hours and days.

(a) Retail dealers in vinous liquors shall not engage in the sale of such liquors except between the hours of 7:00 a.m. and 11:45 p.m. Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday and shall not permit their places of business to be opened for the sale of vinous liquors on election days and Christmas Day.

Sec. 3-159. - Business hours and days.

(a) Retail dealers in malt beverages shall not engage in the sale of said beverages except between the hours of 7:00 a.m. and 11:45 p.m. Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday and shall not permit their places of business to be opened for the sale of malt beverages on Christmas Day or election days.

Sec. 3-180.6. – Closing hours.
No licensee under this article shall sell, give away, or otherwise dispense alcoholic beverages between the hours of 11:55 p.m. and 9:00 a.m. Monday through Saturday or between the hours of 11:55p.m. Saturday to 12:30 p.m. Sunday.

To reduce confusion for the alcohol licensees, staff is expediting these corrections. Thank you for your swift consideration of these corrections and if you have any questions please contact me at 770-305-6160.

DRAFT

OLD BUSINESS:

1. Consideration of staff's recommendation to adopt Ordinance 2012-11 approving proposed amendments to the Fayette County Code of Ordinances, Part II County Code, Chapter 3 Alcoholic Beverages.

Community Development Director Pete Frisina explained that a referendum occurred on July 31, 2012 to allow alcoholic sales on Sunday, that the referendum passed overwhelmingly, and that Ordinance 2012-11 was drafted to allow for the sales of alcohol on Sunday. Mr. Frisina also added that some additional changes were made to the County Code that clarified some language pertaining to alcohol sales and pouring in Fayette County.

Commissioner Horgan moved to adopt Ordinance 2012-11 approving the proposed amendments to the Fayette County Code of Ordinances, Part II County Code, Chapter 3, Alcoholic Beverages. Commissioner Hearn seconded the motion. No discussion followed. The motion passed unanimously. A copy of the request and Ordinance 2012-11, identified as "Attachment 14", follow these minutes and are made an official part hereof.

State of Georgia;
County of Fayette

ORDINANCE NO. 2012 - 11

AN ORDINANCE TO AMEND THE FAYETTE CODE OF ORDINANCES, AS AMENDED, SPECIFICALLY CHAPTER 3 ALCOHOLIC BEVERAGES, SO AS TO ADDRESS SUNDAY SALES AND ADMINISTRATION SET FORTH THEREIN; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected governing authority of Fayette County is the Board of Commissioners thereof;

WHEREAS, the governing authority desires to amend the provision that provides for the regulation of land development as allowed by the State of Georgia;

WHEREAS, the health, safety, and welfare of the citizens of Fayette County, Georgia shall be improved and protected by adoption and implementation of this Ordinance.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article II. Wine as amended, is hereby further amended by deleting Sec. 3-47. Application - Contents, in its entirety, and in lieu thereof, enacting a new 3-47. Application - Contents to read as follows:

Sec. 3-47. - Application—Contents.

(a) All applications for licenses, both original and renewal, shall be submitted to the marshal's office and must be accompanied by a full and complete statement under oath of information relative to any and all interests (as defined in section 3-26) in retail packaged vinous liquor stores. This shall include:

(1) The names and addresses of all persons interested in the ownership of the business of selling at retail packaged vinous liquor, together with any interest each person or any member of his immediate family has in any other retail packaged spirituous liquor store or vinous liquor store.

(2) The ownership of the land and building where such retail business is operated.

(3) The amount of rental paid for the land and building and the manner in which the same is determined, and to whom and at what intervals it is paid.

(4) The names and addresses (by affidavit from the owner, lessor or sublessor of such land and building) of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the retail packaged vinous liquor store is located.

(5) Any other information called for by the board of commissioners.

(b) Any change in any relationship herein declared must be filed with the marshal's office when such change is made, and failure to so file within a period of thirty (30) days after such change is made shall be grounds for cancellation by the board of commissioners.

Section 2. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article II. Wine as amended, is hereby further amended by deleting Sec. 3-51. Investigation of applicant: cooperation by applicant, in its entirety, and in lieu thereof, enacting a new Sec. 3-51. Investigation of applicant: cooperation by applicant to read as follows:

Sec. 3-51. - Investigation of applicant; cooperation by applicant.

(a) All applications for new licenses for sale of packaged vinous liquor at retail and all applications for renewal of such new licenses shall be investigated by the marshal's office. No such new or renewal license shall be acted upon by the board of commissioners or issued by the marshal's office until the county attorney has indicated in writing that in his opinion, upon the facts as stated and ascertained by the marshal's office, no violation exists as to any ordinance in effect as of the date of the rendering of such opinion. All applicants for new or renewal licenses shall furnish to the marshal's office all data, information and records requested of them by the marshal's office. Failure of the applicant to furnish such data, information and records within thirty (30) days from the date of the request by the marshal's office shall automatically serve to dismiss with prejudice the application of any such applicant.

(b) Applicants, by filing for a license to sell package vinous liquor at retail, agree to furnish the data, information and records as called for herein and also agree to submit under oath to interrogation by the marshal's office or the county attorney as to any facts considered pertinent to such application. Applicants, by filing such application, also agree to produce for oral interrogation by the marshal's office or the county attorney any person requested by the marshal's office and considered as being important in the ascertainment of the facts relative to the license. Failure to produce such persons within thirty (30) days after being requested to do so shall result in the automatic dismissal of any application for license.

Section 3. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article II. Wine as amended, is hereby further amended by deleting Sec. 3-56. - Procedure when license denied by state, in its entirety, and in lieu thereof, enacting a new Sec. 3-56. - Procedure when license denied by state to read as follows:

Sec. 3-56. - Procedure when license denied by state.

In the event the applicant for a license required by this division is denied a license by the state, upon the proof of such refusal, he shall be entitled to a refund of the license fee, less the investigative fee as required in section 3-54(a) (2), plus an additional charge of twenty-five dollars ($25.00) to cover clerical cost of granting the license. Such refund may be made by the county marshal without the necessity of any action by the board of commissioners.

Section 4. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article II. Wine as amended, is hereby further amended by deleting Sec. 3-79. - Business hours and days, in its entirety, and in lieu thereof, enacting a new Sec. 3-79. - Business hours and days to read as follows:

Sec. 3-79. - Business hours and days.

(a) Retail dealers in vinous liquors shall not engage in the sale of such liquors except between the hours of 7:00 a.m. and 11:45 p.m. Monday through Saturday and 12:30 p.m. and 11:30 P.M. on Sunday and

shall not permit their places of business to be opened for the sale of vinous liquors on election days and Christmas Day.

(b) An "election day", for the purposes of the sale of vinous liquors, means that period of time beginning with the opening of the polls and ending with the closing of the polls

Section 5. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article II. Wine as amended, is hereby further amended by deleting Sec. 3-82. - Employees; reports to police; investigation; fees, in its entirety, and in lieu thereof, enacting a new Sec. 3-82. - Employees; reports to county marshal; investigation; fees to read as follows:

Sec. 3-82. - Employees; reports to county marshal; investigation; fees.

(a) No retail licensee shall employ any minor, except as provided by state law, in his store, or in the department of a store where vinous liquors are sold. No retail licensee shall employ in any premises used for the sale of vinous liquors any person in any capacity whatsoever who has been convicted within ten (10) years of the date of employment of a felony, or any violation of the laws of this state, any other state or of the United States relating to the sale of alcoholic beverages.

(b) It shall be the duty of all persons holding retail or wholesale licenses to sell vinous liquors to file with the county marshal the names of all employees, with their home addresses, home telephone numbers and places of employment. Changes in the list of employees, with the names of new employees, must be filed with the county marshal within three (3) days from the date of any such change. All employees shall be subject to such investigative rules and regulations as may be deemed necessary from time to time by the county marshal. A ten-dollar investigative fee shall be paid by all applicants.

(c) At the time of application or at the time a licensee hires a new employee, the licensee shall submit a current one-square-inch photograph of such employee for placement upon that employee's identification card. Photographs shall not be required for any licensed premise which employs fifteen (15) or more employees.

(d) No licensee shall allow any person to engage in the sale of vinous liquors prior to the completion of a satisfactory investigation by the business license department. Licensees in violation of this section shall be liable for a fine of two hundred fifty dollars ($250.00) per employee engaged in such practice. Subsequent offenses may subject licensee to suspension or revocation of his license.

Section 6. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article II. Wine as amended, is hereby further amended by deleting Sec. 3-84 - Sanitary regulations; immoral conduct, etc.; inspection and report by fire department, in its entirety, and in lieu thereof, enacting a new Sec. 3-84 - Sanitary regulations; immoral conduct, etc.; inspection and report by fire department to read as follows:

Sec. 3-84. - Sanitary regulations; immoral conduct, etc.; inspection and report by fire department.

(a) All premises licensed under this article shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption.

(b) It shall be unlawful to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices on the premises.

(c) The fire department shall, upon request of the marshal's office, inspect such premises and report their findings to the county. All premises licensed hereunder shall conform at all times with all fire regulations of the county.

Section 7. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article III. Malt Beverages as amended, is hereby further amended by deleting Sec. 3-127. Application - Contents, in its entirety, and in lieu thereof, enacting a new 3-127. Application - Contents to read as follows:

Sec. 3-127. - Application—Contents.

(a) All applications for licenses, both original and renewal, shall be submitted to the marshal's office and must be accompanied by a full and complete statement under oath of information relative to any and all interests (as defined in section 3-106) in retail packaged malt beverage stores. This shall include:

(1) The names and addresses of all persons interested in the ownership of the business of selling at retail packaged malt beverages, together with any interest each person or any member of his immediate family has in any other retail packaged malt beverage store.

(2) The ownership of the land and building where such retail business is operated.

(3) The amount of rental paid for the land and building and the manner in which the same is determined, and to whom and at what intervals it is paid.

(4) The names and addresses (by affidavit from the owner, lessor or sublessor of such land and building) of all persons having any whole, partial, beneficial or other interest in and to the land and building on and in which the retail packaged malt beverage store is located.

(5) Any other information called for by the board of commissioners.

(b) Any change in any relationship herein declared must be filed with the marshal's office when such change is made, and failure to so file within a period of thirty (30) days after such change is made shall be grounds for cancellation by the board of commissioners.

Section 8. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article III. Malt Beverages as amended, is hereby further amended by deleting Sec. 3-131. Investigation of applicant: cooperation by applicant, in its entirety, and in lieu thereof, enacting a new Sec. 3-131. Investigation of applicant: cooperation by applicant to read as follows:

Sec. 3-131. - Investigation of applicant; cooperation by applicant.

(a) All applications for new licenses for sale of packaged malt beverages at retail and all applications for renewal of such new licenses shall be investigated by the marshal's office. No such new or renewal license shall be acted upon by the board of commissioners or issued by the marshal's office until the county attorney has indicated in writing that in his opinion, upon the facts as stated and ascertained by the marshal's office, no violation exists as to any ordinance in effect as of the date of the rendering of such opinion. All applications for new or renewal licenses shall furnish to the marshal's office all data, information and records requested of them by the marshal's office. Failure of the applicant to furnish such data, information and records within thirty (30) days from the date of the request by the marshal's office shall automatically serve to dismiss with prejudice the application of any such applicant.

(b) Applicants, by filing for a license to sell package malt beverages at retail, agree to furnish the data, information and records as called for herein and also agree to submit under oath to interrogation by the marshal's office or the county attorney as to any facts considered pertinent to such application. Applicants, by filing such application, also agree to produce for oral interrogation by the marshal's office or the county attorney any person requested by the marshal's office and considered as being important in the ascertainment of the facts relative to the license. Failure to produce such persons within thirty (30) days after being requested to do so shall result in the automatic dismissal of any application for license.

Section 9. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article III. Malt Beverages as amended, is hereby further amended by deleting Sec. 3-136. - Procedure when license denied by state, in its entirety, and in lieu thereof, enacting a new Sec. 3-136. - Procedure when license denied by state to read as follows:

Sec. 3-136. - Procedure when license denied by state.

In the event the applicant for a license required by this division is denied a license by the state, upon the proof of such refusal he shall be entitled to a refund of the license fee, less the investigative fee as required in section 3-134(a)(2), plus an additional charge of twenty-five dollars ($25.00) to cover clerical cost of granting the license. Such refund may be made by the county marshal without the necessity of any action by the board of commissioners.

Section 10. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article III. Malt Beverages as amended, is hereby further amended by deleting Sec. 3-159. - Business hours and days, in its entirety, and in lieu thereof, enacting a new Sec. 3-159. - Business hours and days to read as follows:

Sec. 3-159. - Business hours and days.

(a) Retail dealers in malt beverages shall not engage in the sale of said beverages except between the hours of 7:00 a.m. and 11:45 p.m. Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday and shall not permit their places of business to be opened for the sale of malt beverages on Christmas Day or election days.

(b) An "election day", for the purposes of the sale of malt beverages, means that period of time beginning with the opening of the polls and ending with the closing of the polls.

Section 11. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article III. Malt Beverages as amended, is hereby further amended by deleting Sec. 3-162. - Employees; reports to business license director; investigation; fees, in its entirety, and in lieu thereof, enacting a new Sec. 3-162. - Employees; reports to county marshal; investigation; fees to read as follows:

Sec. 3-162. - Employees; reports to county marshal; investigation; fees.

(a) No retail licensee shall employ any minor, except as provided by state law, in his store, or in the department of a store where malt beverages are sold. No retail licensee shall employ in any premises used for the sale of malt beverages any person in any capacity whatsoever who has been convicted within ten (10) years of the date of employment of a felony, or any violation of the laws of this state, any other state or of the United States relating to the sale of alcoholic beverages.

(b) It shall be the duty of all persons holding retail or wholesale licenses to sell malt beverages to file with the county marshal the names of all employees, with their home addresses, home telephone numbers and

places of employment. Changes in the list of employees, with the names of new employees, must be filed with the county marshal within three (3) days from the date of any such change. All employees shall be subject to such investigative rules and regulations as may be deemed necessary from time to time by the county marshal. A ten-dollar investigative fee shall be paid by all applicants.

(c) At the time of application or at the time a licensee hires a new employee, the licensee shall submit a current one-square-inch photograph of such employee for placement upon that employee's identification card. Photographs shall not be required for any licensed premises which employs fifteen (15) or more employees.

(d) No licensee shall allow any person to engage in the sale of malt beverages prior to the completion of a satisfactory investigation by the marshal's office. Licensees in violation of this section shall be liable for a fine of two hundred fifty dollars ($250.00) per employee engaged in such practice. Subsequent offenses may subject licensee to suspension or revocation of his license.

Section 12. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article III. Malt Beverages as amended, is hereby further amended by deleting Sec. 3-164 - Sanitary regulations; immoral conduct, etc.; inspection and report by fire department, in its entirety, and in lieu thereof, enacting a new Sec. 3-164 - Sanitary regulations; immoral conduct, etc.; inspection and report by fire department to read as follows:

Sec. 3-164. - Sanitary regulations; immoral conduct, etc.; inspection and report by fire department.

(a) All premises licensed under this article shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the condition of premises used for the storage and sale of food for human consumption.

(b) It shall be unlawful to permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practices on the premises.

(c) The fire department shall, upon request of the marshal's office, inspect such premises and report their findings to the county. All premises licensed hereunder shall conform at all times with all fire regulations of the county.

Section 13. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premise Consumption Dealers as amended, is hereby further amended by deleting Sec. 3-180.1. - Authority and definitions, in its entirety, and in lieu thereof, enacting a new Sec. 3-180.1. - Authority and definitions to read as follows:

Sec. 3-180.1. - Authority and definitions.

(a) Authority.

(1) The provisions of this article pertaining to the sale of malt beverages by the drink for on-premises consumption are enacted pursuant to the authority granted to the Board of Commissioners of Fayette County by the State of Georgia.

(2) The provisions of this article pertaining to the sale of wine by the drink for on-premise consumption are enacted pursuant to the authority granted to the Board of Commissioners of Fayette County by the State of Georgia.

(3) The provisions of this article pertaining to the sale of distilled spirits, by the drink, for on-premise consumption are enacted pursuant to the authority granted to the Fayette County Board of Commissioners through a special election held July 20, 2004 pursuant to O.C.G.A. § 3-4-92 in which the qualified voters of Fayette County elected to permit such sale of distilled spirits by the drink within the unincorporated boundaries of the County of Fayette and O.C.G.A. § 3-4-110 authorizing the board to adopt reasonable rules and regulations regarding licensing for such sales.

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

Alcoholic beverage means all wines, malt beverages, beers, distilled spirits, and fortified wines as each is defined herein.

Distilled spirit means any alcoholic beverage obtained by distillation or any alcoholic beverage containing more than twenty one (21) percent alcohol by volume, including but not limited to fortified wine.

Fortified wine means any alcoholic beverage containing more than twenty-one (21) percent alcohol by volume and made from fruits, berries, or grapes either by natural fermentation or with brandy added. Fortified wine shall include but not be limited to the brandy.

Golf course means a large tract of land laid out with a minimum of eighteen (18) holes over a distance of at least five thousand five hundred (5,500) yards, and used exclusively for playing golf.

Hotel means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential; and in which fifty (50) or more rooms are used for sleeping accommodations of such guests; and having one (1) or more public dining rooms, with an adequate and sanitary kitchen and a seating capacity of at least forty (40), where meals are served at least once a day to such guests; and where the sleeping accommodations and dining rooms are being conducted in the same building or in separate buildings or structures used in connection therewith that are in the same premises and are a part of the hotel operations. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a lounge or restaurant in their premises and the holder of such franchise shall be included in the definition of hotel hereunder.

Intoxicating beverage means and includes any beverage containing any percentage of alcohol whatsoever.

Licensee means an establishment holding a license to engage in the sale of distilled spirits, wines, or malt beverages by the drink, for consumption on the premises.

Lounge means a separate room connected with, a part of and adjacent to a restaurant, or located in a hotel, as defined herein with all booths, stools and tables being unobstructed and open to view. All lounges shall be air conditioned and have a seating capacity of at least forty (40).

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 fourteen (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.

Premises means the definite closed or partitioned-in locality, whether room, shop or building wherein alcoholic beverages are sold by the drink. For the purposes of this article only, premises shall also mean all real property upon which a golf course is constructed.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where food is regularly served, and having no sleeping accommodations. Such place shall be provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least forty (40) people, and shall have employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one (1) meal per day shall be served for each day the premises are open, with the exception of holidays, vacations, and periods of redecorating. The serving of such meals shall be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto; provided, however, at least sixty (60) percent of the annual gross income must be derived from the sale of such meals served for consumption on the premises. Such receipts shall be certified by the owner of the premises and reported to the marshal's office on a quarterly basis.

Wine means any alcoholic beverage containing not more than twenty-one (21) percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Section 14. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premise Consumption Dealers as amended, is hereby further amended by deleting Sec. 3-180.6. – Closing hours, in its entirety, and in lieu thereof, enacting a new Sec. 3-180.6. – Closing hours to read as follows:

Sec. 3-180.6. – Closing hours.
No licensee under this article shall sell, give away, or otherwise dispense alcoholic beverages between the hours of 11:55 p.m. and 9:00 a.m. Monday through Saturday or between the hours of 11:55p.m. Saturday to 12:30 p.m. Sunday.

Section 15. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premise Consumption Dealers as amended, is hereby further amended by deleting Sec. 3-180.7. - Holiday sales, in its entirety, and in lieu thereof, enacting a new Sec. 3-180.7. - Holiday sales to read as follows:

(a) Sales on Christmas Day prohibited. Licensees under this article shall not permit the sale of any alcoholic beverages on Christmas Day.

(b) Sales following New Year's Eve. Sales may continue until 1:00 a.m. on New Year's Day.

Section 16. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premise Consumption Dealers as amended, is hereby further amended by deleting Sec. 3-180.9. - Prices and charges to be displayed; filed with business license department, in its entirety, and in lieu thereof, enacting a new Sec.

3-180.9. - Prices and charges to be displayed; filed with the marshal's office to read as follows:

Sec. 3-180.9. - Prices and charges to be displayed; filed with the marshal's office.

Any licensee under this article, except private clubs, shall display in prominent places the current prices of alcoholic beverages by the drink; the volume of alcohol to be served from each alcoholic beverage container; admission and cover charges. The licensee shall file a copy of such prices with the marshal's office and shall furnish to any customer that so desires an itemized bill of charges which shall not exceed the price list furnished to the marshal's office. Upon any increase or decrease of prices, a new list must be filed with the marshal's office.

Section 17. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article IV. On-Premise Consumption Dealers as amended, is hereby further amended by deleting Sec. 3-180.60. - Form; data requested, in its entirety, and in lieu thereof, enacting a new Sec. 3-180.60. - Form; data requested to read as follows:

Sec. 3-180.60. - Form; data requested.

The board of commissioners shall have authority to prescribe forms for new or renewal applications under this division. All applicants shall furnish all data, information and records requested of them by the board of commissioners or marshal's office, and failure to furnish such data, information and records within thirty (30) days from the date of such request shall automatically serve to dismiss, with prejudice, the application. Applicants, by filing an application, agree to produce for oral interrogation any person requested by the board of commissioners, marshal's office or the county attorney and considered as being important in the ascertainment of the facts relative to such license. The failure to produce such person within thirty (30) days after being requested to do so shall result in the automatic dismissal of such application.

Section 18. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article V. Excise Taxes as amended, is hereby further amended by deleting Sec. 3-183. - Payment of taxes by wholesale dealers, in its entirety, and in lieu thereof, enacting a new Sec. 3-183. - Payment of taxes by wholesale dealers to read as follows:

Sec. 3-183. - Payment of taxes by wholesale dealers.

(a) The special or excise tax imposed upon sales under this article shall be paid by the wholesale dealer to the finance director by the tenth of each month, based upon volume sold or distributed in the county limits during the previous month.

(b) The wholesale dealer herein referred to shall be subject to all the conditions set forth in this article and shall in all respects comply with this article, particularly with reference to the keeping of true and correct records of all sales and shipments and the rendering of a sworn statement of the same as is provided.

Section 19. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article V. Excise Taxes as amended, is hereby further amended by deleting Sec. 3-184 - Wholesale dealers required to collect taxes from retail dealers; monthly reports, in its entirety, and in lieu thereof, enacting a new Sec. 3-184. - Wholesale dealers required to collect taxes from retail dealers; monthly reports to read as follows:

Sec. 3-184. - Wholesale dealers required to collect taxes from retail dealers; monthly reports.

Wholesale dealers and distributors of products regulated by this article shall make a report to the finance department within ten (10) days following the end of each calendar month of the total of such products sold

or distributed within the county limits during the previous month, and shall accompany such report with the payment of the tax due at the above rate based upon the quantities of such products so sold the previous month. Each monthly report shall be accompanied by a sworn statement that the report is a true and correct report of all sales and shipments made within the county.

Section 18. The Fayette County Code of Ordinances, Chapter 3 Alcoholic Beverages, Article V. Excise Taxes as amended, is hereby further amended by deleting Sec. 3-185 - Wholesale dealers and distributors—Records and reports, in its entirety, and in lieu thereof, enacting a new Sec. 3-185. - Wholesale dealers and distributors—Records and reports to read as follows:

Sec. 3-185. - Wholesale dealers and distributors—Records and reports.

(a) The license tax imposed in this article shall be computable and payable monthly.

(b) Each wholesale dealer or distributor selling, shipping or delivering malt beverages, wines or spirituous liquor to any retail dealer in the county, whether delivered to the retail dealer's place of business in the county, or elsewhere for resale in the county, shall, as a condition to the privilege of carrying on such business in the county, make a true and correct record of all sales, shipments or deliveries of such products to each retail dealer in the county and immediately transmit a true and correct copy of such record to the finance department. Such record shall show the name of each retail dealer to whom a sale, shipment or delivery is made, the quantity, and such other information as may be called for by the county.

Section 19. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 20. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 21. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed except those provided for herein.

Section 22. The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

So ordained this 23rd day of August, 2012, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
HERBERT E. FRADY, CHAIRMAN

ATTEST:

_____
CLERK/DEPUTY CLERK