City of Eatonton Council Meeting
Agenda
October 4, 2016
Putnam County Commissioners’ Meeting Room, #203
117 Putnam Drive
Eatonton, Georgia 31024
(706) 485-3311

1. 7:00 PM Call to Order

2. Invocation: Councilman Alvin Butts

3. Approval of Minutes: Attachment #1

4. Public Comments:

   Reading of Rules for Public Comments

5. Old Business:

   A.

6. New Business:

   A. Proposed Resolution to Designate a Meeting Place for the November 1, 2016 City Council Meeting Attachment #6A

   B. Proposed Resolution to Authorize the Mayor to Execute a Contract for Technical and Administrative Services with Associates in Local Government Assistance, Inc. Attachment #6B

   C. Proposed Resolution to Request Technical Assistance from the Middle Georgia Regional Commission in Preparing a Department of Natural Resources Recreational Trails Grant Application Attachment #6C

   D. Proposed Resolution to Ratify the Action of the Mayor in Signing a Certificate of Appropriateness for the Eatonton-Putnam County Historical Society Attachment #6D

   E. Proposed Resolution to Amend the Natural Gas Consulting Engineering Services Budget with AMEC Foster Wheeler Attachment #6E
F. Proposed Resolution to Amend Chapter 6 (Alcoholic Beverages) of the Code of Ordinances Attachment #6F

7. Zoning:

8. Committee Reports:
   
   - Finance and Personnel – Council Member Harvey C. Walker, Jr.
   - Public Utilities – Council Member Alvin Butts
   - Streets, Buildings and Grounds – Council Member William C. Mangum
   - Zoning and Ordinances – Council Member Teresa Doster
   - Environmental – Council Member Charles R. Haley
   - Community Development – Council Member Alma Stokes
   - Public Safety – Council Member James A. Gorley
   - City Administrator – Gary Sanders
   - City Attorney – Christopher D. Huskins
   - City Clerk – Sarah Abrams

8. Executive Session:

9. Motion to Adjourn:
City of Eatonton Council Meeting
Tuesday, September 19, 2016 at 7:00 PM
Putnam County Commissioners’ Meeting Room #203
117 Putnam Drive
Eatonton, Georgia 31024

Elected Officials Present:
   Mayor Walter C. Rocker, Jr.
   Mayor Pro-Tem Harvey (Chip) Walker, Jr.
   Councilwoman Teresa Doster
   Councilman James A. Gorley
   Councilman Charles R. Haley
   Councilman William Mangum, Jr.
   Councilwoman Alma Stokes

Elected Officials Absent:
   Councilman Alvin Butts

Staff Members Present:
   City Administrator, Gary Sanders
   City Attorney, Christopher Huskins
   City Clerk, Sarah Abrams
   Chief of Police, William K. Lawrence

Mayor Rocker called the September 19, 2016 Council meeting to order at 7:00 PM.

Councilwoman Alma Stokes called for a Moment of Silence for the Invocation.

Motion was made by Doster and seconded by Gorley to approve the minutes of the last meeting with any necessary corrections. Motion carried by a unanimous vote of 6-0.

Public Comments: None

Reading of the rules for Public Comments: Omitted

Old Business: None

New Business:
Main Street Director Andrew Simpson presented the following Main Street Report

Organization
Main Street has approached the Putnam County High School to have high school representation on the board to enable a connection with the future of Putnam County.
With great regret I must announce the passing of Craig Baker. Mr. Baker was a great supporter of Main Street in general and the Christmas Parade specifically. His contribution and advice will be missed.

Promotion
Eatonton Main Street will be purchasing a billboard on Highway 441 facing North just after Central Georgia Technical College to direct travelers into downtown Eatonton. The purchase will run for 12 months. There will also be a purchase of 2 short term billboards facing North and South at the Southeastern Portable Buildings Inc. location on Highway 441. Main Street will be monitoring the attendance at the Briar Patch Arts Festival to see if this advertisement will show an improvement in crowd numbers.

The Briar Patch Arts Festival is still desperately short of Arts and Crafts Vendors. Currently we are at 25, which is less than half of the vendors of the Briar Patch Arts Festival last year. I visited the Yellow Daisy Festival last weekend and the comments were that 'vendors prefer a two day festival', and 'Why are you scheduling it on the day of the Georgia/Florida Game?' I will be attending festivals in Madison, Watkinsville and in Milledgeville to see if I can get more Arts and Craft Vendors. I hope doing the following a) having a tailgating party after the event and b) moving the event itself to the Saturday before the Taste of Eatonton in 2017, as well as increased advertising will increase vendor and crowd numbers.

Main Street has agreed to partner with the Recreation Dept. to purchase a big screen and projector to show movies, if our request to Tytan Creates to supply one is not successful.

Eatonton Main Street is seeking contributions and sponsorship for Flags to fly on Memorial, Independence and Veterans Day in downtown Eatonton.

Design
The Design Committee has two facade grant applications distributed to Merchants, awaiting return.

The Scarecrow Contest judging begins on October 11 and finishes on October 21.

Main Street Director is in contact with High Schools and the Ritz Carlton Recreation Department regarding the painting of merchant windows. McDonalds will be painting their own windows.

Economic Vitality
The Pex Theater space occupied by The County Kitchen hope to be opened by early October.

The Folk Art venue hopes to be opened by the end of October.

Summary
Our beautification plans of the downtown via planters, painting of store front windows and providing flags for Memorial, Independence and Veterans Day, is a way forward in creating a vibrant downtown, alongside our continued partnership with other City Departments.
Councilman Haley asked Main Street Director Andrew Simpson about the number of vendors participating in the Arts Festival. Director Simpson advised at the time of this written report, there were 25 vendors; but, today the number has increased to 30. Director Simpson advised he is considering changing the date of the festival next year so as not to conflict with the Georgia / Florida game day.

Council also talked to Director Simpson about the price, and number of flags needed along with hardware to mount on light poles. Main Street Director Simpson advised he is working on quotes. The price ranges from $33.00 up to $86.00 per flag. Main Street is looking for a product that will hold up for more than one year, and in the price range around $46.00. This will price will include the pole. Gorley asked if the hardware used previous to put up the flags could be reused to save on expense. Simpson advised he would look into this.

Special Presentation by Fire Chief Eugene Hubert
Fire Chief Eugene Hubert recognized Lt. Tim Fuller’s 18 ½ years of service rendered to the Eatonton Fire Department and the citizens of this county. He presented him with a plaque and wished him the best on his moving and retirement.

Councilman Gorley offered words of congratulations to firefighter Tim Fuller and asked that a group photo be taken.

Fire Chief Hubert acknowledged Carl Buckner, Jr.’s service of 16 years with the Eatonton Fire Department. Buckner was moved up in rank and installed as a 3rd Lieutenant with the department.

Proclamation Recognizing September 17-23, 2016 as Constitution Week
Attachment 6C
Motion was made by Doster and seconded by Walker to approve the Proclamation recognizing September 17-23, 2016 as Constitution Week in Eatonton, Georgia and authorize Mayor Rocker to sign the Proclamation. Motion carried by a unanimous vote of 6-0.

Proposed Resolution to Approve the Amended and Restated Gas Supply Contract with the Municipal Gas Authority of Georgia Attachment 6D
City Attorney Huskins discussed this item. Attorney Huskins advised this contract is to make clear and clarify some of the previous language in the contract. Other Municipal members of the Gas Authority will adopt this amended contract which expires December 31, 2050.

Motion was made by Doster and seconded by Haley to approve the Amended and Restated Gas Supply Contract with Municipal Gas Authority of Georgia and authorize Mayor Rocker to sign. Motion carried by a unanimous vote of 6-0.
Proposed Resolution to Apply for a Local Maintenance and Improvement Grant (LMIG) from the Georgia Department of Transportation Attachment 6E
Motion was made by Haley and seconded by Walker to table the proposed Resolution to apply for a Local Maintenance and Improvement Grant. Motion carried by a unanimous vote of 6-0.

Proposed Resolution to Approve the Submission of a Department of Natural Resources Trail Grant Application Attachment 6F
Motion was made by Haley and seconded by Gorley to approve the submission of a Department of Natural Resources Trail Grant application by moving forward with diligence to prepare or have prepared, all appropriate documentation required for an application to be submitted to the Georgia Department of Natural Resources by the deadline, and authorize Mayor Rocker to sign such supporting and collateral material as shall be necessary and required in preparing such application. Motion carried by a unanimous vote of 6-0.

Proposed Resolution to Ratify the Action of the Mayor in Signing the Letter of Engagement with David Giddens, CPA for Auditing Services Attachment 6G
Motion was made by Walker and seconded by Doster to approve the proposed Resolution ratifying the action of the Mayor in signing a Letter of Engagement with David Giddens, CPA for Auditing Services for CFY2016. Motion carried by a unanimous vote of 6-0.

Proposed Resolution to Allow the Placement of a Historical Marker on City Property Attachment 6H
Motion was made by Haley and seconded by Doster to approve the proposed Resolution allowing the Eatonton-Putnam County Historical Society to place a Historical Marker on City property at the site of the former Barnes Tavern and Hotel, as outlined in its proposal, recognizing the Birthplace of Joel Chandler and authorize Mayor Rocker to sign the Resolution. Motion carried by a unanimous vote of 6-0.
(In front of Blackwell Furniture Store located on North Madison Avenue)

Historic Preservation – Request by Mr. James P. Marshall, Jr. for a Certificate of Appropriateness to install a Historical Marker at the Bronson House Attachment 6I
Motion was made by Haley and seconded by Doster to approve the proposed Resolution by the Council of the City of Eatonton, Georgia to approve a certificate of appropriateness for the Eatonton-Putnam County Historical Society to install a Historical Marker at the Bronson House and authorize Mayor Rocker to sign. Motion carried by a unanimous vote of 6-0. (Bronson House located at corner of West Harris Street and 114 North Madison Avenue)
Zoning: None

Committee Reports
Councilman Chip Walker offered words of thanks and best wishes to Firefighter Tim Fuller in his future endeavors.

Motion was made by Walker and seconded by Doster to pay the bills if and when the funds become available. Motion carried by a unanimous vote of 6-0.

City Administrator Gary Sanders reported:

1. The Georgia Department of Transportation issued the City’s authority to advertise for construction bids for the TE/Streetscape Project. The ad will begin running in this week’s paper.

2. Administrator Sanders advised attending the Georgia Initiative for Community Housing workshop in Gainesville Tuesday through Thursday. This is the introductory workshop that some of you have previously attended.

3. The Eatonton – Putnam County Library will dedicate the Alice Walker Reading Center at 2:00 PM on Thursday, September 22.

4. The Ethan Richardson Foundation will host an official attempt to break a Guinness World Record for childhood cancer awareness on Sunday, September 25 beginning at 1:30PM at the Putnam County Middle School. The goal is to have just over 4,200 people create a mosaic of a gold ribbon

5. As a reminder, the CDBG recipient workshop will be held October 6-7 in Savannah. Please let Mr. Sanders or Mrs. Abrams know if you are interested in attending.

Mayor Rocker asked if there was additional business to be discussed tonight. There being none, motion was made by Gorley and seconded by Walker to adjourn. Motion carried by a unanimous vote of 6-0.

Walter C. Rocker, Jr., Mayor

ATTEST:

Sarah E. Abrams, City Clerk
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to designate a meeting place for the November 1, 2016 City Council meeting pursuant to Section 2-31 of the Code of Ordinances and for other purposes.

WHEREAS, the City of Eatonton does, by ordinance, hold regular meetings of the City Council on the first Tuesday and third Monday of each month at 7:00 p.m.; and

WHEREAS, Section 31 of Chapter 2 of the Code of Ordinances authorizes the City Council to hold its regular meetings in the City Hall or other such place as may be designated by the Board of Council; and

WHEREAS, on February 2, 2016, the City Council voted to hold its regular meetings at the Commissioners’ meeting room in the Putnam County administration building at 117 Putnam Drive; and

WHEREAS, a scheduling conflict exists for the use of the Commissioners’ meeting room on November 1, 2016; and

WHEREAS, the City Council desires to hold its November 1, 2016 regular meeting at an alternate venue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE HUT, LOCATED AT 400A WEST MARION STREET, EATONTON, GEORGIA, SHALL BE DESIGNATED AS THE VENUE FOR THE NOVEMBER 1, 2016 MEETING OF THE CITY COUNCIL PURSUANT TO SECTION 31 OF CHAPTER 2 OF THE CODE OF ORDINANCES. FOLLOWING SUCH DATE, REGULAR MEETINGS OF THE CITY COUNCIL SHALL RESUME AT THE COMMISSIONERS’ MEETING ROOM AT 117 PUTNAM DRIVE, EATONTON, GEORGIA.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 4th day of October, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to designate a meeting place for the November 1, 2016 City Council meeting pursuant to Section 2-31 of the Code of Ordinances and for other purposes.

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WHEREAS, on February 2, 2016, the City Council voted to hold its regular meetings at the Commissioners’ meeting room in the Putnam County administration building at 117 Putnam Drive; and

WHEREAS, a scheduling conflict exists for the use of the Commissioners’ meeting room on November 1, 2016; and

WHEREAS, the City Council desires to hold its November 1, 2016 regular meeting at an alternate venue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE CITY COUNCIL CHAMBERS, LOCATED IN THE CITY HALL AT 201 NORTH JEFFERSON AVENUE, EATONTON, GEORGIA, SHALL BE DESIGNATED AS THE VENUE FOR THE NOVEMBER 1, 2016 MEETING OF THE CITY COUNCIL PURSUANT TO SECTION 31 OF CHAPTER 2 OF THE CODE OF ORDINANCES. FOLLOWING SUCH DATE, REGULAR MEETINGS OF THE CITY COUNCIL SHALL RESUME AT THE COMMISSIONERS’ MEETING ROOM AT 117 PUTNAM DRIVE, EATONTON, GEORGIA.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 4th day of November, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
RESOLUTION

A RESOLUTION by the Board of Council of the City of Eatonton, Georgia, to authorize the Mayor to execute a contract for technical and administrative services with Associates in Local Government Assistance, Inc. and for other purposes.

WHEREAS, the Mayor and Council of the City of Eatonton, Georgia, have found the Community Development Block Grant Program to be a necessary and desirable funding option in order to improve streets, drainage and sidewalks in Eatonton, Georgia; and

WHEREAS, the City of Eatonton is the recipient of a FY 2016 Community Development Block Grant in the amount of $500,000 for certain street and drainage improvements on Church Street; and

WHEREAS, the City of Eatonton requested proposals from grant administrators and Associates in Local Government Assistance, Inc. was judged to be the most knowledgeable and responsive firm; and

WHEREAS, the City of Eatonton desires to engage Associates in Local Government Assistance, Inc. to perform certain technical and administrative tasks and to provide certain services incident to the administration, supervision, and implementation of the FY 2016 Community Development Block Grant award.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE MAYOR OF THE CITY OF EATONTON IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH ASSOCIATES IN LOCAL GOVERNMENT ASSISTANCE, INC. TO PERFORM CERTAIN TECHNICAL AND ADMINISTRATIVE TASKS AND TO PROVIDE CERTAIN SERVICES INCIDENT TO THE ADMINISTRATION, SUPERVISION, AND IMPLEMENTATION OF A FY 2016 COMMUNITY DEVELOPMENT BLOCK GRANT AWARDED TO THE CITY OF EATONTON UNDER THE PROVISIONS OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND TO SIGN DOCUMENTS AND SUCH SUPPORTING AND COLLATERAL MATERIAL AS SHALL BE NECESSARY FOR THE PROPER EXECUTION OF THE CONTRACT.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 4th day of October, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
STATE OF GEORGIA
COUNTY OF PUTNAM

This AGREEMENT entered into this ___ day of _____ 2016, by and between the CITY OF EATONTON (hereinafter known as LOCAL GOVERNMENT) and ASSOCIATES IN LOCAL GOVERNMENT ASSISTANCE, INC. (hereinafter known as ALGA).

WITNESSETH THAT

WHEREAS, LOCAL GOVERNMENT desires to engage ALGA to perform certain technical and administrative tasks and provide certain services incident to the administration, supervision and implementation of a FY 2016 Community Development Block Grant awarded to LOCAL GOVERNMENT under the provisions of The Housing and Community Development Act of 1974, as amended; and

WHEREAS, ALGA desires to perform such tasks and provide such services to LOCAL GOVERNMENT pursuant to the terms of this AGREEMENT.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

I. ENGAGEMENT OF ALGA

LOCAL GOVERNMENT agrees to engage ALGA for the purposes of administering the Community Development Block Grant awarded to LOCAL GOVERNMENT. ALGA agrees to accept such engagement and to perform the tasks and provide the services set forth by this AGREEMENT.

II. SCOPE OF TASKS TO BE PERFORMED AND SERVICES TO BE PROVIDED BY ALGA
ALGA agrees to perform the tasks and provide the services necessary for proper administration of the Community Development Block Grant awarded to LOCAL GOVERNMENT. Illustrative of the types of tasks to be performed and services to be provided are the following:

a. Advise LOCAL GOVERNMENT of requirements of all applicable laws and regulations which govern Community Development Block Grants, including applicable CDBG Applicants' and Recipients' manuals. ALGA agrees to adhere to all applicable requirements in the manuals (including all requirements referenced in the manuals) as well as other directives issued by DCA.

b. Provide liaison between LOCAL GOVERNMENT and appropriate State and/or federal agencies.

c. Serve as agent for LOCAL GOVERNMENT in contacts with contractors, architects/engineers, developers and others party to or affected by the implementation of any activity funded by process of the Community Development Block Grant.

d. Prepare and process necessary Environmental Assessment Review.

e. Check all invoices submitted for payment to ensure correctness.

f. Prepare Requests for Drawdown of Funds as necessary to meet the expenses of implementing project activities in conformity with provisions of the Project Budget.

g. Advise LOCAL GOVERNMENT of all federal and State regulations, including environmental regulations, which govern public facilities activities.

h. Assist contractors with all applicable portions of the Fair Labor Standards Act and Davis Bacon Act in order to meet federal regulations.
\[\text{i. Prepare and maintain fiscal records which comply with applicable audit standards of the Georgia Department of Community Affairs (DCA) and the U.S. Department of Housing and Urban Development (HUD).}\\
\[\text{j. Ensure that project fiscal management complies with the applicable provisions of Federal Management Circular OMB A-102 and "Common Rule".}\\
\[\text{k. Prepare Quarterly Reports and other reports of expenditures and activities as required by the Department of Community Affairs and LOCAL GOVERNMENT.}\\
\[\text{l. Monitor Civil Rights Compliance in accordance with:}\\
\[\quad 1. \text{Title VI, PL 88-352}\]
\[\quad 2. \text{Title VIII, PL 90-284}\]
\[\quad 3. \text{Section 109 of the Housing and Community Development Act of 1974, as amended.}\]
\[\quad 4. \text{24 CFR 570.601}\]
\[\quad 5. \text{Executive Order 11063}\]
\[\text{m. Perform other activities not listed herein but which are necessary to carry out the project; provided that such activities are integrally related to the project and do not result in excessive cost overruns. Should the necessity for such activities arise, LOCAL GOVERNMENT and ALGA will negotiate a solution. The solution adopted will be submitted to DCA for approval if such approval is required.}\\
\text{III. ASSURANCES BY ALGA}\\
\text{ALGA will comply with:}\\
\[\quad 1. \text{All State and federal regulations regarding contracts with the Public Body to include: A) Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto; B) Title VIII of the Civil Rights Act of 1968; C) Section 109 of the Housing and Community Development Act of 1974, and the regulations issued pursuant thereto; D) Executive Order}\]
11063; E) Executive Order 11246, and the regulations issued pursuant thereto; F) Section 3 of the Housing and Urban Development Act of 1973, as amended; G) applicable CDBG Applicants' and Recipients' manuals.

IV. RETENTION AND ACCESS TO RECORDS

ALGA shall give access to any books, documents, papers, and records directly pertinent to this contract for the purpose of making audit, examination, excerpts, and transcriptions to LOCAL GOVERNMENT or any of their duly authorized representatives.

V. SERVICES TO BE PROVIDED BY THE PUBLIC BODY

LOCAL GOVERNMENT shall:

a. Make available for use by ALGA personnel assigned to carry out duties under the provisions of this AGREEMENT appropriate office space in which to carry out program activities.

b. Provide to ALGA personnel assigned to carry out duties under the provisions of this AGREEMENT any documents, reports, plans, data, studies, contracts or agreements which are pertinent to administration of activities required by this AGREEMENT.

C. Provide local funds for payment of miscellaneous costs such as checks for CDBG bank account and newspaper notices for public hearings and environmental process.

VI. COMPENSATION TO ALGA

LOCAL GOVERNMENT shall pay ALGA monthly for costs incurred by ALGA in administering the Community Development Block Grant for the 24 month approved grant period. Monthly reimbursement to ALGA shall be based upon a monthly requisition prepared by ALGA and submitted to LOCAL GOVERNMENT. Total compensation to ALGA for administering the Community Development Block Grant shall be $30,000.00.
In the event that CDBG project extends beyond the 24 month approved grant period, LOCAL GOVERNMENT shall compensate ALGA at an hourly rate for services beyond the 24 months. These services shall be charged at a rate of $75.00 per hour for President and Vice-President and $50.00 per hour for Program Assistants and shall be paid from LOCAL GOVERNMENT funds.

Effective date of contract shall be October 7, 2016.

VII. AMENDMENT OF AGREEMENT

This AGREEMENT may be amended at any time upon written acceptance of both parties hereto.

VIII. ADDITIONAL SERVICES

Services by ALGA other than to administer the CDBG as detailed in the original CDBG application and approved by DCA, shall be charged at a rate of $75.00 per hour for President and Vice-President and $50.00 per hour for Program Assistants. Cost incurred for Additional Services shall be paid from LOCAL GOVERNMENT funds and approved by LOCAL GOVERNMENT prior to ALGA performing such services.

IX. PROVISION FOR REMEDIES CLAUSE

Termination: Unearned payments under this contract may be suspended or terminated upon refusal to accept any additional conditions that may be imposed by LOCAL GOVERNMENT; or if the grant to the LOCAL GOVERNMENT under the Community Development Block Grant Program is suspended or terminated. Moreover, if through any cause, ALGA shall fail to fulfill its obligations under this contract in a timely and proper manner, or if ALGA shall violate any of the covenants, agreements, conditions or obligations of the contract documents; LOCAL GOVERNMENT may terminate this contract by giving written notice to
ALGA of such termination and specifying the effective date of such termination. ALGA will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services required.

X. TERMINATION FOR CONVENIENCE CLAUSE

Termination for convenience of the Local Government: LOCAL GOVERNMENT may terminate this contract at any time for any reason by giving at least thirty (30) days notice in writing to ALGA. If the contract is terminated by LOCAL GOVERNMENT as provided herein, ALGA will be paid a fair payment as negotiated with LOCAL GOVERNMENT for the work completed as of the date of termination.

CITY OF EATONTON AS PART "LOCAL GOVERNMENT"

ATTEST: __________________________

CLERK

DATE

BY: __________________________

MAYOR

DATE

ASSOCIATES IN LOCAL GOVERNMENT ASSISTANCE, INC. AS PART "ALGA"

ATTEST: __________________________

Katie Jones

DATE

BY: __________________________

Phillip J. Davis

PRESIDENT

DATE
COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT

To the best of his or her knowledge and behalf;

No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other that Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each failure.

[Signature]

Phillip L. Davis, President

[Date]
Section 3 Clause of the Urban Development Act of 1968

1.) The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project to be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

2.) The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

3.) The contractor will send to each labor organization or representative or workers with which he has a collective bargain-agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment training.

4.) The contractor will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

5.) Compliance with the provision of Section 3, the regulations set forth in the 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

\[Signature\]
Phillip L. Davis
President
# CITY OF EATONTON
## IMPLEMENTATION SCHEDULE

<table>
<thead>
<tr>
<th>Responsibilities/Tasks/Goals/Milestones</th>
<th>Initiate</th>
<th>Complete</th>
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<tbody>
<tr>
<td>Conduct post award Public Hearing</td>
<td>October 2016</td>
<td>November 2016</td>
</tr>
<tr>
<td>Advise LOCAL GOVERNMENT of requirements of all applicable laws and regulations, which govern Community Development Block Grants, including applicable CDBG Applicants’ and Recipients’ manual</td>
<td>October 2016</td>
<td>October 2018</td>
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<tr>
<td>Provide liaison between LOCAL GOVERNMENT and appropriate State and/or federal agencies.</td>
<td>October 2016</td>
<td>October 2018</td>
</tr>
<tr>
<td>Serve as agent for LOCAL GOVERNMENT in contacts with contractors, architects/engineers, developers and others party to or affected by the implementation of any activity funded by process of the Community Development Block Grant.</td>
<td>October 2016</td>
<td>October 2018</td>
</tr>
<tr>
<td>Prepare and process necessary Environmental Assessment Review and advise LOCAL GOVERNMENT of all federal and State regulations, including environmental regulations, which govern public facilities activities.</td>
<td>October 2016</td>
<td>December 2016</td>
</tr>
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<td>Check all invoices submitted for payment to ensure correctness.</td>
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<td>Prepare Requests for Drawdown of Funds as necessary to meet the expenses of implementing project activities in conformity with provisions of the Project Budget.</td>
<td>October 2016</td>
<td>October 2018</td>
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<tr>
<td>Assist contractors with all applicable portions of the Fair Labor Standards Act and Davis Bacon Act in order to meet federal regulations.</td>
<td>May 2018</td>
<td>September 2018</td>
</tr>
<tr>
<td>Prepare and maintain fiscal records which comply with applicable audit standards of the Georgia Department of Community Affairs (DCA) and the U.S. Department of Housing and Urban Development (HUD).</td>
<td>October 2016</td>
<td>October 2018</td>
</tr>
<tr>
<td>Ensure that project fiscal management complies with the applicable provisions of Federal Management Circular OMB A-102 and &quot;Common Rule&quot;.</td>
<td>October 2016</td>
<td>October 2018</td>
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CITY OF EATONTON
Implementation Schedule
Page Two

Responsibilities/Tasks/Goals/Milestones
Prepare Quarterly Reports and other reports of expenditures and activities as required by the Department of Community Affairs and LOCAL GOVERNMENT.

Monitor Civil Rights Compliance in accordance with:

1. Title VI, PL 88-352
2. Title VIII, PL 90-284
4. 24 CFR 570.601
5. Executive Order 11063

Perform other activities not listed herein but which are necessary to carry out the project; provided that such activities are integrally related to the project and do not result in excessive cost overruns. Should the necessity for such activities arise, LOCAL GOVERNMENT and ALGA will negotiate a solution. The solution adopted will be submitted to DCA for approval if such approval is required.

Prepare close out documents and conduct close out Public Hearing

Initiate Complete

October 2016 October 2018

October 2016 October 2018

October 2016 October 2018

September 2018 October 2018

Phillip L. Davis
President
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to request technical assistance from the Middle Georgia Regional Commission in preparing a Department of Natural Resources Recreational Trails Grant application and for other purposes.

WHEREAS, the Eatonton City Council recognizes the importance and value of parks and recreation and is committed to expanding and improving recreational opportunities throughout the City; and

WHEREAS, the Strategic Plan for the City of Eatonton contains measures to create nature trails with walkways and to create more greenspace in general to improve the quality of life inside its City limits; and

WHEREAS, the City of Eatonton owns and operates the Briar Patch Trail Park and desires to add additional walking trails and amenities as part of Phase 2.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE MAYOR OF THE CITY OF EATONTON IS HEREBY AUTHORIZED TO REQUEST TECHNICAL ASSISTANCE FROM THE MIDDLE GEORGIA REGIONAL COMMISSION IN PREPARING AND SUBMITTING AN APPLICATION FOR A GEORGIA DEPARTMENT OF NATURAL RESOURCES RECREATIONAL TRAILS GRANT AND TO SIGN CONTRACTS, LETTERS, AND SUCH SUPPORTING AND COLLATERAL MATERIAL AS SHALL BE NECESSARY AND REQUIRED FOR THE PROPER APPLICATION, RECEIPT, AND IMPLEMENTATION OF SUCH GRANT AS MAY BE RECEIVED.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 4th day of October, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to ratify the action of the Mayor in signing a certificate of appropriateness for the Eatonton-Putnam County Historical Society and for other purposes.

WHEREAS, the City of Eatonton seeks to foster historic preservation in the City; and

WHEREAS, the City of Eatonton activated its Historic Preservation Commission in 2009 for the purpose of advising the City on historic preservation matters within the designated Historic Preservation District; and

WHEREAS, James P. Marshall, Jr., agent for the Eatonton-Putnam County Historical Society, was seeking a certificate of appropriateness for the installation of an historical marker on the grounds of the Eatonton Presbyterian Church, which lies within the Historic Preservation District; and

WHEREAS, the Eatonton Presbyterian Church wished to unveil the historical marker at an event that required immediate action in considering and approving the certificate of appropriateness; and

WHEREAS, the Historic Preservation Commission determined that the project did not have an adverse effect on the historic character of the Historic Preservation District and requested that the Mayor sign the certificate of appropriateness to accommodate the church’s unveiling event.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE ACTION OF THE MAYOR IN SIGNING THE CERTIFICATE OF APPROPRIATENESS APPLIED FOR BY MR. JAMES P. MARSHALL, JR., AGENT FOR THE EATONTON-PUTNAM COUNTY HISTORICAL SOCIETY, FOR THE SPECIFIED PROJECT AT THE EATONTON PRESBYTERIAN CHURCH IS HEREBY RATIFIED.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 4th day of October, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
James P. Marshall (for Eatonton Putnam Historical Society)
104 Church St.
September 20, 2016

REF: COA2016-001A - Request to install historic marker in the grounds of the Presbyterian Church at 307 N Madison Ave as addendum to original COA2016-001.

The Mayor of the City of Eatonton signed this letter on 9/22/2016 as approval to add a marker to the already approved COA 2016-001. Approval is as submitted and without conditions.

This letter is your Certificate of Appropriateness (COA) and is limited to just the work presented at the above meeting. This COA is valid for a period of eighteen months and is void if work does not start within twelve months of the date of approval. Approval of other work or elements, whether related or unrelated to the project presented is not implied. Modification to approved plans must be presented and approved prior to beginning work on that aspect of the plan.

You may need a sign permit to install this sign. Please check with Planning and Development for any questions related to sign permits (108 Putnam Drive Suite B; 706 485 0552).

Sincerely,

[Signature]

Walter C. Rocker, Mayor City of Eatonton
RESOLUTION

A RESOLUTION by the Council of the City of Eatonton, Georgia, to amend the natural gas consulting engineering services budget with AMEC Foster Wheeler and for other purposes.

WHEREAS, the City of Eatonton owns and operates a natural gas distribution system that begins in Jones County and continues through the City of Eatonton to the Greene County line; and

WHEREAS, the City of Eatonton wishes to receive knowledgeable and timely consulting services when needed and has entered into an agreement with AMEC Foster Wheeler to provide such services; and

WHEREAS, the City of Eatonton has engaged AMEC Foster Wheeler for extensive consulting services in 2015 and 2016 and has ongoing projects that require additional consulting services; and

WHEREAS, such consulting services has exceeded AMEC Foster Wheeler’s authorized “Additional Services” budget and the City of Eatonton wishes to amend such budget to allow necessary projects to be completed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Eatonton, Georgia, that:

THE MAYOR OF THE CITY OF EATONTON IS AUTHORIZED TO SIGN A CONTRACT EXTENSION WITH AMEC FOSTER WHEELER TO INCREASE THE BUDGET FOR NATURAL GAS CONSULTING SERVICES (“ADDITIONAL SERVICES”) AND OTHER SUPPORTING AND RELATED DOCUMENTS AS NECESSARY TO ACCOMPLISH THE GOAL OF THIS RESOLUTION.

APPROVED AND ADOPTED by the Council of the City of Eatonton, Georgia on this 4th day of October, 2016.

Walter C. Rocker, Jr., Mayor
City of Eatonton, Georgia

ATTEST:

Clerk, City of Eatonton, Georgia
September 6, 2016

Mr. Gary Sanders  
City Administrator  
City of Eatonton  
P.O. Box 3820  
Eatonton, GA 31024

Subject: Contract Extension Acknowledgement for Natural Gas Consulting Services  
Eatonton, Georgia; Project No. 6151-14-0067

Dear Mr. Sanders,

As noted in our agreement with the City for Natural Gas Consulting Services, dated February 17, 2014, the term of the agreement is renewed annually on the anniversary date and continues for one year under the same Terms and Conditions. Per the agreement, the annual budget for miscellaneous additional services is $10,000. This budget was increased to $20,000 when the agreement was renewed on February 17, 2015 and subsequently increased again earlier this year from $20,000 to $30,000 due to the extensive amount of consulting services provided during 2015.

Due to GDOT’s SR 24/US 441 project and the amount of analysis work we have completed over the past two months, the current budget has been surpassed by approximately $1,700. My accounting department needs an acknowledgement from the City confirming that the City wants to increase the budget again. I recommend a budget increase of $10,000 to cover the current overrun and continue assisting with responding to GDOT on the SR 24/US 441 project and with the SR 44 Utility Aid Request. Unless something else comes up, this should cover us through to the next contract anniversary date when the budget will be renewed and increased again.

To indicate the City’s agreement to a $10,000 budget increase, please complete the authorization section below. We appreciate the opportunity to continue to serve the City of Eatonton. If you have any questions or require additional information, please call.

Sincerely,

Amec Foster Wheeler Environment and Infrastructure, Inc.

Bruce Bagnasco, P.E.  
Director of Natural Gas Engineering

Wendell Tumale  
Senior Civil Designer

AUTHORIZATION:

Printed Name:  

Title:  

Signature:  

Date:  

[Signature]

[Date]
Chapter 6 - ALCOHOLIC BEVERAGES

Footnotes:

--- (1) ---


Cross reference—Municipality on 11 public drunkenness, § 6-1.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Sale within corporate limits of City of Eatonton; license a privilege.

(a) Alcoholic beverages may be sold in the corporate limits of the City of Eatonton under a license granted by the city council upon the terms and conditions provided in this section.

(b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this Code and state law.

(c) All licenses pursuant to this chapter 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 further ordinances which may be enacted."

(d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable state regulations and laws.

(Res. of 12-19-2011)

State Law reference—Permit or license from governing authority required for wholesale or retail sales of alcoholic beverages; due process guidelines; fingerprints, O.C.G.A. § 3-3-2.

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:

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

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

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other 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. Also included are beverages known as "non-alcoholic beer" which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three percent, but more than zero point one percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.

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

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator all of which must be approved by the health and fire departments. An eating establishment will be prepared to serve food every hour they are open and will derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.

Fortified wine means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. Fortified wine includes, but is not limited to, brandy.

Governing authority means the Eatonton City Council.

Hotel means any building or other structure providing sleeping accommodations for hire to the general public, either transient, permanent or residential. Such hotels shall maintain a minimum of ten rooms available for hire and have one or more public dining rooms with an adequate kitchen. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this chapter and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.

Indoor-commercial recreational establishment means and is limited to an establishment which:

1. Regularly serves prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and

2. Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.

The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theatres, bowling centers, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses, are specifically excluded from this definition of indoor commercial recreational establishments, provided that no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.

Indoor entertainment Banquet Hall shall mean a publicly or privately owned commercial or civic or cultural establishment which: (i) regularly provides professional, live musical entertainment or concerts, performed on-site indoors; (ii) regularly serves prepared food, whether catered or prepared on site, has a full service kitchen, consisting of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health and fire departments; (iii) is capable of serving food every hour it is open; (iv) derives at least 35 percent of its total annual gross sales from the sale of prepared meals or foods; admission charges, ticket sales, sale of merchandise, vending sales, attendance fees, donations, or other recreational, promotional or operational activities; and (iv) does not ever provide sexually related adult entertainment; (vi) has at least 3,500 square feet of enclosed heated
space; (vii) has an occupant capacity of at least 500; (viii) is located on a paved city or county road; and (ix) does not allow the admission of persons under the age of 18 during hours when alcohol is served. Indoor entertainment halls shall be allowed to sell alcoholic beverages through concession sales. For purposes of this section an “indoor entertainment hall” shall include but not be limited to the renovated school house known as the Eaton-Putnam Arts Center and the grounds contiguous thereto known as the Plaza located on N. Madison Avenue and Church St.

License means an authorization granted by the city to operate as a retail consumption dealer, retail package dealer or wholesale dealer.

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

Liter means metric measurement currently used by the United States.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. Manufacturer also means: in the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; in the case of malt beverage, any brewer.

Package means a bottle, can, keg, barrel, or other original consumer container. Retail package alcoholic beverages shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, limited liability company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasipublic.

Pouring permit means an authorization granted by the city to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer.

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

Retail package dealer means any person who sells unbroken packages, at retail, only to consumers and not for resale.

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

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

Year shall mean calendar year from January 1 through December 31 unless otherwise defined in this article.

(Res. of 12-19-2011)

Sec. 6-3. - Penalties for violation of chapter.

Any person who violates any provisions of the sections in this chapter may, upon conviction, be punished by a fine of not less than $300.00 for each offense and/or 30 days in the county jail, unless a different penalty is set out in this chapter.

(Res. of 12-19-2011)
Sec. 6-4. - Reserved.

Sec. 6-4. - Sale or possession for sale without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person, corporation, partnership or other legal entity to possess, sell, or possess for the purpose of sale at any retail business location within any zoning district, any alcoholic beverage where the person does not have a license granted by the city to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than $300.00 and/or 30 days in jail.

(Res. of 12-19-2011)

Sec. 6-5. - Distance requirements.

(a) All distance requirements shall be the same as those set forth in O.C.G.A. § 3-3-21.

(a) No person may sell or offer to sell any alcoholic beverage in or within 100 yards of a church building or within 200 yards of any school grounds.

(b) The term “church building” as used in this section shall mean the property that is tax exempt pursuant to O.C.G.A. § 48-5-41.

(b) As used in this section, the term “school building” “school”, “school grounds” 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). The term “school-building” and “educational building” includes only those structures in which instruction is offered. The term “school grounds” shall apply only to the parcel or parcels of land on which a school, school building or educational building is-located.

(c) The term “church building” as used in this section shall mean the main structure used by any religious organization for purposes of worship.

(d) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

1. From the main entrance of the establishment from which alcoholic beverages are sold or offered for sale;

2. In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;

3. Along such public sidewalk, walkway, street, road or highway by the nearest route;

4. To the main entrance of the church building, or to the nearest portion of the school grounds.

(e) No location which is licensed to sell alcoholic beverages on the effective date of the ordinance from which this section derives shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of the location be denied a new license based upon the measurements set forth in this section.

(f) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited in this section shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property. Provided, however, that the distance requirements herein shall not apply at any location for which a
new license is applied for if the sale of alcoholic beverages was lawful at such location at any time
during the 12 months immediately preceding such application.

(Res. of 12-19-2011)

State Law reference— Sales of alcoholic beverages near churches, schools or college campus,
O.C.G.A. § 3-3-21.

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

Separate applications must be made for each location and separate licenses must be issued.

(Res. of 12-19-2011)

Sec. 6-7. - Application forms.

(a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the city council. All applications shall be subject to the approval by the city council. The city council may advertise the application in the legal organ of Putnam County, Georgia prior to voting on an application and shall be authorized to hear any comments for or against the application before making a vote. It shall be in the discretion of the city council to decide whether granting an application would adversely affect the health, safety or welfare of residents of the city.

(b) The application shall include but shall not be limited to: the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a limited liability company, L.L.C., the name and address of the manager(s) and the name of any person or legal entity owning 20 percent of the L.L.C.; if a corporation, the names of the officers; the name and address of the registered agent for service of process, the name of the manager(s), and the name of all shareholders holding more than 20 percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the city administrator and the city police department the name and address of the new manager and other information as requested within ten days of such change.

(c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the city council and to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.

(d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.

(e) In all instances in which an application is denied under the provisions of this chapter the applicant may not reapply for a license for at least one year from the final date of such denial.

(f) The city council shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.

(Res. of 12-19-2011)

Sec. 6-8. - Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any
time. If the application is withdrawn before the license is issued, any sums deposited as license fees will
be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required in this chapter.

(Res. of 12-19-2011)

Sec. 6-9. - Licensing qualifications.

(a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.

(b) Where the applicant is a partnership, limited liability company or corporation, the provisions of this section shall apply to all its partners, officers, manager(s) and majority stockholders. In the case of a corporation the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this subsection. In the case of a partnership the license will be issued to all the partners owning at least 20 percent of the partnership. If no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed. In the case of a limited liability company, the license will be issued jointly to the limited liability company and manager(s).

(c) No person, firm, limited liability company or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the city administrator or his designee that such person, manager(s), partners in the firm, or officers and directors of the corporation have not been convicted or plead guilty or entered a plea of nolo contendere to and have been released from parole or probation concerning any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment has been convicted or has pleaded guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years immediately prior to the filing of such application. An applicant's first conviction for illegal possession of alcohol as a misdemeanor or violation of a city or county ordinance shall not, by itself, make an applicant ineligible for an alcohol license. Should any applicant, partner, or officer instrumental in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime, the license shall be immediately revoked and cancelled.

(d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within ten years prior to the filing of application for such license.

(e) It shall be unlawful for any city employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.

(f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the city previously revoked within two years prior to the filing of the application.
(g) The city council may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.

(h) All licensed establishments must have and continuously maintain in the county a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of the county. The licensee shall file the name of such agent, along with the written consent of such agent, city administrator and shall be in such form as he may prescribe.

(i) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.

(j) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

(k) Reserved.

(l) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which a defendant who was allowed to avail themselves of the Georgia First Offender Act (1968 Ga. Laws, page 324), as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(m) The city council, in its discretion, may consider any extenuating circumstances which may be favorable or unfavorable to the applicant, application or proposed location of the business. If in the judgment of the city council it is determined that circumstances exist or are likely to exist such that granting the license would significantly compromise the health, safety or general welfare of the community, such determination may be grounds for denying an application and/or suspending or revoking a permit or license already granted.

(Res. of 12-19-2011)

State Law reference—Govern ing authority shall set forth ascertainable standards pertaining to the granting, refusal, suspension or revocation of alcoholic beverage permits or licenses, O.C.G.A., § 3-3-2.

Sec. 6-10. - License fee scale.

Before a license shall be granted, the applicant therefore shall comply with all rules and regulations adopted by the city council regulating 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 city council contained in section 6-11 and kept on file in the office of the city administrator.

(Res. of 12-19-2011)

Sec. 6-11. - Fees enumerated.

License fees applicable to this chapter are set out as follows and shall be pro-rated to the month for the first year a license is obtained:
(1) Retail dealers of distilled spirits to be consumed on the premises, $1,000.00 to $250.00 per year for first fixed bar.

(2) Retail dealers of beer to be consumed on the premises, $250.00 per year.

(3) Retail dealers of wine to be consumed on the premises, $250.00 per year.

(4) Retail dealers of beer and wine to be consumed on the premises, $500.00 per year.

(5) Retail dealers of distilled spirits sold in original packages for consumption off the premises, $1,500.00 per year.

(6) Retail dealers of beer sold in original packages for consumption off the premises, $250.00 per year.

(7) Retail dealers of wine sold in original packages for consumption off the premises, $250.00 per year.

(8) Retail dealers of beer and wine sold in original packages for consumption off the premises, $500.00 per year.

(9) Wholesale dealers in beer, whose principal place of business is in the city, $100.00 per year.

(10) Wholesale dealers in wine, whose principal place of business is in the city, $100.00 per year.

(11) Wholesale dealers in beer and wine, whose principal place of business is in the city, $150.00 per year.

(12) Any additional fixed bar at any previously licensed location for consumption of distilled spirits on the premises, $500.00 per year.

(13) Any movable bar at any previously licensed location for consumption of distilled spirits on the premises, $250.00 per year.

(14) Temporary license for special event approved by the city council for nonprofit civic organizations, $25.00 per day, maximum 12 days per year.

(15) Nonprofit private club, beer to be consumed on the premises, $25.00 per year.

(16) Nonprofit private club, wine to be consumed on the premises, $25.00 per year.

(17) Nonprofit private club, beer and wine to be consumed on the premises, $50.00 per year.

(18) Nonprofit private club, distilled spirits to be consumed on the premises, $50.00 per year.

(19) Hotel-motel "in-room service," $200.00 per year.

(20) Wholesale dealers in distilled spirits whose principal place of business is in the county, $100.00 per year.

(21) Wholesale dealers in alcoholic beverages whose principal place of business is not in the county, $150.00 per year.

(22) Brewpub, $250.00 per year.

(Res. of 12-19-2011; Res. of 1-17-2012)

Sec. 6-12. - Collection of fees or taxes sums due.

If any person shall fail to pay the sum due under this chapter, the city marshal or designee shall issue an execution against the person so delinquent and his property, for the amount of the delinquent fee or tax.

(Res. of 12-19-2011)
Sec. 6-13. - Transferability of license.

(a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.

(b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur, 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 city administrator.

(c) If a license is surrendered or a licensee severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date determined by the city administrator to be the date of severance, provided no such sale shall be authorized until such time as a new application for a license is made. The application shall indicate that no change of ownership has occurred, except as excepted in this section. 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) Nothing in this section, however, shall prohibit one or more of the partners holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten percent or more of any class of stock.

(e) Except as provided in subsections (a) through (d) of this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license pursuant to this chapter automatically, without the necessity of any hearing.

(f) Violation of this section shall result in revocation of the license being used and fines and imprisonment pursuant to § 1-12 of this Code of Ordinances, and a fine on the new ownership and the old ownership of not less than $300.00 and/or 30 days in jail. No license will be issued to the old or the new owner in the city for one year from the date of the violation.

(g) Should a licensee make application to the city council for a transfer of location and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in the amount of $300.00.

(Res. of 12-19-2011)

Sec. 6-14. - Display of license at place of business.

The city alcoholic beverage license shall at all times be kept plainly exposed to view to the public at the place of the business of the licensee.

(Res. of 12-19-2011)

Sec. 6-15. - Expiration; renewal of license.

All licenses granted hereunder shall be for the calendar year and the full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a full license fee shall be paid for a license application filed after July 1 of the license year.
Sec. 6-16. - Automatic license forfeiture for nonuse.

Any holder of any license under this chapter who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the three-month period, automatically forfeit the license without the necessity of any further action.

Sec. 6-17. - Suspension or revocation of license.

(a) A license may be suspended or revoked by the city administrator where the licensee furnishes fraudulent or untruthful information in the application for a license and for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.

(b) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license shall thereupon be automatically revoked. The chief of police, upon notice of this revocation from the city administrator, shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.

(c) Any licensed establishment that is found to be in violation of sections 6-31 or 6-37 shall be subject to immediate license revocation.

(d) The city administrator shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.

(e) The licensing and revenue manager shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.

(f) The city administrator may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to him/her.

(g) An act or omission of a licensee, owner of more than 20 percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the city administrator determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the city administrator must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.

(h) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the city.

(i) Wherever this chapter permits the city administrator to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.

(1) No suspension shall be for a period of time longer than the time remaining on such license.

(2) The following factors shall be considered on any revocation or suspension as set out above:

a. Consistency of penalties mandated by this chapter and those set by the city administrator.
b. Likelihood of deterring future wrongdoing.
c. Impact of the offense on the community.
d. Any mitigating circumstances or remedial or corrective steps taken by licensee.
e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

(Res. of 12-19-2011)

Sec. 6-18. - Hearings.

(a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided. This provision does apply to flooring permits for employees.

(b) The city administrator shall provide written notice to the applicant or licensee of his or her order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the city administrator may have a review thereof by appeal to the city council. Such appeal shall be by written petition, filed in the office of the city clerk within 15 days after the final order or action of the city administrator and in order to defray administrative costs, must be accompanied by a filing fee of $50.00 in the form of a money order or certified check. The city clerk, at his/her discretion, may waive or reduce the filing fee amount if it's determined the fee would create a hardship on the individual filing said appeal. The city council may, at the request of the appellant, refund the filing fee by a majority vote.

(c) The city council shall determine all issues by a majority vote by a quorum present to vote. Should the city council be unable to reach a decision by majority vote, the action taken by city administrator shall be upheld automatically.

(d) A hearing shall be conducted on each appeal within 30 days of the date of filing with the city administrator unless a continuance of such date is agreed to by the appellant and the city administrator. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. The city administrator shall have the right to rebut any evidence offered by appellant and to call any witnesses to support said rebuttal. Should the appellant desire an official transcript of the appeal proceedings, then appellant shall provide for the same at his or her own expense. The appellant shall have the burden of proof on any such appeal.

(e) The findings of the city council shall be forwarded to the city administrator within 15 days after the conclusion of the hearing, and it shall be the duty of the city administrator to notify the appellant of the action of the city council.

(f) The findings of the city council shall not be set aside unless found to be:
   (1) Contrary to law or ordinances; or
   (2) Unsupported by substantial evidence on the records as a whole; or
   (3) Unreasonable.

(g) The findings of the city council shall be final unless appealed within 30 days of the date of said finding by certiorari to the superior court of the county.

(Res. of 12-19-2011)

Sec. 6-19. - Notice.
For the purpose of this chapter, notice shall be deemed delivered when personally served by certified mail, within three days after the date of deposit in the United States mail.

(Res. of 12-19-2011)

Sec. 6-20 - 6-21. - Reserved.

Sec. 6-20. - Advertising, location requirements; signs.

(a) Sign limitations. Retail package licensees shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed, the price of an alcoholic beverage exposed or offered for sale.

(Res. of 12-19-2011)

Sec. 6-21. - Audits of licensees.

(a) If the city administrator deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit. The city administrator may designate the city's internal auditor or other designated person to perform any audit authorized in this Code. The licensee shall cooperate with the audit or forfeit any license(s) issued under this chapter.

(b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:

1. Monthly income or operating statements.
2. Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
3. Daily cash register receipts such as Z-tapes or guest tickets.
4. Monthly state sales and use tax reports.
5. Federal income tax return with all form 1099's.

The city administrator can waive all or some of the requirements of the foregoing sentence if the city administrator finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.

(Res. of 12-19-2011)

Sec. 6-22. - Retailer to purchase from licensed wholesaler only.

(a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

(b) The city administrator or his designee may request, from time to time, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

(Res. of 12-19-2011)

Sec. 6-23. - Retail consumption dealers to store inventory only on premises.
No retail consumption dealer licensed under this chapter shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.

(Res. of 12-19-2011)

Sec. 6-24. - Addition to contents of alcoholic beverages prohibited.

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner.

(Res. of 12-19-2011)

Sec. 6-25. - Reserved.

Sec. 6-25. - Poured alcohol to be transported by employees.

Poured alcoholic beverages will be transported from point of dispensing to the customer by permitted employees only.

(Res. of 12-19-2011)

Sec. 6-26. - Licensees to maintain a copy of this chapter; employees to be familiar with terms; licensee responsible for violations.

Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter in the licensed premises and shall instruct any person working there with respect to the terms of this chapter; and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms of this chapter.

(Res. of 12-19-2011)

Sec. 6-27. - Employment of under age persons prohibited; exceptions.

(a) No person shall allow or require a person in his/her employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.

(b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold for consumption off the premises.

(c) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed under this chapter without written consent from parents or guardian.

(Res. of 12-19-2011)

Sec. 6-28. - Failure to require and properly check identification.

(a) It shall be a violation not to require and properly check identification to ensure an underage person is not sold, served, or permitted to have in his possession, alcoholic beverages while in a licensed establishment. "Identification" in this section 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 ID card, driver’s license or state department of public safety ID card.

(b) Licensee must have written policies and procedures for checking identification and train, instruct and supervise employees to ensure compliance with this section.

(Res. of 12-19-2011)

Sec. 6-29. - Sales to underage person prohibited.

No holder or employee of the holder of a license authorizing the sale of alcoholic beverages, shall do any of the following upon the licensed premises:

1. Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.

2. The prohibition in subsection (1) of this section shall not apply with respect to the sale of distilled spirits to a person when such person has furnished proper identification showing that the person to whom the distilled spirits are being sold is 21 years of age or older. For the purposes of this subsection proper identification means any document issued by a government agency containing a description of the person, such person’s photograph, or both, and giving such person’s date of birth, including but not limited to, a passport, military identification card, driver’s license, or identification card authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver’s license. Proper identification shall not include a birth certificate.

3. Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.

4. Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.

5. No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment or lounge unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under the terms of this chapter.

6. The penalty for violation of this section by an individual shall be as follows:
   
a. For the first offense, a minimum fine of $250.00.

b. For the second offense and subsequent violations within one year, a minimum fine of $500.00.

7. Any licensed establishment where two or more violations of this section, or [O.C.G.A.] § 3-3-23 of Georgia Alcoholic Beverage Laws and Regulations have occurred within any 36-month period shall be punished as follows:

a. For the second offense within any 36-month period, suspension of license(s) for a period not to exceed 90 days.

b. For the third and any subsequent violation within any 36-month period, suspension of license(s) for a period not to exceed one year.
As to the penalties in this subsection, if there is a change in a majority of the licensed establishment's owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

(Res. of 12-19-2011)

**State Law reference**— Furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic beverages; use of false identification; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by persons under 21 years of age in the course of employment; seller's duty to request proper identification, O.C.G.A. § 3-3-23.

Sec. 6-30. - Purchase or possession of alcoholic beverages by underage persons.

(a) No person under the age of 21 years of age shall purchase or possess any alcoholic beverage.

(b) No person under the age of 21 years of age shall attempt to purchase any alcoholic beverage or misrepresent his/her age in any manner whatever for the purpose of obtaining alcoholic beverages.

(Res. of 12-19-2011)

Sec. 6-31 – 6-36. - Reserved.

Sec. 6-32. - Regulations as to employees and manager.

The following regulations shall apply to all establishments holding a license for consumption of alcoholic beverages on the premises:

(1) No person shall be employed to dispense, sell, serve, take orders, mix alcoholic beverages, or serve in any managerial position, by an establishment holding a license under this chapter until such person has been fingerprinted or cleared by the chief of police or his designee, indicating that the person is eligible for such employment.

(2) This section shall not be construed to include volunteer groups with nonprofit tax exempt status from the Internal Revenue Service whose volunteer efforts financially benefit a nonprofit organization with no direct financial benefit, either by wages, tips or donations, to the individual volunteer. No volunteer under the age of 18 shall be allowed to dispense, sell, serve, take orders or mix alcoholic beverages. Employees of a licensed establishment whose duties are limited solely to those of busboy(s), cook(s), or dishwasher(s) shall also be excluded from this section.

(3) No permit shall be issued until such time as a signed application has been filed with the police department, chief of police or designee, and upon paying a fee which shall be established by the city council, and a search of the criminal record of the applicant completed. The application shall include, but shall not be limited to, the name, date of birth, and prior arrest record of the person, though the fact of an arrest record shall be used for investigative purposes only, and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order.

(4) The chief of police or his designee shall have a complete and exhaustive search made relative to any police record of the person fingerprinted or cleared. If there is no record of a violation of this chapter, the chief of police or his designee shall issue a permit to the person, by mail, stating that the person is eligible for employment. If it is found that the person is not eligible for
employment, the chief of police or his designee shall notify the person in writing that they are not eligible for employment, the cause of such denial and their right to appeal.

(5) No person shall be granted a pouring permit unless it appears to the satisfaction of the chief of police or his designee, that such person has not been convicted or pled guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime within a period of five years of the date of conviction and has been released from parole or probation. A person’s first time conviction for illegal possession of alcohol as a misdemeanor or violation of a city or county ordinance shall not, by itself, make a person ineligible for an alcohol pouring permit.

No person shall be granted a pouring permit who has been convicted, plead guilty or entered a plea of nolo contendere to any federal, state, or local law for any felony within five years of the date of conviction and has not been released from parole or probation prior to the filing for application for such permit.

For purposes of this chapter, a conviction or plea of guilt or nolo contendere shall be ignored as to any offense for which defendant was allowed to avail themselves of the Georgia First Offender Act (Ga. Laws 1968, p. 324) as amended. Except, however, that any such offense shall not be ignored where the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentence in court entered an adjudication of guilt as to the crime for which the defendant had previously been sentenced as a first offender.

(6) An alcohol pouring permit shall be issued for a period of one calendar year from the date of the original application. As noted in subsection (11) below, the alcohol pouring permit must be in the possession of the employee while the employee is working at the licensed establishment. This permit must be in the possession of the employee while the pouring permit holder is working and available for inspection by members of the police department or the city administrator’s staff.

(7) No person shall be issued a permit if it is determined that the person falsified, concealed or covered up any material fact by any device, trick or scheme while making application to the police department for an alcoholic beverage pouring permit under this section.

If it is determined that a person is in violation of this subsection and a permit is denied for this reason, then 30 calendar days must elapse from the date of notification per certified mailing before a new application and fee may be resubmitted.

(8) All permits issued through administrative error can be terminated and seized by the chief of police or his designee, or the city administrator or his designee.

(9) Replacement permits will be issued within 30 days of original date, upon paying one-half of the fee charged for alcohol pouring permits. After 30 days of original application date, a new application and fee must be submitted.

(10) All permits issued under this chapter remain the property of the police department and shall be produced for inspection upon the demand of any officer or designee of the police department, city marshal or city administrator or their designee.

(11) No licensee shall allow any employee or manager required to hold a permit to work on the premises unless the employee or manager has in their possession a current valid city pouring permit. For new employees, a receipt issued by the city police permit unit may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee required to do so has in their possession a valid current alcohol pouring permit.
(12) It shall be the duty of all persons holding any license to sell alcoholic beverages to file with the chief of police or his designee, the name of the establishment, the license number and a list of all employees, with their home addresses and home telephone numbers, twice annually during the month of June and again during the month of December.

(13) Any person(s) convicted of any violation(s) of this section shall receive a minimum fine of $200.00.

(Res. of 12-19-2011)

Sec. 6-33. Reserved.

Sec. 6-34. Open area and patio sales.

(a) Alcoholic beverage sales can be made by a licensed consumption on premises establishment in a patio/open area type environment including any public sidewalk area contiguous thereto.

(a) Alcoholic beverage sales can be made by a licensed consumption on-premises establishment in a patio/open area type environment if the establishment has been approved to do so by the city council.

(b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.

(c) The height of such structure shall be a minimum of one foot above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the city's building inspection department and the city's fire department as required by their governing regulations or codes.

(d) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the city administrator and city council. Interior-type patio/open sales areas must also meet the requirements of the city's development and fire codes.

(e) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

(Res. of 12-19-2011)

Sec. 6-35. No consumption outside premises.

(a) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However, nothing in this section shall be construed to prohibit the carrying out of wine or malt beverages for consumption at a publicly-owned or privately-owned golf course or the grounds contiguous to the renovated school house known as the Eatonton Putnam Arts Center thereto known as the Plaza located on N. Madison Avenue and Church St., and any other venue or property specifically approved by the city council.

(b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
(c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

(Res. of 12-19-2011)

Sec. 6-36. Specifications of premises.

No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the city, regulations of the state revenue commissioner and the state. The proposed building shall also be subject to final inspection and approval when completed by the building inspector. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by the customers therein.

(Res. of 12-19-2011)

Sec. 6-37. Noise from establishments prohibited.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the city, and which is audible to a person of normal hearing ability from the nearest property line of the business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise be made by an establishment licensed under this chapter between the hours of 10:00 p.m. and 8:00 a.m.

(Res. of 12-19-2011)

Sec. 6-38. Inspection of licensed establishments by the police department and city marshal.

Sworn officers of the police department and the city marshal shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the city 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. This section is not intended to limit the authority of any other city officer to conduct inspections authorized by other provisions of this Code.

(Res. of 12-19-2011)

Sec. 6-39. Establishment can be closed in cases of emergency.

The chief of police, or his designee, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.
Sec. 6-40. - Sale on election days.

(a) Pursuant to the delegation of authority granted to this governing authority by Act No. 750 (House Bill No. 247) approved April 10, 1985, amending O.C.G.A. § 3-3-20(b)(2)(B), the sale of wholesale and retail of alcoholic beverages, to wit: distilled spirits, wine and malt beverages, shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.

(b) All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Sec. 6-41. - Bring your own bottle (brown bagging) prohibited.

It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages. This provision shall not apply to events approved by the city council which take place on the grounds contiguous to the renovated school house known as the Eatonton Putnam Arts Center thereto known as the Plaza located on N. Madison Avenue and Church St., and any other venue or property specifically approved by the city council.

Sec. 6-42. - Types of entertainment, attire and conduct prohibited.

(a) Preamble and purpose.

(1) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the city council believes are relevant to the problems faced by the city and based upon the evidence and testimony of the citizens and experts who have appeared before such bodies, the city council takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our county.

(2) Moreover, it is the finding of the city council that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment" begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the
premises is in the public welfare and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) Prohibited activities. Any establishment licensed under the provisions of this chapter is prohibited from permitting or engaging in the following activities:

1. The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

2. Live entertainment which provides or features nude or semi-nude or erotic dancing, or the performance of obscene acts which simulate:
   a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
   b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
   c. The displaying of the pubic hair, anus, vulva or genitals;

3. The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (b)(2), above, which are obscene under state law; or

4. The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct.

(c) Mainstream activity excluded. Notwithstanding the prohibitions in subsection (b), above, nothing in this chapter shall or is intended to apply to theatrical or motion picture performance houses, museums, or the like where the consumption or service of alcohol is not a primary purpose or mainstream activity of such establishment.

(Res. of 12-19-2011)

Secs. 6-43—6-675. - Reserved.

ARTICLE II. - RETAIL SALES OF MALT BEVERAGES, WINE, OR DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES

Sec. 6-66. - Type of retail establishment where permitted.

No beer, wine, or distilled spirits shall be sold for consumption on the premises where sold except:

1. In eating establishments having a full service kitchen (a full service kitchen will consist of a three-compartment sink, a stove or grill permanently installed, a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 25 percent of its total annual gross sales from the sale of prepared meals or foods.

2. In an indoor publicly owned civic and cultural center capable of serving prepared food, deriving at least 25 percent of its total annual gross sales from the sale of recreational, promotional or entertainment or operational activities.
(3) These eating establishments must be located in a zoning district which permits restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.

(Res. of 12-19-2011; Res. of 9-16-2013)

Sec. 6-67. - License fee and amount to defray investigative and administrative costs to accompany application.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of $300.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the $300.00 costs paid for investigative and administration shall be retained. Any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Res. of 12-19-2011)

Sec. 6-68. - Hours and days of sale.

(a) Beer, wine and distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 2:00 p.m. Monday through Saturday.

(b) No beer and/or wine shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

(c) The sale of beer, wine and distilled spirits for consumption on the premises is permitted on Sundays from 12:30 p.m. until 11:30 p.m.: in:

(1) Any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;

(2) Any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging, and

(3) In any publicly owned civic and cultural center capable of serving prepared food with a full-service kitchen (a full-service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour it is open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreational, promotional or entertainment or operational activities.

(e) It shall be unlawful for a business holding a beer, wine or distilled spirits consumption on the premises license to fail to remove from its retail service area any and all cans, bottles, glasses, mugs, pitchers, cups, or any other container used in the consumption of alcoholic beverages or to otherwise allow the consumption of alcoholic beverages on its premises one hour or more after the business is prohibited from selling, dispensing, or delivering alcoholic beverages to any customer, patron or guest of the business.

A violation of subsections (a), (b) or (e) of this section by a licensee, majority stockholder, general manager or managing partner of the licensee or licensed establishment shall result in license suspension for a period of two days, which shall be scheduled to include a Friday and Saturday in succession.
(Res. of 12-19-2011)

Secs. 6-69—6-910. - Reserved.

ARTICLE III. - RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

Footnotes:

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State law reference -- licenses from county or municipality required for wholesaling or retail sale of wine
O.C.G.A. § 31-1-24 (a)

Sec. 6-91. — Type of retail establishment where permitted.

No beer and/or wine shall be sold at retail except in establishments maintaining 50 percent of the
floor space and storage area in a manner which is devoted principally to the retail sale of grocery
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.

(Res. of 12-19-2011)

Sec. 6-92. - Hours and days of sale.

(a) Retail package licensees shall not engage in the sale of beer and/or wine except between the hours
of 12:01 a.m. on Monday through Saturday at 12:00 midnight and from 12:30 pm until 11:30 pm 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 of beer and/or wine.

(b) Retail package beer and/or wine shall not be sold at any time in violation of any local ordinance or
regulation or of any special order of the governing authority.

(Res. of 12-19-2011; Res. of 1-17-2012)

Sec. 6-93 — 6-95. - Reserved.

Sec. 6-93. — 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 beer and wine exposed or offered for
sale.

(Res. of 12-19-2011)

Sec. 6-94. — Quantity sale requirements.

Single cans or bottles or other containers of alcoholic beverages may be sold.
Sec. 6-95. - License fee and amount to defray investigative and administrative costs to accompany application.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of $300.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded, but the $300.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.

Sec. 6-96. - Eligibility for issuance of a special event Georgia Farm Winery temporary retail site sales license.

A temporary, special event retail site sales license may be issued to a licensed Georgia Farm Winery that fulfills the meaning set forth and further defined in O.C.G.A. § 3-6-21.1(a)(1). Such temporary license shall not exceed twelve days in any one year, for special events as approved by the city council. A Georgia Farm Winery may conduct all of the lawful activities permitted unto it by O.C.G.A. § 3-6-21.1, et. seq. Notwithstanding the foregoing, a Georgia Farm Winery may sell at retail unopened packages and bottles of its wine and of any other Georgia Farm Winery licensee and sell at retail or otherwise provide samples of its wine and samples of wine of any other Georgia Farm Winery licensee in tasting rooms on the premises of and/or within the boundaries of the temporary Georgia Farm Winery site. The Georgia Farm Winery must make application and pay the fee that may be required by the ordinances.

Secs. 6-97—6-16±5. - Reserved.

ARTICLE IV. - RETAIL PACKAGE SALES OF DISTILLED SPIRITS

Sec. 6-116. - Type of retail establishment where permitted.

No distilled spirits shall be sold at retail except in establishments 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. The only items which may be offered for sale on the same premises as distilled spirits are: malt beverages and wine as defined in Article I of this chapter, ice and non-alcoholic beverages commonly used to dilute distilled spirits.

Sec. 6-117. - Hours and days of sale.
(a) Retail package licensees shall not engage in the sale of any alcoholic beverage except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and from 12:30 p.m. until 11:30 p.m. on Sundays.

(b) Retail package sales of alcoholic beverages shall not be sold at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

(Res. of 12-19-2011)

Sec. 6-118. — 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 beer and wine exposed or offered for sale.

(Res. of 12-19-2011)

Sec. 6-119. — Quantity sale requirements.

Single cans or bottles or other containers of alcoholic beverages may be sold.

(Res. of 12-19-2011)

Sec. 6-120. — License fee and amount to defray investigative and administrative costs to accompany application.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of $300.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded, but the $300.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.

(Res. of 12-19-2011)

Secs. 6-121—6-165. — Reserved.

ARTICLE V. — PRIVATE CLUBS

Footnotes:

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State Law reference — Sale of distilled spirits by private clubs, Ill. C.A. § 9-7-1 et seq.
Sec. 6-166. - Definitions.

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

Fixed salary means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

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

(1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this article;

(2) Has at least 50 regular dues paying members;

(3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
   a. Suitable kitchen and dining room space and equipment;
   b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
   c. Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

(Res. of 1-17-2012)

Sec. 6-167. - Regulation of sale of alcoholic beverages.

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

(Res. of 1-17-2012)

Sec. 6-168 - 6-169. -Reserved.

Sec. 6-168. - Certain organizations exempt from food establishment requirements.

Veterans organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food. However, any such organization selling or dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and consumption on the premises establishments.

(Res. of 1-17-2012)

Sec. 6-169. - Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the licensee fee, together with a separate certified check or cash in the amount of $150.00 for
distilled spirits and/or beer and/or wine to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant is denied a state license, the deposit representing the license fee shall be refunded; but the $150.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Res. of 1-17-2012)

Sec. 6-170. - Hours and days of sale.

(a) No alcoholic beverages shall be sold for consumption on the premises except between the hours of 10:00 a.m. and 2:00 a.m. Monday through Saturday.

(b) Alcoholic beverages shall not be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

(c) The sale of alcoholic beverages for consumption on the premises is permitted on Sundays from 12:30 p.m. until 11:30 p.m. in any licensed establishment which derives at least 50 percent of its total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served and in any licensed establishment which derives at least 60 percent of the total annual gross income from the rental of rooms for overnight lodging.

(d) Alcoholic beverages may be sold for consumption on the premises from 12:00 midnight to 1:15 a.m. on any Monday which is New Year's Day, January 1, of any year.

(Res. of 1-17-2012)

Sec. 6-171. - Eligibility for issuance of a temporary special event license.

(a) A temporary license may be issued to any person, firm or corporation, for a period not to exceed 12 days in any one year, for an approved special event. The person, firm or corporation must make application and pay the fee that may be required by the ordinances and shall be required to comply with all the general ordinances and the licensing and regulations for a consumption on the premises with the exception of the full service kitchen requirement.

(b) The special event must meet the following criterion prior to the issuance of a license to sell alcoholic beverages:

1. The special event must be associated with and benefit the cause of a charitable or civic organization.

2. The special event must receive approval from the city police department on crowd control and security measures.

3. The special event must receive approval from the city council.

4. The location at which the special event is to take place must be properly zoned and approved by the city planning and development department.

5. The premises at which the special event is to take place must be approved by the city administrator.

(c) Any employee or volunteer of the special event licensee, working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages shall not be required to obtain a pouring permit for the special event.
(d) The chief of police or his designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare or safety of the public.

(e) As a condition on the issuance of a temporary special event license, the licensee shall indemnify and hold the city harmless from claims, demand or cause of action which may arise from activities associated with the special event.

(f) The city council in its discretion may require the licensee to obtain insurance for the event, pay an administrative fee to offset or defray costs for traffic and/or crowd control, and set the time when alcohol is to be served or not served.

(g) The Eatonton-Putnam Chamber of Commerce, Eatonton-Putnam Arts Foundation and Eatonton Main Street shall be exempt from obtaining a special event license at the discretion of the City Administrator for any event under the operation and control of those entities on any property owned by either the City of Eatonton, or the Downtown Development Authority.

(h) For purposes of this Section and in connection with § 6-2 Definitions the Plaza Arts Center located on N. Madison Ave. and Church St., and the stage and parking lot located between Willie Bailey Dr. as its northern boundary and E. Marion St. as its southern boundary including and grounds contiguous thereto shall qualify as a “Banquet Hall”.

(Res. of 1-17-2012; Res. of 1-17-2012)