



Application for Alcohol License

- 1. APPLICATION SHALL BE FILED WITH THE BUSINESS LICENSE CLERK AND HAVE ATTACHED THERETO A FEE IN AMOUNT OF \$300.00 FOR INVESTIGATION OF THE APPLICANT, THE PROPOSED LOCATION AND THE PROCESSING OF THE APPLICATION.**
- 2. THE APPLICATION SHALL STATE THE FOLLOWING INFORMATION REGARDING THE APPLICANT, AGENT, ALL PARTNERS OF A PARTNERSHIP AND THE AGENT REPRESENTING CORPORATION**

I

Last Name:	First:	M.I.	Date:
Street Address:			Apartment/ Unit #
City:	State:	ZIP Code:	
Phone Number:	E-mail Address:		
Date of Birth:	Social Security No.:	Age:	
New Business Name:			
Business Address:	New Business Phone: _____		
Mark all that apply			
Beer	<input checked="" type="checkbox"/>		
Wine	<input checked="" type="checkbox"/>	Pouring	<input checked="" type="checkbox"/>
Liquor	<input checked="" type="checkbox"/>	Package	<input checked="" type="checkbox"/>
Transfer of Agent	<input checked="" type="checkbox"/>	Sunday Sales	<input checked="" type="checkbox"/>

II

Complete record of all convictions and guilty or nolo contendere pleas for violations of all city, state, and federal laws, except for traffic offenses. (Attach additional pages if necessary)

Name(s) and Address(es) of owner or landlord and resident manager of property for proposed location.

Name(s) and address(es) of all persons having any financial interest in the outlet by way of ownership of building or stock, receipt of income from business or otherwise. (Attach additional pages if necessary.)

III

Evidence of approval of zoning and building administrator for any improvements to be made on the property. (Attach)

IV

The application shall be accompanied by a current certificate from a registered surveyor or engineer containing the following information:

- a. A scale drawing of the building or a proposed building, as situated on the proposed lot.
- b. A scale drawing showing any drive-in-window(s).
- c. Current Zoning classification of said location.
- d. The measured distance in linear feet from the nearest point on the property line to the nearest church and/or school ground.

Applications for a Distilled Spirits Package license must also submit the following:

- a. A site plan showing the following.
 1. The building size in square feet
 2. The number of acres of the parcel.
 3. The width of road frontage
 4. The distance from the closest liquor store measured door to door along street right-of-way by the most direct route.
 5. The zoning district in which the store is located.

V

Advertising

The applicant shall pay all publication and material costs. This cost is determined at the time of application by a quote from newspaper of general circulation within the City of Canton. The applicant is responsible for ensuring the advertisement runs once a week for two weeks preceding the date the license will be issued. The applicant must provide proof of advertisement to the city.

The city will supply the applicant with a sign to post at the proposed location. The sign shall be posted continuously for a period of not less than ten days prior to the date the license will be issued. The sign shall not be more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street, or highway abutting the same. The sign shall contain all information requested. A photograph of the posted sign and an affidavit to the effect that it is posted is required not less than ten days prior to the consideration of Council.

VI

There shall be attached to the application copy of the applicant's application or proposed application for a license from the State of Georgia. To include one or more of the following forms Form ATT-17, Financial Affidavit, RD-1061, Liquor Bond, Form ATT-104, Liquor Manufacturer/ Distillery Bond. Forms are available on the Dept. of Revenue website, <https://dor.georgia.gov/>.

VII

There shall be attached to each application an Applicant Record Notification Form. (Noncriminal Justice Applicant's Privacy Rights attached.)

VIII

Do you have any questions or comments regarding the alcohol ordinance, laws, regulations or application?

IX

The application shall be sworn to.

DISCLAIMER AND SIGNATURE

I, _____, applicant, do solemnly swear, subject to criminal penalties for false swearing that the statements and answers made to the foregoing questions in this application for a City of Canton license to sell alcohol are true and no false or fraudulent statement or answer is made therein to procure the granting of such license.

Signature

Date

I certify that _____, is personally known to me, that he/she signed his/her name in the foregoing application after stating that he/she knew and understood the application. He/she has sworn that said statements and answers are true and correct.

Signature

Date

Attachments:

- Status of Citizenship Compliance**
- Affidavit City of Canton**
- Fingerprint Request Form**
- Applicant Record Challenge**
- Noncriminal Justice Applicant's Privacy Rights City of Canton Excise Taxes**
- Acknowledgement**

SAVE Affidavit

Affidavit Verifying Status for City Public Benefit Applicants Pursuant to O.C.G.A. Section 50-36-1(e)(2)

By executing this affidavit under oath, as an applicant for an **Occupational Tax Certificate**, as referenced in O.C.G.A. § 50-36-1, administered by the Georgia Department of Community Affairs, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

Section 1:

Applicants must select 1 of these 3 options.

- 1) I am a United States Citizen
(Must provide a copy of either current State Driver's License, Passport, Military ID or other approved document.*)
- 2) I am a legal permanent resident of the United States. **
(Must provide a copy of your Permanent Resident Card or another approved document.*)
- 3) I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency. ** (Must provide a copy of your Employment Authorization Card or another approved document.*)

Applicants who select 2 or 3 above must complete the 'alien number' question.

*See link for acceptable forms of identification: law.ga.gov/immigration-reports

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

_____.

Section 2:

All applicants must describe the secure and verifiable document in this field and provide a front and back copy of that document with this affidavit.

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

The secure and verifiable document provided with this affidavit can best be classified as:

_____.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. Section 16-10-20, and face criminal penalties as allowed by such criminal statute.

Section 3:

Wait to complete this section when you are in front of a Notary Public. Please be sure to complete all fields in this section at that time.

Executed in _____, _____.
City State

Signature of Applicant Date Printed Name of Applicant

Name of Business Title of Applicant

Section 4:

The Notary Public must witness your signature and complete this section.

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 20 _____

Signature of Notary Public: _____ (SEAL)

My Commission Expires: _____



Applicant Record Notification

Notification

Fingerprints submitted will be used to check the criminal history records of the FBI

Obtaining Copy

Procedures for obtaining a copy of the FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.30 through 16.33 or go to the FBI website at <http://www.fbi.gov/about-us/cjis/background-checks>

Change, Correction, or Updating

Procedures for obtaining a change, correction, or updating of an FBI criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34

Print Name

Date

Signature

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for a job or license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification* that your fingerprints will be used to check criminal history records of the FBI.
- If you have a criminal history record, the officials making a determination of your suitability for the job, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the job, license or other benefit based on information in the criminal history record.**

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council. ***

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

* Written notification includes electronic notifications, but excludes oral notification.

** See 28 CFR 50.12(b).

*** See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).



Excise Taxes

The Finance Department collects excise taxes pursuant to city ordinances. All establishments which distribute or sell alcoholic beverages in the City of Canton, are required to submit supporting documentation with payment of the applicable excise taxes.

Alcohol Excise Taxes

The City of Canton levies excise taxes on all sales of malt beverages, wine and distilled spirits for wholesale purchase and on all retail sales of distilled spirits by the drink.

Alcohol Beverage-By-The-Drink Excise Taxes shall be paid on or before the tenth (10) day following the month in which the alcoholic beverages are sold by the retailer within the city.

Wholesale Excise Taxes shall be paid on or before the tenth (10th) day following the month in which the alcoholic beverages are sold by the wholesaler within the city. In the event that a wholesaler who normally services the City of Canton has no sales, a wholesale tax return is still required.

ACKNOWLEDGEMENT

By affixing my signature below, I hereby acknowledge, and affirm, that I have been provided the required forms, and information, as they apply to the City of Canton Excise Taxes I understand, and agree, to comply with all Excise Tax Requirements and Reports.

Name

Date

Witness

Date

Chapter 6 ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 6-1. Purpose.

The mayor and council, in the exercise of its police power, wishes to permit, but not promote, the sale of malt beverages, wines, and distilled spirits, in the incorporated city limits, this being necessary for the effective regulation and control of the sale of those alcoholic beverages and for the protection of the health, safety, and welfare of the citizens of the city. It is the further intent of the mayor and council, through the licensing and regulation of the sale of alcoholic beverages, to protect property values and individual rights of the citizens and to prevent the sale of alcoholic beverages from being an undesirable intrusion on the rights of the citizens of the city and to raise sufficient revenues to cover the costs of licensing, regulating and policing the sales of alcoholic beverages within the city limits.

Sec. 6-2. 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:

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 with a valid license to sell alcoholic beverages by the drink or by the package and who has obtained a license pursuant to sections 6-341 through 6-344.

Beer and 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 14 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, known as Japanese rice wine.

Building code means the standard mandatory and optional construction codes promulgated by the state and as adopted by the city.

Business location means the location or proposed location of the premises wherein alcoholic beverages as permitted in this chapter may be sold.

Church means a building that people regularly attend to participate in or hold religious services, meetings and other activities, owned by such church and which qualifies for tax exempt status from ad-valorem property taxation.

Clerk, unless otherwise designated, means the city business license clerk.

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

Floor space means internal space of business location licensed to sell alcoholic beverages.

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, sherry or port.

Growler means a professionally sanitized reusable container not exceeding 128 ounces in volume used to transport draft beer for off-premises consumption.

Licensee means the individual, partnership, corporation, or limited liability company to whom a license is issued. A partnership, corporation, or limited liability company shall include all partners, officers, directors, members or managers of a partnership, corporation or limited liability company.

Liter means a metric measurement currently used by the United States.

Manager means that person who, on a day-to-day or per shift basis, does or will actually manage or operate a business location licensed to sell alcoholic beverages and shall include any person designated as a manager upon a business license or license to sell alcoholic beverages.

Manufacturer means any maker, producer or bottler of an alcoholic beverage.

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

Pour means sale for consumption on the premises of a business location licensed to sell alcoholic beverages.

Premises means floor space and outdoor areas which the licensee possesses, owns, controls, or is permitted to use as a business location licensed to sell alcoholic beverages.

Premium cigars. means cigars that are wrapped in whole tobacco leaf, contain a 100 percent leaf tobacco binder, are handmade or hand rolled and do not have a characterizing flavor other than tobacco.

Private club means any association in which a person must seek and be approved for membership or which charges a membership fee or which has established qualifications to become a member.

Restaurant means any space, kept, used, maintained, advertised, offered and held out to the public where food, meals and snacks are prepared and served to members of the public for compensation.

Retailer and retail dealer means, any person who sells alcoholic beverages to members of the public.

Retail consumption dealer means any retailer offering alcoholic beverages for consumption on the premises.

Retail outlet means any business location where alcoholic beverages are sold to the public.

Retail package liquor store means any business establishment that sells alcoholic beverages, malt beverages, wine and distilled spirits, either in unbroken packages only at retail, to consumers and not for resale.

School means a facility that provides a curriculum of elementary, secondary, or post graduate academic instruction, including kindergarten, elementary school, junior high/middle school, high school, college or technical school.

Sport/recreation establishment means an indoor or outdoor facility that contains regulation size courts, facilities, alleys or playing fields where physical sporting activity takes place and equipment related to the activity is available for rent or sale. Examples of such establishments include, but are not limited golf courses, equestrian centers, bowling alleys, ball fields, and sports arenas.

Wholesaler and wholesale dealer mean 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, or 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 fir

Sec. 6-2.1. Officer to act includes designee.

Any time an officer is designated or authorized to act within this chapter, such designation or authorization shall include the officer's designee as those persons designated or authorized to act.

Sec. 6-3. Distance requirements.

- (a) No person may sell or offer to sell:
 - (1) Any distilled spirits within 300 feet of any church building or any distilled spirits, wine or malt beverages within 300 feet of an alcohol and/or drug treatment center owned and operated by the state, county or city.
 - (2) Any distilled spirits within 600 feet of any school building, educational building, school grounds or college campus. 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 as defined in O.C.G.A. § 20-2-690(b).
 - (3) Any wine or malt beverages within 300 feet of any school building, school grounds, or college campus. Nothing in this subparagraph shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises from selling wine or malt beverages within 300 feet of any school building, or college campus, where so permitted by resolution or ordinance of the county or municipality. As used in this subparagraph, the term "grocery store" means a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85 percent is reserved for the sale of food and other nonalcoholic items, and conducts all of its sales inside the building containing its retail floor space.
- (b) Distances shall be measured by the most direct route of travel on the ground.
- (c) Every license application shall include a scale drawing of the location of the proposed building, showing the distance from any protected grounds described in this section and a certificate of a registered land surveyor or professional engineer that the location complies with the distance requirements in subsection (a) of this section.
- (d) The distance requirements contained within this section shall not apply to the licensing of the sale of alcoholic beverages by licensees for consumption on the premises.

Sec. 6-4. Condition of premises.

- (a) All premises licensed under this chapter shall be kept clean and shall be in full compliance with all building codes, ordinances and regulations of the city, county and state.
- (b) The county health department shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises complies with all city, county and state health rules and regulations and shall report any violation to the business license clerk.
- (c) Any city agent shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all city, county and state fire regulations and shall report any violations to the business license clerk.
- (d) The city manager, or his/her designee, shall have the authority to inspect regularly the licensed premises to determine whether the licensed premises is in compliance with all city technical codes.
- (e) The city police department shall have the authority to inspect periodically the licensed premises to determine if the licensed premises is in compliance with all sections of this chapter and shall report any violation to the business license clerk.

Sec. 6-5. Prohibited sales.

- (a) Except as otherwise authorized by section 6-152, no licensee shall sell or permit to be sold alcoholic beverages to any person under 21 years of age. Every person who seeks to purchase alcoholic beverages must provide a government-issued picture identification as proof of age.
- (b) No licensee shall permit on the licensed premises the sale, barter, exchange, giving, providing or furnishing of alcoholic beverages to any person who is in a state of noticeable intoxication.

- (c) No licensee authorized to sell alcoholic beverages by the package shall sell or permit to be sold any single beer, wine cooler or similar alcoholic beverage that is customarily packaged for sale as part of a four-pack, six-pack, 12-pack or similar package, unless such single beer, wine cooler or similar alcoholic beverage is displayed for sale in an enclosed case, cabinet or other structure located not closer than 20 feet from the front door of the premises and not closer than 20 feet from any cash register in the premises. The intent of this subsection is to prohibit sales of single beers, wine coolers or similar alcoholic beverage from open, cooled containers such as ice-filled buckets, tubs or barrels and to prohibit such sales from other containers located within 20 feet of the front door and cash register of the premises.

Sec. 6-6. Reserved.

Sec. 6-7. Required signs; posted information.

- (a) In addition to other postings required in this chapter or by law, all licensees shall post in a prominent location on the licensed premises, in a manner whereby it may be easily viewed by patrons, an approved sign setting forth or summarizing the laws of the city and the state in regard to the sale of alcoholic beverages to underage, intoxicated or pregnant persons. Each such sign shall be of a size and configuration approved by the chief of police and shall include either the language of the applicable Code sections or summaries approved by the chief of police. The police department is authorized to design and have printed approved signs, which shall be made available to licensees at a price to be established by the chief of police.
- (b) All licensees shall indicate plainly the price of all alcoholic beverages exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below the space where the containers are placed.
- (c) All licensees shall post in a conspicuous location near the front entrance of the licensed premises a sign, to be provided by the city, which provides a reminder not to drink and drive and that the city's police department is available for free ride to any city resident.

Sec. 6-8. Contents of bottles.

- (a) Except during the initial bottling by the manufacturer, it shall be unlawful for any licensee to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality or brand name of any alcoholic beverage.
- (b) Notwithstanding the foregoing prohibition, package malt beverage licensees, who are not also licensed to sell distilled spirits by the package, may fill growlers with draft beer at the licensee's licensed location from kegs lawfully procured by the licensee, subject to the following requirements:
 - (1) The filled growler must be securely sealed, on premises, with a tamper proof plastic cap;
 - (2) At least 75 percent of the licensee's total gross sales are from the packaged sale of malt beverages and/or wine; and
 - (3) The licensee complies with all state, federal and local packaging and labeling laws regarding alcoholic beverages;
 - (4) Each filled growler must be removed from the premises in its securely sealed condition.

Sec. 6-9. Drinking in public.

- (a) It shall be unlawful to possess an open container of an alcoholic beverage or to consume any alcoholic beverage while on any streets, sidewalks, alleyways, parking areas, city parks, or other open areas owned, operated, or controlled by the city, except as permitted under section 6-150 (Patio sales/outdoor sales), section 6-379 (Special event permit), or within the entertainment district as provided below.
- (b) During the hours 12:00 p.m. to 12:00 a.m., it shall not be a violation of subsection (a) above to possess an open container of an alcoholic beverage or to consume any alcoholic beverage within the approved entertainment district, and any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises which is located within the approved entertainment district is authorized to dispense alcoholic

beverages in a plastic cup provided by the city, without a straw or stirrer, for removal from the premises, on the following conditions:

- (1) The plastic cup shall be provided by the city, and shall contain only a customary single serving of alcohol and shall not exceed 16 fluid ounces in size. No person shall possess on the streets, sidewalks, alleyways, parking areas, city parks, or other open areas owned, operated, or controlled by the city within the entertainment district any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- (2) Except as specifically set forth in this section with respect to a plastic cup, it shall be unlawful for any person to possess an open container of an alcoholic beverage or to consume any alcoholic beverage from a can, bottle, glass, cup, or container, on the streets, sidewalks, alleyways, parking areas, city parks, or other open areas owned, operated, or controlled by the city.
- (3) Open containers of alcoholic beverages possessed or consumed within the entertainment district must be purchased from a licensed establishment authorized to sell alcoholic beverages for consumption on the premises located within the approved entertainment district. Licensed establishments shall only be permitted to serve from their approved premises as approved on their alcohol license and shall not serve from temporary locations unless specifically allowed by issuance of a special event permit in accordance with section 6-379.
- (4) No alcoholic beverage purchased pursuant to this provision may be possessed or consumed outside the boundary of the approved entertainment district unless specifically allowed by issuance of a special event permit in accordance with section 6-379.
- (5) Sales for consumption off premises within the restaurant district shall be permitted only from 12:00 p.m. to 12:00 a.m. Except for during those hours, licensees within the entertainment district shall not allow alcoholic beverages to be removed from their licensed premises.
- (6) Any licensed establishment that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by eight and one-half inch sign posted at the door for public view so that a patron exiting the establishment can read the following:

"All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage served in a plastic cup not to exceed 16 ounces in size and obtained from an establishment licensed to sell alcoholic beverages in the Entertainment District boundary outlined on the map below. Any individual who leaves the permitted area with an alcoholic beverage in an open container is in violation of city code and may be subject to a citation and/or fine."
- (c) The provisions of this section shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.
- (d) The entertainment district shall be that geographic area defined as East Main Street from West Main Street to Dupree Street; Dupree Street from East Main Street to North Street; North Street from Dupree Street to the loop at the intersection of Waleska Street and West Main Street.; West Main Street from the loop to East Main Street; Academy Street from West Main Street to Archer Street; Archer Street from Academy Street to East Marietta Street; South Church Street from Main Street to Elizabeth Street; Elizabeth Street from South Church Street to East Marietta Street and East Marietta Street from Elizabeth Street to East Main Street.

Secs. 6-10—6-65. Reserved.

ARTICLE II. LICENSE

DIVISION 1. GENERALLY

Sec. 6-66. Required; constitutes a privilege.

- (a) It shall be unlawful for any person to store, deliver, sell or offer to sell, or manufacture any alcoholic beverage, within the corporate city limits, without having the appropriate license issued upon the terms and conditions provided in this article.
- (b) The requirements of this chapter shall be in addition to any other requirements for business licenses under this Code, and if other provisions of this Code conflict with this chapter then this chapter shall control.
- (c) All licenses shall be a mere grant or privilege to carry on the business during the term of the license subject to all terms and conditions imposed by city ordinances and state law.
- (d) All licenses issued under this article shall have printed on the front these words:

This license is a mere privilege subject to be revoked and annulled and is subject to any future ordinances which may be enacted.

- (e) Licenses which may be issued under this chapter include:
 - (1) Manufacturing of malt beverages, wine, or distilled spirits, including the right to sell for consumption on the premises and the right to sell packages for consumption off the premises, as permitted by state law.
 - (2) Wholesale of malt beverages, wine or distilled spirits.
 - (3) Retail package sales of malt beverages, wine, or distilled spirits.
 - (4) Retail consumption on the premises of malt beverages, wine or distilled spirits.
 - (5) Brew pub, including the right to sell for consumption on the premises and the right to sell packages for consumption of the premises, as permitted by state law.
 - (6) Sunday sales permit.
 - (7) Specialty gift shop.
 - (8) Private club.
 - (9) Ancillary tasting of wine and malt beverages for manufacturing or retail package.
 - (10) Farm winery.

Sec. 6-67. Sale or possession for sale without license or beyond premises.

No person shall sell or possess for the purpose of sale any alcoholic beverage unless such person has a license from the city to sell or possess for sale alcoholic beverages. No licensee shall sell or possess for sale any alcoholic beverage beyond the premises.

Sec. 6-68. Qualifications of applicant.

- (a) Any license for the sale of alcoholic beverages shall be applied for by, and be issued to, an owner who is a full time employee and, if not, then by and jointly to the owner and an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the owner.
- (b) Where the applicant is a sole proprietor, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the sole proprietor if the sole proprietor is a full time employee and, if not, then by and jointly to the sole proprietor and an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the sole proprietor.

- (c) Where the applicant is a partnership, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the partnership together with either a partner who is a full time employee and, if not, then to a partner and an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the partnership.
- (d) Where the applicant is a corporation, whether publicly traded or privately held, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the corporation together with an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on other such premises in the county owned by the corporation.
- (e) Where the owner is a private club, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the private club together with an officer of said club who is a full time employee and, if not, then by jointly to the private club together with an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter.
- (f) Where the owner is a limited liability company, any license for the sale of alcoholic beverages shall be applied for by, and shall be issued to, the limited liability company together with a member who is a full time employee, and if not, then to a member and an agent who is a full time employee responsible for the sale of alcoholic beverages as prescribed in this chapter, on the premises applied for or on such other premises in the county owned by the limited liability company.
- (g) All individuals who are to be on the license shall meet the following requirements:
 - (1) Must be a citizen of the United States or an alien lawfully admitted for permanent residence, shall be at least 21 years of age, shall be a resident of the state at the time of filing the application and shall remain a resident of the state during all times the license and any renewal thereof is in effect;
 - (2) No license shall be granted to any individual who has a felony conviction within five years prior to the filing of the application for such license, is currently on probation for a conviction relating to the use or sale of any drugs, or has a conviction for any federal, state or local law relating to the use or sale of alcoholic beverages within the five years prior to the filing of the application for such license. For purposes of this subsection, a plea of nolo contendere shall constitute a conviction.
 - (3) No license for the sale of alcoholic beverages shall be granted to any person who has had any city license revoked within two years prior to the filing of the application.
- (h) Any corporation or limited liability company, in addition to the requirements for the individuals who shall also be on the license, shall also meet the following requirements:
 - (1) The corporation or limited liability company shall be currently qualified and registered to do business in the state, and shall remain qualified and registered to do business in the state during the time the license remains valid;
 - (2) The corporation shall have and continuously maintain in the state a registered agent who is a resident of the state and upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee may be served. Any change in the registered agent shall be reported to the city within five days of such occurrence;
 - (3) Shall consent to being subject to the jurisdiction and venue of the courts of the City of Canton and/or Cherokee County and shall file written proof of compliance with this subsection, as well as its registered agent's written consent to serve as agent and its consent to be subject to the jurisdiction and venue of the courts of the City of Canton and Cherokee County with the business license clerk in such form as the business license clerk may prescribe.

Sec. 6-69. Separate application for license for each location of sale.

A separate application for a license for the sale of alcoholic beverages shall be made for each location, and a separate license shall be obtained.

Sec. 6-70. Application generally.

- (a) All persons, as owners, desiring to engage in activities permitted by this chapter shall make written application for the appropriate license on forms prescribed by and filed with the business license clerk. All completed applications shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in an amount as set forth in the schedule of fees and charges to defray investigative and administrative costs. If the application is denied or if the applicant withdraws the application prior to its approval, the license fee, without interest, shall be refunded, but the investigative fee shall be retained.
- (b) The application shall include the following information:
 - (1) Information on the type of alcoholic beverage license sought.
 - (2) Information on the location which will be the site of the license including:
 - a. The street address of the premises;
 - b. The name, address and phone number of the owners(s) of the premises; and
 - c. A current certificate from a registered surveyor or engineer containing a scale drawing of the building or proposed building, as situated on site, the proposed off-street parking facilities available to the location, the current zoning of the location, and the distance measurements as may be required under section 6-3, unless such plans and renderings are on file, and the applicant certifies that such plans and renderings are correct;
 - d. A certification of zoning from the city certifying that the place of the proposed business is properly zoned therefore; and
 - (3) All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
 - (4) There shall be attached to each completed application a set of fingerprints of all individuals who will be named on the license and any other person required to complete an application or file information with the city under this article, the accuracy of which must be certified by the person making the prints, or in lieu thereof fingerprints may be made by the city police upon payment of costs as determined by the chief of police.
 - (5) The applicant shall timely file proof of compliance with the advertising requirements set forth in this chapter before licensing is considered.
 - (6) The business license clerk shall have authority to prescribe forms for new or renewal applications. All applicants shall furnish data, information and records as required by the business license clerk to ensure compliance with this chapter. An application filed and submitted not containing substantially all the information required may be rejected. Failure to furnish such data as required or as requested shall automatically serve to deny the application.
 - (7) Any untrue or misleading information contained in or material statement omitted from an original, renewal or transfer application for a license shall be cause for the denial, suspension or revocation of the license.

Sec. 6-71. Public notice of application.

The applicant for an alcoholic beverage license shall prepare and pay for publishing a notice of the application, on materials and forms prescribed by the business license clerk, which notice shall include the date the license will be issued (30 days from application), the location or street number of the premises where the applicant proposes to conduct activities permitted by this chapter and the name of the applicant and all individuals to be named on the license. The applicant shall pay all publication and materials costs. The applicant shall be responsible for publishing the

notice in a newspaper of general circulation within the city, which shall appear once a week for two weeks immediately preceding the date the license will be issued. Each applicant for a license shall post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten days prior to the date the license will be issued, a notice of the pending application prescribed by the city which shall be placed with the base of the sign not more than three feet from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting the premises, and not more than ten feet therefrom. The sign will be provided to the applicant by the city. The applicant shall provide to the business license clerk a dated photograph of the posting required under this section.

Sec. 6-72. Review and investigation.

- (a) The business license clerk shall review the application for the alcoholic beverage license and shall send a copy to all affected departments of city government to determine compliance with city regulations and laws and to the police department to investigate the criminal record of the applicant and all individuals to be named on the license. Each department notified shall submit a report within 15 days to the business license clerk.
- (b) If any questions are raised regarding the application by the business license clerk or any city officer charged with alcoholic beverage administration, the application may be returned to the applicant for further information or clarification of unresolved questions.
- (c) The business license clerk shall forward the application to the city manager who shall make a decision within 30 days of the application being submitted.

Sec. 6-73. Inspection of licensed establishments by city agents.

Any city agent shall have the authority to inspect establishments licensed under this article during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law.

Sec. 6-74. Temporary permit.

Where an application for an alcoholic beverage license is awaiting final fingerprint clearance through the state bureau of investigation, or is awaiting issuance of a state license, the business license clerk may issue a temporary permit to the applicant authorizing the applicant to operate under this chapter; provided, however, the application must show full compliance with all other sections of this chapter. Such temporary permit shall be valid for no longer than 90 days after issuance and shall be prominently displayed as annual licenses are required to be displayed under section 6-80. If fingerprint clearance from the state bureau of investigation or the state license is not received within 90 days, the city manager may extend the time that a temporary permit is valid, as circumstances warrant. In all cases, a temporary permit issued under this section is conditional upon fingerprint clearance and approval of a state license, and the business license clerk shall revoke the temporary permit upon failure of fingerprint verification or state license issuance.

Sec. 6-75. Fees.

All fees required under this article shall be as set forth in the schedule of fees and charges on file in the office of the chief finance officer.

Sec. 6-76. Appeal from denial of license.

- (a) The decision of the city manager to deny an application for an alcoholic beverage permit or license shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the applicant.
- (b) If an applicant is aggrieved by the decision of the city manager, the applicant may appeal such decision to the city council by filing a written request for appeal within ten days of receipt of the written denial.
- (c) If an applicant is aggrieved by the decision of the city council regarding a permit or license, the applicant may appeal such decision by certiorari to the Superior Court of Cherokee County within 30 days after the decision by the city council.

Sec. 6-77. Reapplication after denial.

When an application is denied under this article, the applicant may not reapply for a license for at least one year from the final date of such denial.

Sec. 6-78. Compliance and fee payment prior to issuance; term; proration of fees; no refund.

- (a) Before a license shall be granted under this article, the applicant shall comply with all city rules and regulations pertaining to the sale of alcoholic beverages, and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the council and kept on file in the office of the business license clerk.
- (b) Approval of an application shall expire after 90 days from the date of such approval, unless the applicant has procured and paid the fee for the approved license.
- (c) All licenses shall be granted for the full calendar year or for the number of months remaining in the calendar year. Any applicant granted a license before July 1 shall pay the full license fee without proration. License fees for licenses granted on or after July 1 shall be prorated based on the number of months remaining in the calendar year; partial months shall be counted as a full month.
- (d) License fees are not refundable.

Sec. 6-79. Audits.

The city manager, or his/her designee, shall have the authority and responsibility; to conduct an audit of the books and records of any alcoholic beverage licensee to ensure the licensee's compliance with this chapter. In such event, the licensee shall be provided with written notice, received by the licensee not less than five business days prior to the proposed audit date, of the date, time and place of the audit.

Sec. 6-80. Display at place of business.

The license issued under this article shall at all times be kept plainly exposed to view at the place of business of the licensee.

Sec. 6-81. Nonprofit civic organization's temporary permit

- (a) For the purposes of this section, a bona fide nonprofit civic organization is defined as an organization which is an exempt organization under section 501(c) or (d) of the Internal Revenue Code of 1986 (26 USC 501(c) or (d)), as amended.
- (b) Any bona fide nonprofit civic or cultural organization whose primary function is not the serving of alcoholic beverages but the promotion of civic and cultural activities may be issued a temporary permit authorizing the organization to sell beer and/or wine for consumption only on the premises, for a period not to exceed one day, subject to any section in this chapter regulating the time for selling such beverages.
- (c) The nonprofit organization must make any necessary application with the business license clerk and pay a processing fee in addition to a beer permit fee and/or a wine permit fee as set forth in the schedule of fees and charges on file in the city clerk's office for each temporary permit. These fees are nonrefundable.
- (d) No more than six permits may be issued to any one organization in any one calendar year pursuant to this section.
- (e) Permits issued under this section shall be valid only for the place specified in the permit. No permit may be issued unless the sale of beer and/or wine is lawful in the place for which the permit is issued.
- (f) The applicant shall comply with all applicable laws of the state relating to this application and shall obtain all necessary state permits.

Sec. 6-82. Renewal.

All licenses granted under this article shall expire on December 31 of each year. A licensee who desires to renew his license shall file a renewal application accompanied by the requisite license fee with the business license clerk upon forms prescribed by the business license clerk on or before November 15 of each year without penalty, and not later than December 15. Applications for renewal filed after November 15 and on or before December 15 shall be subject to a penalty of ten percent of the license fee. All licensees applying for a renewal license must establish for each renewal year that they are in compliance with all of the provisions set forth in section 6-68). No renewal license shall be granted on an application filed after December 15, but such application shall be treated as an initial application, and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been issued. For purposes of this section, the date of postmark or actual receipt by the city shall constitute the day of filing.

Sec. 6-83. Transfer.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (b) If the death of a licensee occurs, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 90 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall occur first; provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for authorization with the business license clerk.
- (c) If an individual who is named in a license is to be removed from the license or is no longer a full time employee of the licensee, the licensee may continue to sell alcoholic beverages for a period of 45 days; provided that no such sale shall be authorized until such time as a new application for a license is made, such application indicating that no change of ownership has occurred. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (d) Except as provided in this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license issued automatically, without the necessity of any hearing.
- (e) Violation of this section shall result in revocation of the license being used and a fine as provided under this chapter. No license will be issued to the old or the new owner in the city for one year from the date of the violation.

Sec. 6-84. Licensee or manager on-site.

No licensee shall permit any sale or service of alcohol on the licensed premises unless either the licensee (if it is an individual) or a manager is physically present on the premises. In the event of a violation of this section, the licensee shall be subject to a monetary fine up to the maximum amount permitted by law for the municipal court.

Sec. 6-85. Underage persons on licensed premises.

- (a) No licensee shall allow or require a person in the licensee's employment who is under 18 years of age to dispense, serve, sell or take orders for any alcoholic beverages.
- (b) This section shall not prohibit persons between the ages of 16 and 18 years who are employed in supermarkets, convenience stores, breweries or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises.
- (c) No licensee shall knowingly employ any person under the age of 18 years to work as an entertainer in any licensed establishment, unless such person has obtained written notarized permission from such person's parents or legal guardian, nor shall any licensee allow any such person to work without such proof of permission.

- (d) In addition to the requirements of this section, all supermarkets, convenience stores, breweries, drugstores and any other store selling wine or malt beverages by the package shall post a notice no smaller in size than eight inches by ten inches in a conspicuous place on the premises which provides as follows:

Pursuant to local ordinance, employees are required to request proper government-issued age identification before selling alcoholic beverages.

Sec. 6-86. Failure to require and properly check identification; misrepresentation of age.

- (a) Except as provided in section 6-152, it shall be a violation not to require and properly check identification to ensure an underage person is not sold or served or does not have in such person's possession alcoholic beverages while in a licensed establishment. The term "identification," as used in this subsection, shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include without being limited to a passport, military identification card, driver's license or state department of public safety identification card.
- (1) With regards to a licensee, if it is adjudged by a court of competent jurisdiction that any employee or agent of the licensee negligently or knowingly served or sold alcohol to a person under the age of 21 years while on the licensed premises, which is a second violation within a 365-day period, and the licensee had notice of the prior violation, the licensee may be issued a citation for a violation of this section.
- (2) If a third violation occurs within any 365-day period of a second violation, the licensee, in addition to any other punishment, shall be subject to a mandatory ten-day suspension of its license.
- (3) If a fourth violation occurs within any 365-day period of a third violation the licensee, in addition to any other punishment, shall be subject to a mandatory 30-day suspension of its license.
- (4) If four or more violations occur within any 545-day period of a first, second, and third violation, the licensee shall, in addition to any other punishment, shall be subject to a mandatory revocation of its license.
- (5) The municipal court shall have authority to order the suspension or revocation of the license as provided in this section.
- (b) It shall be unlawful for any minor to misrepresent such person's age for the purpose of procuring alcoholic beverages.

Sec. 6-87. Retailer to purchase from licensed wholesaler only.

No retailer shall purchase alcoholic beverages from any person not a wholesaler licensed under this article. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this article.

Sec. 6-88. Annexed areas.

Any person who holds a license from the county for the sale, manufacture, package or distribution of alcoholic beverages and which is located in an area annexed by the city shall have 30 days from the effective date of the annexation to apply for the appropriate licenses and permits under this article. The applicant shall pay all applicable fees and costs for the equivalent license to the city. The applicant, however, shall be entitled to a credit for the amount of any license fee paid to the county in the year of annexation.

Sec. 6-89. Procedure for suspension and revocation.

- (a) A license issued pursuant to this chapter may be suspended or revoked for the following reasons:
- (1) Failure to pay excise fees or any other fees or taxes required by the city.
- (2) Disorderly conduct of the establishment
- (3) Acts of disturbance on the establishment.

- (4) Violence on the establishment.
- (5) Gambling on the establishment
- (6) Conviction of violating this chapter by any court with jurisdiction.
- (7) Charges of or conviction of a felony by the licensee or any manager.
- (8) Creation or maintenance of a nuisance on the establishment.
- (9) Any false statement or material misrepresentation given in the application for the license.
- (10) Two or more citations issued to employees in a 365-day period for violation of any provision of this article.
- (11) Any and other just cause.

(b) If the city manager shall determine that a license should be suspended or revoked, the following procedures shall apply: The city manager shall issue a notice of the proposed suspension or revocation of any license, which notice shall include the address of the location and the specific allegations as to the violations of any provision of this chapter or any other provision of this Code. Further, any license issued under this chapter may be temporarily suspended by the city manager or in its notice for any reason outlined in subsection (a) of this section if it is determined that it is in the best interest of the health, safety and welfare of the public. The notice shall be in writing and delivered by certified mail or in person. The notice shall include notice of the right to appeal the decision before the city council. The licensee shall have seven days from the date of the notice to appeal the decision. The request shall be in writing and delivered to the city manager. The appeal shall be held at the next regular scheduled city council meeting unless the licensee shall agree to an extension of time.

(c) The following procedure shall apply to hearings to be held by the city council:

- (1) Any appeal scheduled before the city council under this chapter may be continued at the request of the applicant or licensee, for any good cause shown.
- (2) At the appeal hearing, the city manager and the licensee shall be afforded an opportunity to present evidence and examine witnesses. The rules of evidence applicable to the superior courts shall apply but shall be liberally construed to allow the city council to arrive at the truth. Testimony may be presented only through live witnesses or written, sworn statements. The city manager may be represented by an attorney other than the city attorney, at the expense of the city, to assist in the presentation of evidence and examination of witnesses.
- (3) After hearing all evidence, the city council may affirm, rescind or modify in any way the action taken by the city manager.
- (4) The decision of the city council shall be made in writing and shall state the reasons for the decision and shall be based upon the merits of the case.
- (5) The decision of the city council shall be final but may be appealed by certiorari to the Superior Court of Cherokee County within 30 days of the date of the written decision.

(6) The decision of the mayor and city council shall be binding upon the holder of the license.

(d) When the license of any establishment has been revoked, no further license shall be issued under this chapter to the same person at that location for a period of 24 months from the date of revocation.

(e) Whenever the state shall revoke any permit or license to manufacture or sell at wholesale or retail any alcoholic beverages, the city license to manufacture or deal in those products shall thereupon be automatically revoked without any action by the city council or any municipal officer.

- (f) All owners or officers of establishments licensed under this chapter shall be criminally responsible for any violation of this chapter by an employee thereof; provided the municipal court may only impose a just fine under this subsection.
- (g) In the event a license to sell alcoholic beverages is suspended as a result of selling alcoholic beverages to an underage person, an intoxicated person or an unauthorized Sunday sale, a sign issued by the city business license office shall be placed at each entrance to the facility wherein alcoholic beverages were sold with a sign providing:

"THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO OWNER AND LICENSEE OF THIS BUSINESS HAS BEEN SUSPENDED FROM ___ TO ___ AS A RESULT OF SELLING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN UNAUTHORIZED SUNDAY SALE"

In the event that the license to sell alcoholic beverages is revoked as a result of selling alcoholic beverages to an underage person, an intoxicated person or an unauthorized Sunday sale, a sign issued by the city business license office shall be placed at each entrance wherein alcoholic beverages were sold with a sign providing:

"THE LICENSE TO SELL ALCOHOLIC BEVERAGES ISSUED TO OWNER AND LICENSEE OF THIS BUSINESS HAS BEEN REVOKED AS A RESULT OF SELLING ALCOHOLIC BEVERAGES TO AN UNDERAGE PERSON, AN INTOXICATED PERSON OR AN UNAUTHORIZED SUNDAY SALE"

The sign shall stay in place for the period of suspension or in the case of a revocation for a period of 30 days.

Secs. 6-90—6-115. Reserved.

DIVISION 2. EXCISE TAXES

Sec. 6-116. Malt beverages.

- (a) There is hereby levied and imposed upon the sale of malt beverages within the city a specific excise tax as follows:
 - (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15% gallons and a proportionate tax at the same rate on all fractional parts of 15 percent gallons.
 - (2) Where malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer in malt beverages. Each wholesale dealer selling malt beverages within the city shall file a report with the city by the tenth day of each month showing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold during the month within the city. Each such wholesale dealer shall remit to the city on the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.

Sec. 6-117. Wine.

- (a) There is hereby levied and imposed upon the sale of wine within the city a specific excise tax in the amount of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (b) The taxes imposed by this section shall not be levied with respect to the following:
 - (1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental services only;

- (2) Any sale of wine which is exempt from taxation by the state under the Constitution of the United States;
 - (3) Wine sold to persons outside the state for resale or consumption outside the state; or
 - (4) Wine which contains less than one-half of one percent alcohol by volume.
- (c) Each licensed wholesale dealer responsible for the payment of the excise tax under this section shall file a report with the clerk by the tenth day of each month showing for the preceding calendar month the exact quantities of wine, by size and type of container, sold during the month within the city. Each such person shall remit to the city on the tenth day of the month next succeeding the calendar month in which such sales were made the amount of excise tax due in accordance with this section.

Sec. 6-118. Distilled spirits sold by the drink or package.

- (a) There is hereby levied and imposed upon the sale of distilled spirits within the city a specific excise tax in the amount of \$0.22 per liter. In addition, an excise tax of three percent is hereby levied and imposed on the sale of distilled spirits by the drink on charges to the public for the beverages.
- (b) The excise tax imposed in subsection (a) of this section shall not apply to the sale of fermented beverages made in whole or in part from malt or any similar fermented beverage.
- (c) Each person responsible for the payment of the excise tax levied under this section shall remit payments and file reports as provided in section 6-116(b); provided, however, that persons collecting the tax authorized by this section 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 three percent of the amount due, only if the amount due was not delinquent at the time of payment. Failure to submit timely reports will result in the imposition of a ten-percent penalty. After 30 days, interest will accrue at the maximum rate permitted by state law from the due date of the taxes.

Sec. 6-119. Distilled spirits in private clubs.

- (a) There is hereby levied and imposed upon the sale of distilled spirits in private clubs within the city a specific excise tax in the amount of \$0.22 per liter. In addition, an excise tax of three percent is hereby imposed on the sale of mixed drinks by private clubs.
- (b) The excise tax levied and imposed under this section with respect to distilled spirits by the package is hereby imposed upon and shall be paid by the licensed wholesale dealer in distilled spirits; the taxes levied and imposed by the director shall be paid by the licensed private club selling mixed drinks.
- (c) The payment and filing of returns by each person responsible for the payment of the excise tax under this section shall be as provided in section 6-116(b).

Secs. 6-120—6-145. Reserved.

DIVISION 3. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES

Sec. 6-146. Locations where prohibited; minimum food requirements; reporting; limitations on bar areas.

- (a) For the purposes of this section, the terms "hotel" and "motel" shall be interchangeable and shall mean an establishment that contains not less than 35 separate rooms for overnight lodging.
- (b) Except as provided elsewhere in this chapter, no alcoholic beverages may be sold by the drink for consumption on the premises where sold except in restaurants regularly serving prepared food during business hours. The prepared food may be prepared off-site at any commercial kitchen approved for food preparation by a state agency. When located in hotels, motels and high-rise office and apartment buildings, every entrance to the

establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.

- (c) Restaurants with a license for on-premises consumption of alcoholic beverages shall derive a minimum of 50 percent of their total annual gross food and beverage sales from the sale of prepared meals or food at the licensed premises.
- (d) The requirements of this section shall not apply to the sales of consumption on the premises by a retail package licensee that meets the following conditions:
 - (1) The retail package licensee has also obtained a separate license for the consumption on the premises, and all other requirements for consumption on the premises are met;
 - (2) The retail package licensee is engaged in the business of selling beer in growlers or other packages and/or wine, and the package sales are at least 75 percent of the gross sales of the business. The beer sold must come from craft beer breweries who each produce six million barrels of beer or less annually;
 - (3) The sale of distilled spirits is prohibited; and
 - (4) Any beer or wine sold for consumption on the premises must come from a container opened by an employee of the licensee, and may not come from a package also purchased on the premises. Beer or wine sold in growlers, bottles or other packaging may not be opened by the customer on the premises.
- (e) The requirements of this section shall not apply to the sales for consumption on the premises by a special event venue that meets the following conditions:
 - (1) The special event venue has a valid license for consumption on the premises, and all other requirements for consumption on the premises are met;
 - (2) Alcohol may be sold only in conjunction with an entertainment performance for which attendance is limited to those who have purchased a ticket to attend the entertainment performance, and may only be sold one hour prior to and during the performance. In no event shall alcohol be sold later than is permitted for consumption on the premises generally.

Sec. 6-147. Hours of sale.

Alcoholic beverages may only be sold between the hours of 9:00 a.m. and 2:00 a.m. the following day, Monday through Saturday, except for Sunday sales as permitted below.

Sec. 6-147.1. Sunday sales.

A Sunday sales permit is required for the sale of alcoholic beverages on Sundays. The following criteria is applicable to such sales:

- (1) The establishment holds a valid city alcoholic beverage pouring license.
- (2) The establishment has paid the fee for a Sunday sales permit, as provided in section 6-75. Sunday sales permits are granted for the full calendar year for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year. Partial months shall be counted as a full month. Fees are not refundable.
- (3) Alcoholic beverages may be sold and served for consumption on the premises only on Sundays from 11:00 a.m. until 12:00 midnight in any licensed establishment which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. Hotels or motels containing such establishments shall derive a minimum of 75 percent of their total annual gross income from the sales of prepared meals or food and from the rental of rooms for overnight lodging.

- (4) Applicants for Sunday sales permits shall complete an application form furnished by the business license clerk, supplying such information as may be requested. Prior to issuance of the permit, the applicant must make available records for determining whether the applicant meets the requirements of subsection (3) of this section. The permit may be denied or revoked for failure to conform or failure to produce satisfactory evidence of conforming as referenced in subsection 6-146(d).
- (5) Annual Sunday sales permit renewals shall be made in the same manner and during the same time periods as other alcoholic beverage license renewals. All holders and applicants of an alcoholic beverage license must make available records for audit purposes upon the request of the city manager or his or her designee. The books, records, inventory, stock and facilities of any alcoholic beverage holder or applicant shall be open for inspection at any time by a city agent.
- (6) Sunday sales permits are not transferable.
- (7) The Sunday sales permit shall be automatically revoked if the alcoholic beverage license is revoked.
- (8) When any application for a Sunday sales permit has been denied for a location, no application for a Sunday sales permit may be made for the same location for a period of 12 months from the date of filing of the application which was denied.

Sec. 6-148. Consumption sales only.

- (a) Persons holding a license to sell alcoholic beverages for consumption on the premises may sell beer and wine by the package to any customer who has also purchased food from the restaurant.
- (b) The requirements of this section shall not apply to the sales of consumption on the premises by a retail package licensee that is not subject to the requirements for the sale of food in order to sell for consumption on the premises, as provided in section 6-146.

Sec. 6-149. Alcoholic beverage serving permit.

The following shall apply to all establishments licensed to sell alcoholic beverages under this chapter:

- (1) No person shall be permitted to dispense, sell or serve alcohol at an establishment holding a pouring license until such person has been cleared by the police department as having no outstanding warrants, and the police department has issued an alcoholic beverage serving permit indicating that such person is eligible to serve alcohol. The permit issued under this section may be issued only to persons at least 18 years old.
- (2) Any alcoholic beverage serving permits issued through administrative error can be terminated.
- (3) This section shall not be construed to require an alcoholic beverage serving permit of those employees whose duties are limited solely to those of busboy, cook or dishwasher, or any other employee whose duties do not include the serving of alcohol.
- (4) No licensee, agent or manager shall allow any employee to dispense, sell or serve alcohol without an alcoholic beverage serving permit. A serving permit shall be valid at any licensed premises in the city.
- (5) All alcoholic beverage serving permits issued under this section must be kept on the person while on duty and shall be made available for inspection upon the demand of any agent of the city.
- (6) The alcoholic beverage serving permit shall be valid for one year, and then must be renewed.

Sec. 6-149.1. Mandatory training for an alcoholic beverage serving permit.

- (a) Every person who is issued an alcoholic beverage serving permit under this chapter in the city for the first time shall be required to attend at least one alcohol service training seminar within 100 days of the date such permit is issued. If the person does not attend a seminar within 100 days, then the permit shall be suspended until the person attends a seminar and pays a reinstatement fee. For purposes of this section, any alcoholic beverage serving permit issued to a person who has not had a valid serving permit in the city for more than

two years shall be considered as a first time issuance and that person shall be required to go to the training seminar.

- (b) An "alcohol service training seminar" shall mean any class conducted by the chief of police for the city police department, or his/her designee, which consists of not less than one or more than four hours of instruction on the laws and ordinances applicable to alcohol service, and means and methods to prevent illegal use or service of alcohol. The training may be in person or online.
- (c) The city police department shall provide alcohol service training seminars not less than once every month, so as to permit all individuals who are issued a serving permit an opportunity to attend an alcohol service training seminar as required by this chapter, and each individual who obtains a serving permit shall be notified of the date for the next such training. As an alternative to monthly training sessions, the training may be made available online.

Sec. 6-149.2. Licensee, agent or manager physical presence.

- (a) As provided in section 6-84 above, it shall be a violation of this chapter for any licensee to permit any sale or service of alcohol on the licensed premises unless either the licensee (if it is an individual), agent, or a manager is physically present on the premises.
- (b) Managers shall be employees of the licensee's business, must be at least 21 years of age, and shall possess a valid alcoholic beverage serving permit.

Sec. 6-149.3. Suspension of server permits; manager's joint responsibility.

- (a) An alcoholic beverage serving permit may be suspended, in addition to any other punishment, if the permit holder has been found by a court of competent jurisdiction to have committed any of the following offenses:
 - (1) A permit holder has served or sold any alcoholic beverage to any person that the employee or agent knew or should have known to be in a state of intoxication;
 - (2) A permit holder has served or sold any alcoholic beverage to any person without requiring proof of age identification as required in this chapter;
 - (3) A permit holder has violated any other law, ordinance or regulation governing the operation of an establishment licensed to sell alcoholic beverages or which are reasonably related to the operation of such establishments;
 - (4) A permit holder has given false or misleading information in his or her application for serving permit;
 - (5) A permit holder has violated any other provision of this alcoholic beverage chapter.
 - (6) The municipal court shall have authority to order the suspension or revocation of the permit as provided in this section.
- (b) A manager may be cited and subject to punishment for a server's violation if occurring while the manager was on duty at the time of the violation.

Sec. 6-149.4. Failure to require and properly check identification.

Except as provided in section 6-152, it shall be a violation of any person serving alcohol on the licensed premises not to require and properly check identification to ensure an underage person is not sold or served or does not have in such person's possession alcoholic beverages while in a licensed establishment. The term "identification," as used in this subsection, shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include without being limited to a passport, military identification card, driver's license or state department of public safety identification card.

- (1) With regards to any employee holding an alcoholic beverages serving permit, if it is adjudged by a court of competent jurisdiction that said employee negligently or knowingly served or sold alcohol to a person under the age of 21 years while on the licensed premises, he or she shall be subject to a

suspension of up to six months, and may be required to attend the alcohol service training seminar again, in addition to any other punishment.

- (2) If a second violation occurs within any 365-day period of a first violation, the offender shall be subject to a revocation of the alcohol beverage serving permit, in addition to any other punishment.
- (3) A manager may be cited and subject to punishment for a server's violation if occurring while the manager was on duty at the time of the violation.
- (4) The municipal court shall have authority to order the suspension or revocation of the permit as provided in this section.

Sec. 6-150. Patio sales/outdoor sales.

- (a) The consumption and/or sale of alcoholic beverages on licensed premises shall be allowed in patio areas, provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such establishment, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.
- (b) The consumption and/or sale of alcoholic beverages on licensed premises shall be allowed on public sidewalks within the city. The licensed premises shall provide and maintain dining tables and chairs located on the sidewalk which shall be located contiguous to, or as close as possible, to the licensed premises. In areas where the sidewalk is 146 inches in width, table and chairs shall not exceed 36 inches from the edge of the sidewalk contiguous to the licensed premises. In areas where the sidewalk exceeds 146 inches, for example in shopping centers, the distance the dining table and chairs may extend onto the sidewalk shall be within the discretion of the police chief, building official, or their designee.
- (c) Except as may be permitted pursuant to section 6-379(h) (Special event permit) or as permitted in an entertainment district as provided in section 6-9(b), no establishment licensed under this chapter to sell alcoholic beverages shall allow a person to leave the premises with alcoholic beverages in an open cup, bottle, can or other open container.
- (d) The licensee shall be in compliance with all other appropriate regulations as to the safe and orderly operation of such establishment.

Sec. 6-151. Happy hour promotions prohibited.

- (a) It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour."
- (b) As used in this section, the term "customarily charged" means the price regularly charged for alcoholic beverages during the same calendar day.
- (c) No person licensed pursuant to this article or employee or agent of a licensee shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:
 - (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage;
 - (2) The sale of two or more alcoholic beverages for a single price, including the sale of all such beverages a customer can or desires to drink at a single price;
 - (3) Selling, offering to sell or delivering to any person any alcoholic beverage at a price less than one-half the price customarily charged for such alcoholic beverage, provided that nothing contained in this subsection shall be construed to prohibit reducing the price of a drink for any 24-hour period by up to one-half the price customarily charged;

- (4) Increasing the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage; and
- (5) The sale or service of alcoholic beverages by the pitcher to any party that includes less than two individuals who are at least 21 years of age.

Sec. 6-152. Exception to requirement for identification.

At locations where consumption on the premises is licensed, the requirement of a patron showing proper picture identification prior to being served alcoholic beverages shall apply unless a manager on duty in his or her discretion determines that the patron appears to be at least 35 years of age. In this instance alone, alcoholic beverages may be served to such a person without picture identification.

Sec. 6-153. Pitcher sales prohibited in recreation areas.

In addition to the requirements in section 6-151 (c)(5), there shall be no pitcher sales of alcoholic beverages within the recreational area of a sport/recreation establishment except within the area designated immediately around the restaurant section of the establishment.

Secs. 6-154—6-180. Reserved.

DIVISION 4. PRIVATE CLUBS

Sec. 6-181. Conditions for sales.

Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable city ordinances and regulations governing the sale of such beverages, except as expressly exempted therein, and upon payment of such license fees and taxes as may be required by the existing city ordinances, rules and regulations.

Sec. 6-182. Exemption from percentage of sales of food.

Private clubs shall not be required to derive a certain percentage of annual gross receipts from the sale of prepared food.

Sec. 6-183. Hours of sale.

Alcoholic beverages may be sold only during the hours permitted for sale of alcoholic beverages at premises licensed for the sale of alcohol for consumption on the premises, as set forth in section[s] 6-147 and 6-147.1.

Sec. 6-184. Employees.

The employee requirements set forth in section 6-149 pertaining to establishments holding a license for consumption on the premises shall also apply to private clubs licensed for consumption on the premises.

Secs. 6-185—6-210. Reserved.

DIVISION 5. PACKAGE BEER AND WINE

Sec. 6-211. Type of retail establishment.

No beer or wine shall be sold at retail except in the following type of establishments:

- (1) Establishments duly licensed by the city to sell beer or wine by the package;
- (2) Establishments maintaining 80 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other products and located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use; and

- (3) Establishments with at least 1,500 square feet of floor space, floor space being calculated by interior retail space.

Sec. 6-212. Hours of sale.

Retail package licensees shall not engage in the sale of beer and/or wine except between the hours of 6:00 a.m. and 12:00 a.m., Monday through Saturday. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale. No package beer or wine may be sold on Sunday, except as provided in this division.

Sec. 6-213. Use of tags or labels to indicate prices.

Beer and wine package retailers shall indicate plainly, by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, the prices of all beer and wine exposed or offered for sale.

Sec. 6-214. Sunday sales.

A Sunday sales permit is required for the sale of alcoholic beverages on Sundays. The following criteria is applicable to such sales:

- (1) The establishment holds a valid city beer and wine package license.
- (2) The establishment has paid the fee for a Sunday sales permit, as provided in section 6-75. Sunday sales permits are granted for the full calendar year for the number of months remaining in the calendar year. The permit fee shall be prorated based on the number of months remaining in the calendar year. Partial months shall be counted as a full month. Fees are not refundable.
- (3) Package beer and wine may be sold on Sundays from 12:30 p.m. until 11:30 p.m. in any licensed establishment.
- (4) Applicants for Sunday sales permits shall complete an application form furnished by the business license clerk, supplying such information as may be requested.
- (5) Annual Sunday sales permit renewals shall be made in the same manner and during the same time periods as other alcoholic beverage license renewals. All holders and applicants of an alcoholic beverage license must make available records for audit purposes upon the request of the city manager or his or her designee. The books, records, inventory, stock and facilities of any alcoholic beverage holder or applicant shall be open for inspection at any time by a city license inspector and/or agents of the city police department.
- (6) Sunday sales permits are not transferable.
- (7) The Sunday sales permit shall be automatically revoked if the alcoholic beverage license is revoked.
- (8) When any application for a Sunday sales permit has been denied for a location, no application for a Sunday sales permit may be made for the same location for a period of 12 months from the date of filing of the application which was denied.

Sec. 6-215. Off-premises sales for downtown events.

- (a) The holder of a retail package license located within Historic Downtown Canton shall be permitted to sell wine bottles or beer growlers off-premises as a vendor at any special event located in Historic Downtown Canton at which alcohol is permitted. The licensee shall notify the city that it will be a vendor at such event. Such sales shall only be permitted during those hours that sales are permitted generally for a retail package license, and only during the hours of the special event.
- (b) For purposes of this section only, the boundaries of Historic Downtown Canton are defined as being East Main Street from John T. Petit Street to North Street; North Street and along Waleska Street to Railroad Street; Railroad Street to West Marietta Street; West Marietta Street to John T. Petit Street; John T. Petit Street to East Main Street. Properties which abut the boundary streets shall be included within the boundary.

Secs. 6-216—6-240. Reserved.

DIVISION 6. WHOLESALERS

Sec. 6-241. Financial interest restricted.

No person who has any direct financial interest in a license for the retail sale of distilled spirits shall be allowed to have any interest or ownership in any wholesale distilled spirits license.

Sec. 6-242. Purchases restricted.

No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any distilled spirits to any person other than a retailer licensed under this article.

Sec. 6-243. Deliveries restricted.

No alcoholic beverage shall be delivered to any retail sales outlet in the city except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

Secs. 6-244—6-270. Reserved.

DIVISION 7. BREW PUBS

Sec. 6-271. Definitions.

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

Barrel means 53 gallons.

Brew pub means an eating establishment in which beer or malt beverages are manufactured or brewed for retail consumption on the premises or for retail package sales.

Sec. 6-272. Regulations.

Brew pubs shall operate according to the following regulations:

- (1) No individual shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the council pursuant to the same procedures as are set forth in this article and each brew pub license holder shall comply with all other applicable state and local license requirements; and
- (2) A brew pub license authorizes the holder of such license to:
 - a. Manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail on the premises and solely in draft form; and
 - b. Operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter; provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only and provided further, that in addition to draft beer manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers.
 - c. Sell up to a maximum of 5,000 barrels annually to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brew pub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.

Sec. 6-273. Other licenses available.

Possession of a brew pub license shall not prevent the holder of such license from obtaining any other license available under this article for the same premises.

Sec. 6-274. Payment of fees and taxes.

A brew pub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this article as manufacturers, retailers and, where applicable, wholesalers.

Secs. 6-275—6-305. Reserved.

DIVISION 8. SPECIALTY GIFT SHOPS

Sec. 6-306. Definitions.

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

Specialty gift shop means 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.

Sec. 6-307. Exception; permit required.

Notwithstanding any other section of this chapter to the contrary, a limited exception to sections 6-66 through 6-74 shall exist for the owners of specialty gift shops, provided that the owner shall first obtain a specialty gift shop alcohol permit as provided in this section and the only sale of alcohol by the owner is through the sale of gift items as specified and not for consumption on the premises.

Sec. 6-308. Permit application.

- (a) Every person desiring to engage in activities permitted by this division shall make written application to the business license clerk for a specialty gift shop alcohol permit on forms prescribed by and filed with the business license clerk. All applications shall be accompanied by the license fee and the investigative fee as set forth in the schedule of fees and charges in the office of the city clerk. If the application is denied or if the applicant withdraws the application prior to its approval, the license fee, without interest, shall be refunded. The application shall include the name, age and address of the applicant; the address of the business location; and the name, age and address of the manager. If the manager changes, the applicant must furnish the business license clerk with the name, age and address of the new manager and the information as requested within ten days of such change. The applicant must meet the character requirements of this article. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (b) The business license clerk shall have authority to prescribe forms for new or renewal applications. All applicants shall furnish data and information on records as required by the business license clerk to ensure compliance with this chapter. Failure to furnish such data shall automatically serve to deny the application.

Sec. 6-309. Notice of permit application.

The business license clerk shall prepare and cause to be published a notice of each pending application for a specialty gift shop alcohol permit, which notice shall include the date the application will be considered by the clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this division and the name of the applicant. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the city and shall appear once a week for two weeks immediately preceding consideration of the application by the clerk.

Sec. 6-310. False or misleading information on permit application.

Any untrue or misleading information contained in or material statement omitted from an original or renewal application for a specialty gift shop alcohol permit shall be cause for the denial or revocation of the permit.

Sec. 6-311. Term of permit.

If the business license clerk grants the applicant a specialty gift shop alcohol permit, it shall be valid for one year from the date of issuance.

Sec. 6-312. Time lapse for reapplication after permit denial.

When an application for a specialty gift shop alcohol permit is denied under this division, the applicant may not reapply for a new permit for at least one year from any final date of such denial.

Sec. 6-313. Familiarity with division.

Each applicant for a permit required under this division shall certify that the applicant has read this division. If a specialty gift shop alcohol permit is granted, each permittee shall maintain a copy of this division on the premises and shall require each of the permittee's employees to be familiar with this division.

Sec. 6-314. Age of employees.

Notwithstanding any other section of this chapter, all of the employees of the applicant for a permit required under this division must be at least 18 years of age to sell any gift item containing alcohol.

Sec. 6-315. Compliance with chapter.

Except as set forth in this division, a holder of a specialty gift shop alcohol permit must comply with all other sections set forth in this chapter.

Secs. 6-316—6-340. Reserved.

DIVISION 9. LICENSED ALCOHOLIC BEVERAGE CATERERS

Sec. 6-341. Off-premises license and permit requirements—Resident caterers.

- (a) Any caterer who possesses a valid city license to sell or otherwise dispense malt beverages, wine or distilled spirits by the drink for consumption on the premises within the city may apply for an off-premises license that permits sales of the same off-premises at authorized catered events or functions.
- (b) Any caterer who possesses a valid city license to sell malt beverages or wine by the package for consumption off the premises within the city and is also located in Historic Downtown Canton (as defined in section 6-211(4)) may apply for an off-premises license that permits sales of the same class of alcoholic beverages by the drink off premises at authorized catered events or functions.
- (c) Each off-premises catering license, authorized herein, shall be valid through December 31 of the year for which they are issued. The fee for each license shall be set by resolution of the city council, and this fee shall remain in effect until modified or amended by subsequent resolution.
- (d) In order to distribute or sell malt beverages, wine or distilled spirits at an authorized catered function, a resident licensed alcoholic beverage caterer shall file an application for an off-premises event permit with the business license clerk at no additional fee.

Sec. 6-342. Off-premises permit requirements—Non-resident caterers.

A non-resident alcoholic beverage caterer shall submit an application for an off-premises event permit to the director of public safety or designee. The fee for each such permit shall be \$50.00 as authorized by O.C.G.A. § 3-11-3 (or such fee as may be authorized by any future amendment or revision thereto).

Sec. 6-343. Application requirements for off-premises permit.

- (a) The application for an off-premises permit shall include the name, age, address and telephone number of the applicant; the date, address and times of the proposed catered event; and the licensed alcoholic beverage caterer's state license number. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (b) An off-premises permit shall be good only for the specific event at the specified address and times set forth in the application, not in excess of five days.
- (c) The original off-premises permit and other documents required by state law shall be kept in the vehicle transporting the alcoholic beverages to the catered event or function.

Sec. 6-344. Excise taxes.

Excise taxes are imposed upon the sale of alcoholic beverages by resident caterers as provided in this chapter. Excise taxes are imposed upon the total of individual alcoholic beverages served by a nonresident caterer in the amount set forth in this chapter and shall be paid within 30 days after the conclusion of the catered event or function.

Sec. 6-345. Sunday events.

Sunday sales. An alcoholic beverage caterer wishing to cater an event or function on Sunday must possess a valid Sunday sales license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.

Sec. 6-346. Violations.

- (a) It shall be unlawful for a licensed alcoholic beverage caterer to distribute, sell, or otherwise dispense alcoholic beverages off-premises except within the scope of the off-premises event permit.
- (b) It shall be unlawful for a licensed alcoholic beverage caterer to sell or otherwise dispense alcohol other than as authorized by its alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, it may sell or otherwise dispense only malt beverages at the authorized catered event or function.
- (c) 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 permit issued pursuant to this division. This subsection shall not affect any other section of this chapter which may require a food caterer who has a license to sell alcoholic beverages on the premises of the food caterer's business.
- (d) It shall be unlawful for a licensed alcoholic beverage caterer to distribute or 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.
- (e) 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.

Secs. 6-347—6-370. Reserved.

DIVISION 10. PUBLICLY OWNED FACILITIES

Sec. 6-371. Definitions.

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

Public facilities means a historic structure owned by the city and operated as a welcome or convention center by a local historical society or similar nonprofit organization.

Sec. 6-372. Permit required.

Notwithstanding any other section of this chapter to the contrary, a limited exception to sections 6-70 through 6-72, 6-74, 6-77 and 6-146 shall exist for that person possessing a public facilities permit, as provided in this division.

Sec. 6-373. Application for permit.

- (a) Any person desiring to engage in activities permitted by this division shall make written application to the business license clerk for the appropriate public facilities permit on forms prescribed by and filed with the business license clerk. All applications shall be accompanied by a public facilities permit fee as set forth in the schedule of fees and charges on file in the office of the city clerk. If the application is denied or if the applicant withdraws the application prior to its approval, the permit fee, without interest, shall be refunded. The application shall include but not be limited to the name and address of the applicant; the date, address and times of the proposed event; and the location of the public facility. All applications shall be sworn to by the applicant before a notary public or other officer authorized to administer oaths.
- (b) The business license clerk shall have authority to prescribe forms for applications. Failure to furnish any requested data shall automatically serve to deny the application.
- (c) Any untrue or misleading information contained in or material statement omitted from an original or renewal application for a public facilities permit shall be cause for the denial or revocation of the permit.

Sec. 6-374. Permit duration.

If a public facilities permit is granted by the business license clerk under this division, it shall be good only for the specified event at the specified address and times set forth in the application, not to exceed five days.

Sec. 6-375. Scope of permit.

A public facilities permit for a welcome center or convention center shall only permit the holder to serve and sell alcoholic beverages within the premises of the welcome center or convention center; however, the alcoholic beverages may only be consumed on the premises of the facility.

Sec. 6-376. Permit issuance restricted.

A public facilities permit shall only be issued to an alcoholic beverage caterer licensed under this article.

Sec. 6-377. Compliance with chapter.

Except as set forth in this division, a public facilities permit holder must comply with all of the sections set forth in this chapter.

Sec. 6-378. Reserved.

Sec. 6-379. Special event permit.

- (a) Any person desiring to allow alcohol to be possessed or consumed on public property during a special event shall file an application for a special event permit.
- (b) The application for the special event permit shall be made to the business license clerk, and shall be accompanied by the special event permit fee as set forth in the schedule of fees and charges available at city hall. If the application is denied or if the applicant withdraws the application prior to its approval, the permit fee, without interest, shall be refunded. The application shall include but not be limited to the name and address of the applicant; the date, address and times of the proposed event; and the location of the public areas where the special event shall take place.
- (c) The application shall also describe the boundaries of the special event, and shall state whether alcohol will be permitted within the entire area of the special event, or whether alcohol shall be permitted only within an area to be marked off.

- (d) The application must state whether alcohol at the special event must be purchased from an authorized vendor of the special event. In that event, only alcohol purchased from the authorized vendor may be permitted at the special event.
- (e) The application shall be reviewed by the police department prior to approval.
- (f) When a special events permit is approved and issued, persons attending the special event shall be authorized to possess and consume alcohol on public property within the boundaries of the special event.
- (g) The permit holder shall place signs at the boundaries of the special event or designated alcohol area containing the following language: "NO ALCOHOLIC BEVERAGES ARE PERMITTED BEYOND THIS POINT."
- (h) If a special event is permitted, then any on-premises consumption licensee located within the boundaries of the special event shall be permitted to allow customers to leave the premises with alcohol in a paper or plastic cup, containing no more than 16 ounces during the hours of the special event. No glass containers or cans shall be permitted.
- (i) No one under the age of 18 years of age shall be permitted to serve alcohol. The city shall make available to all permit holders a form listing relevant ordinances and regulations applicable to the sale and/or serving of alcohol. The permit holder shall require all servers to sign the form acknowledging receipt of the form, and the permit holder shall keep the signed forms available during the event.

DIVISION 11. FARM WINERIES

Sec. 6-380. Definitions.

Farm winery means a domestic winery located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or domestic winery that:

- (1) Makes at least 40 percent of its annual production from agricultural produce grown in this state;
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the Georgia agricultural produce used in its annual production, and for this purpose, such production of a substantial portion of such Georgia agricultural produce shall be determined by the Commissioner of Agriculture of the State of Georgia; and
- (3) Produces less than 100,000 gallons per year.

Tasting room means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine may be given complimentary or for a fee.

Sec. 6-381. Permitted sales.

A farm winery may sell its wine and the wine of any other state farm winery licensee at retail in a tasting room or other facility 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 state 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 within the city that is one of the five additional locations in the state authorized by O.C.G.A. § 3-6-21.1(b).

Sec. 6-382. Licensee qualifications.

The license created in accord with this division shall be limited to farm winery tasting rooms licensed by the State of Georgia in accord with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accord with such statutes. No license is hereby created authorizing any other use.

Sec. 6-383. Applicable provisions.

The license holder of a farm winery license shall comply with all other provisions of this chapter as to the qualifications of the licensee, package sales of malt beverages and wines, and licenses for consumption on the premises. To the extent that any provision of this chapter shall conflict with any provision of this division, the terms of this division shall control.

Sec. 6-384. License fees.

The applicant for a retail license for the sale of wine and operation of a farm winery tasting room shall pay the license fee as set forth in the fee schedule.

Sec. 6-385. Sunday sales.

Sunday sales shall be permitted only to the extent permitted under state law.

Sec. 6-386. Hours of sale.

Wine may be sold or distributed in a tasting room or other licensed farm winery facility during the same hours as any other retail package licensee is permitted to sell.

DIVISION 12. ANCILLARY TASTING LICENSE

Sec. 6-387. Ancillary tastings permitted.

The holder of a retail sales license, other than for distilled spirits, shall be eligible for an ancillary tasting license to provide samples of malt beverages and/or wine offered for sale to customers under the conditions set forth in this chapter. No location where distilled spirits are sold shall be eligible for an ancillary tasting license.

Sec. 6-388. Tasting limitations.

- (a) Tastings shall be limited to malt beverages and wines only. Tastings shall be on limited occasions either when a customer requests a sample of a malt beverage or wine offered for sale within the premises or in conjunction with sampling designed to promote malt beverage or wine appreciation and education.
- (b) No person shall consume more than 16 ounces in any one day on the premises.

Sec. 6-389. Serving limitations.

- (a) Malt beverages and/or wine products used in conjunction with tasting shall be opened and poured by the licensee or a person who has obtained a manager's permit as specified in this chapter.
- (b) No open containers of malt beverages and/or wine shall be removed from the licensed premises.
- (c) Holders of an ancillary tasting license shall not charge for tastings, but may accept donations for a charitable organization of their choice.

Sec. 6-390. Additional fee required.

The annual fee for an ancillary tasting license shall be published in the adopted fee schedule for the city.

DIVISION 13. RETAIL SALES OF PACKAGED DISTILLED SPIRITS

Sec. 6-391. License for retail sale of package distilled spirits.

- (a) In addition to the requirements of this chapter, a license for the retail sale of package distilled spirits upon the terms and conditions provided in this article shall be granted by the city council and evidenced by a written approval executed by the majority of the members of the city council. Upon the compliance with the foregoing provision and at the direction of the city council, the city manager or his/her designee shall issue a license.

- (b) No owner shall hold more than one approved license.

Sec. 6-392. Location of retail establishment.

No distilled spirits by the package shall be sold at retail except in establishments located in the following zoning classification: GC and PD.

Sec. 6-393. Package store limit.

- (a) At no time shall the number of licenses issued by the city permitting the retail sale of package distilled spirits within the city limits exceed the number found as a result of dividing the total population of the city, as found in the most recent population estimates published by the United States Bureau of the Census or American Community Survey, by the whole number 8,000.
- (b) If the number resulting from the division required by subsection (a) of this section is a number other than a whole number (for example 1.75) then said number will be adjusted downward to the next whole number where it will remain until the population increases to such an extent which would cause said number to equal or exceed the next higher whole number. Notwithstanding the foregoing, the number of licenses permitted by this section shall never be less than one.
- (c) The language contained in subsections (a) and (b) of this section can be expressed in the mathematical formula, as follows: $Y \div 8,000 = X$. "Y" is the total population (as defined in subsection (a) of this section) of the city. "X" is the total number of licenses that can be issued (this number, if not whole, is adjusted downward in accordance with subsection (b) of this section).

Sec. 6-394. Both retail sale of package malt beverages and wine and package distilled spirits.

For licensees who wish to operate a business which conducts both the retail sale of package distilled spirits and the retail sale of package malt beverages and wine, in the case of conflict, the provisions of this article regulating the retail sale of package distilled spirits shall prevail, and compliance with those provisions, rather than the provisions applicable to the license permitting the retail sale of package malt beverages and wine, is required.

Sec. 6-395. Retail sale of packaged distilled spirits building requirements.

- (a) Please refer to article I, section 6-3 for distance requirements.
- (b) Liquor stores must operate as sole tenants in freestanding buildings of at least 5,000 square feet in size. Within multi-tenant buildings (minimum of 5,000 square feet), liquor stores may occupy leased space within the multi-tenant building provided that the liquor store is at least 2,500 square feet in size.
- (c) Freestanding liquor stores must be located on property that is a minimum of one-half acre in size with a minimum of 100 feet of frontage on an arterial street as shown on Figure 2-7, Road Network Classification Map in the Canton 2040, Comprehensive Plan.
- (d) A liquor store shall not be located closer than 3,000 feet to another liquor store, regardless of jurisdiction as measured from door to door along street right-of-way by the most direct route.
- (e) Liquor store buildings shall comply with overlay design regulations.
- (f) Liquor store deliveries shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins, and compactors shall be screened from ground view.
- (g) Liquor store properties shall have no outdoor storage including the storage of shopping carts.
- (h) Liquor stores shall not sell lottery tickets, magazines, or cigarettes or cigarette-like devices. Premium cigars and pipes, pipe tobacco and other pipe products are allowed.
- (i) Liquor stores shall have no drive-through window.

Sec. 6-396. License, administrative, and investigative fee.

Please refer to article II, section(s) 6-75 through 6-78 for license, administrative and investigative fees.

Sec. 6-397. Hours of sale.

- (a) Retail package licensees shall not engage in the sale of distilled spirits except between the hours of 6:00 a.m. and 12:00 a.m. (midnight), Monday through Saturday, and 12:30 p.m. until 11:30 p.m. on Sundays. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale thereof.
- (b) Retail package distilled spirits shall not be sold at any time in violation of any local ordinance or regulations or of any special order of the governing authority.

Sec. 6-398. Consumption prohibited.

It shall be unlawful for any person to consume any alcoholic beverage on a premises licensed for the sale of package distilled spirits. For the purpose of this section, the term "premises" shall include the parking area immediately adjoining the premises licensed for the sale of package distilled spirits and available for the use of the customers of the licensed premises, whether or not the same are owned or leased by the licensed holder. It shall be unlawful for any licensee to permit the consumption of alcoholic beverages on said premises or to sell unsealed (broken) package distilled spirits.

Sec. 6-399. Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all distilled spirits exposed or offered for sale.

Sec. 6-400. Window obstruction.

All glass surfaces forming the exterior walls of the premises shall remain unobstructed and shall provide a clear line of sight into the interior of the premises that is licensed to sell package distilled spirits and no signs, window coverings, or other material shall be placed on or within ten feet of any exterior glass surfaces, except as follows:

- (1) One "open" sign which includes business hours of operation, and which may be illuminated, not to exceed four and one-half square feet in area: and
- (2) The sign permitted in subsection (1) of this section and any additional signs on the property and premises shall also comply with all applicable provisions of Canton's Development Code, chapter 103, Site Planning and Project Design Standards, section 103.05.00, Signs.