

Toombs County, Georgia

Alcohol Ordinance

Section 1- Purposes

- (a) The purposes of this ordinance shall include, without necessarily being limited to, the following:
 - (1) Compliance with and effectuation of the general state law;
 - (2) Prevention and control of the sale of alcoholic beverages by unfit persons;
 - (3) Insuring that any licenses issued for the consumption of alcoholic beverages on the premises are issued only to a legitimate restaurant and tavern as defined in this ordinance;
 - (4) The protection of schools, homes, churches, parks, and other institutions; and
 - (5) The protection of the public health, safety, and welfare.
- (b) To the maximum extent permissible under state and federal law, the business of selling alcoholic beverages shall under this ordinance be a privilege to be accorded in conformity with the foregoing and other public policies of the county, rather than a right.
- (c) This Ordinance shall replace and supersede any other Ordinance of Toombs County concerning the sale of alcoholic beverages, except those allowing for the taxation of alcohol which are not addressed in this Ordinance.

Section 2 – Definitions

- (a) Unless a contrary intention is clearly apparent from the context, the following terms used in this chapter shall have the following meaning:
 - (1) *Alcohol* means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, from whatever source or whatever process produced.
 - (2) *Alcoholic beverage* means and includes all alcohol, distilled spirits, beer, wine or fortified wine.
 - (3) *Beer* means any alcoholic beverage obtained by the fermentation of any infusion or decoration of barley, malt, hops, or any other product, or any combination of such products in water, containing not more than six percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term “beer” does not include sake, known as Japanese rice wine.
 - (4) *Board* means the Board of Commissioners of Toombs County, Georgia.
 - (5) *Brown Bagging* means the act of bringing one’s own alcoholic beverages to a restaurant or club for the purpose of consumption therein.
 - (6) *County* means Toombs County, Georgia and when used in a geographical sense means the unincorporated area of the county.
 - (7) *County Clerk* means the clerk of the board of commissioners of Toombs County, Georgia.
 - (8) *Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

- (9) *Interest* includes any pecuniary and/or any ownership interest, whether present or future, whole or partial, legal or beneficial, contingent or vested, direct or indirect, and any right, power, or authority of control.
- (10) *License* means the authorization granted by the board to engage in the sale of alcoholic beverages in a specified manner for a calendar year, or the remaining portion of a calendar year.
- (11) *Licensed premise* includes not only the room wherein alcoholic beverages are sold or served but also the entire building in which such room is located. However, no more than one building shall be deemed the “licensed premises” for a single license, regardless of whether an adjacent building may be connected to the “licensed premise” by a sidewalk, breezeway, enclosed walkway, or any other means of passage from one building to another.
- (12) *Licensee* includes an individual licensee and in the case of a partnership or corporation includes both the partnership or corporation and the named licensee.
- (13) *Liter* means metric measurement, currently used by the United States.
- (14) *Majority stockholder* means the person, if any, who owns more than 50 percent of the voting stock of a corporation; if no person owns more than 50 percent of the voting stock of a corporation, the “majority stockholder” is the person owning more of the voting stock than any other person; and if two or more persons each own the same amount of voting stock of a corporation and each owns more of the voting stock than any other person, then any one of such persons may act as the “majority stockholder.”
- (15) *Manufacturer* means any maker, producer, or bottler of an alcoholic beverage. The word “manufacturer” also means:
- (a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits.
 - (b) In the case of beer, any brewer.
- (16) *Minor* means any person under the age of 21 years.
- (17) *Owner* means any person or partner or stockholder or member owning any percentage of a business.
- (18) *Package* means a bottle, can, keg, barrel or other original consumer container.
- (19) *Person* includes any individual, firm, partnership, cooperative, nonprofit corporation, joint venture, association, company, corporation, limited liability company, 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 quasi-public.
- (20) *Premise* means the space or area owned, leased or controlled by the licensee and used by the licensee for the purpose of operating under the license including any public sidewalk or roadway adjacent to the premises which is used by the licensee to sell alcoholic beverages. This definition is intentionally broader than the definition of a “licensed premise” and it meant to include the property surrounding the building of a licensed premise as well, as defined above.
- (21) *Purchaser* means and includes any individual, partnership, corporation, limited liability company, trust or association purchasing alcoholic beverages from a licensee.

- (22) *Restaurant* means an establishment that serves prepared meals to customers and where at least 50% of gross sales revenue is derived from the combined sale of food and non-alcoholic beverages.
- (23) *Retail dealer* means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only, to consumers and not for resale.
- (24) *School* means any school building, school grounds, college campus, educational facility or educational building owned or run by or affiliated with a state, county, city or private or religious entity, any church school, day care, or kindergarten and to any building at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state. It shall not apply to home schools.
- (25) *Wholesaler* or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.
- (26) *Wine* means any alcoholic beverages containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term “wine” includes, but is not limited to, all sparkling wines, champagnes, and combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term “wine” does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

- (b) Unless a contrary intention is clearly apparent from the context, any term used in this chapter shall have the same meaning as when used in comparable provisions of the Georgia Alcoholic Beverage Code, Title 3 of the Official Code of Georgia Annotated.
- (c) As used in this ordinance, the singular and plural shall each include the other, the masculine and feminine shall each include the other, and any verb tense may include any other verb tense.
- (d) As used in this ordinance the term “may” is permissive and the term “shall” is mandatory.

Section 3 –License Classifications; Duration.

- (a) It shall be unlawful for any person to sell or offer for sale any alcoholic beverages within the county except under a valid license issued under this ordinance and in compliance with the provisions of this ordinance.
- (b) Annual license fees shall be payable in advance for an entire calendar year beginning January 1 and ending December 31 of the same year. Annual license fees shall be as set forth in a schedule of fees and charges set by the board. The suspension or revocation of any license granted pursuant to this article shall not entitle the licensee to a return of any portion of the license fee.
- (c) Types of Licenses:

Class A	<u>Packaged Beer & Wine</u> Class A license shall permit the sale of beer and wine in unopened containers only and shall not authorize the consumption of beer and wine on the premises for which the license is granted and no alcoholic beverages shall be consumed on premises for which a Class A license is in effect.
Class B	<u>Beer & Wine by the Drink</u> Class B license shall be granted for restaurants only and shall permit the sale and consumption of beer and wine in a licensed premise as an incident to the sale and consumption of ready to eat foods, but only as such an incident. No alcoholic beverages may be consumed on the premise grounds outside of the licensed premises.
Class C	<u>Packaged Distilled Spirits</u> Class C license shall permit the sale of distilled spirits in unopened containers only and shall not authorize the consumption of distilled spirits on the premises for which the license is granted and no alcoholic beverages shall be consumed on premises for which a Class C license is in effect.
Class D	<u>Distilled Spirits by the Drink</u> Class D license shall be granted for restaurants only and shall permit the sale and consumption of distilled spirits on the licensed premises as an incident to the sale and consumption of ready to eat foods or drinks, but only as much as incident to said sale. No alcoholic beverages may be consumed on premise grounds outside of the licensed premises.

- (d) Payment of fees. Application fees shall be paid at the time the application is filed and shall not be refunded under any circumstances. An applicant may pay the annual license fee at the time the application is filed; and in such event the annual license fee shall be refunded if the license applied for is not issued. If the annual license fee is not paid at the time of the application, the annual license fee shall be paid prior to the issuance of the license by the board and no later than fourteen (14) days after notification of approval of the license by the board.

Section 4 – Grant of licenses

- (a) Licenses shall be granted for a calendar year and shall expire on December 31 of the year for which issued regardless of the date issued and there shall be no rebate of the annual license fee. A licensee who holds a license at the end of the year and who makes a timely application for a license for the next year (on or before January 15th of the year applied for) may continue in business under the old license until the application for the new license is granted or denied.
- (b) The fee for the issuance of a license shall be:
- | | | |
|-------|-------------------------|------------|
| (i) | Annual Application Fee- | \$150.00 |
| (ii) | Class A License - | \$600.00 |
| (iii) | Class B License - | \$850.00 |
| (iv) | Class C License - | \$3,000.00 |
| (v) | Class D License - | \$3,000.00 |
- or such other amount as the Board may fix from time to time in their sole discretion.
- (c) From July 1, 2019-December 31, 2019, the fee for alcoholic beverage licenses shall be ½ of the fee amount listed in Section 4(b). This fee shall remain constant and there shall be no further pro-ration. The Annual Application Fee shall remain \$150.00. Licenses granted during this period shall expire at 11:59:59 PM on December 31, 2019.

- (d) Licenses shall be granted only upon written application.
- (i) A license issued to an individual shall be issued in the name of the individual.
 - (ii) A license issued to a corporation shall be issued
 - a. in the name of the corporation; and
 - b. in the name of the majority stockholder or a principal officer of the corporation or the officer or employee of the corporation primarily responsible for the operation of the licensed premise, and such majority stockholder or officer or employee shall be the named licensee.
 - i. In the case of a corporation, the majority stockholder or officer or employee who is to be the named licensee shall be the applicant and must meet the qualifications of an individual licensee, as provided herein.
 - ii. The board may require the fingerprinting and investigation of any of the officers and shareholders of the corporation if the board deems it necessary in making its investigation.
 - (iii) A license issued to a partnership shall be issued
 - a. in the name of the partnership; and
 - b. in the name of each of the general partners.
 - i. In the case of a partnership, each general partner shall join as an applicant for the license and each general partner must meet the qualifications of an individual licensee, as provided herein.
 - ii. In the case of a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. In the case of the corporation, the corporation shall be responsible for the actions of the named licensee and the conduct of the licensed business.
- (e) Applications for license or licenses and renewals shall be granted only by the Commissioners in regular session and no application shall be considered until the provisions of this subsection are completed as well as subsection (e), (f) and (g). The Applicant must post at the courthouse door of Toombs County for ten (10) days notice of the application or renewal. A background check of the licensee and/or the manager of the licensed premises prepared by the Sherriff of Toombs County shall be attached to all applications or renewals. The applicant shall be responsible for posting the notice and shall attach to the application a sworn statement that the notice has been posted as herein required. The notice shall state the name of the applicant and designee if applicable, the location for which the classes of license sought, existent classes of license which are conducting business on the same licensed premises. Upon the first application for a new class of license or licenses, the applicant shall also have an advertisement ran for two (2) consecutive weeks in the Toombs County's official organ giving notice of the application. The ad shall be 1/32 of a page in size. Such notice shall contain all information in the notice posted at the Toombs County Courthouse and shall conform to the form notice in Exhibit "A."
- (f) The license fee shall be tendered with the application. In addition, licensee shall tender documentation with the application showing proof licensee is in full compliance with all county, state and federal ordinances, rules, regulations, codes and statutes including, but not limited to, proof of payment of all applicable sales tax and state and county valorem taxes.

- (g) Licensee must tender proof with the application or renewal that the premises to be used is in full compliance with all applicable county, state and federal fire and safety ordinances, rules, regulations, codes or statutes. The proof necessary shall include at a minimum a report from the appropriate fire chief and the Toombs County Health Department.
- (h) An applicant shall also supply emergency contact information for the licensee and/or manager.
- (i) Each license shall be issued for a particular location and licensee and shall not be transferable either as to location or the licensee. Any change in location or licensee shall require a new license application. Designees or Registered Agents may be changed during the year with written notice to the Board of Commissioners of Toombs County and verification that they meet the requirements as stated in the qualifications section of this ordinance.
- (j) No license shall be granted for a location:
 - (i) Within 300 feet of a church or chapel for religious or burial service.
 - (ii) Within 1,000 feet of a school campus.
 - (iii) For the purposes of this ordinance, distances shall be calculated according to the nearest way of automobile travel over publicly maintained roads beginning at the front door of the proposed licensee establishment, traveling to the nearest maintained public highway, proceeding down that roadway or combination of roadways to the entrance of church, chapel, or school campus parking lot, then proceeding from that parking lot entrance to the church or chapel front door, where applicable and ending at the front door of a church or a chapel for religious or burial service or school campus.
- (k) In determining whether or not a license shall be granted, the Commissioners shall give consideration to the property of the location for which the license is sought. Consideration for propriety is to be reviewed for the particular license sought by the applicant and shall consider all relevant circumstances of the proposed location, including traffic conditions, the character of the neighborhood and the class of license applied for, the premises involved, the need and availability of Sheriff protection and supervision.
- (l) A licensee shall not have any vested rights in the license and a license shall not be renewable as a matter of right. A new application shall be required annually if a licensee desires to continue operation from year to year. Each application shall be considered as a new application even though the applicant may have a license for the same location for the previous year except as stated in subsection (e) above.
- (m) Multiple Licenses on Single Premise. An applicant may apply for multiple licenses at a single licensed premise. However, no premises licensed as a package store may also be able to serve alcoholic beverages by the drink for on premise consumption. Approval of the licensed premises for one license shall not require the board to approve additional types of licenses.

Section 5 – Qualifications

- (a) A licensee or designee must be at least 21 years of age, of good moral character and a citizen of the United States. A licensee must be a resident of Toombs County, except that the named licensee shall not be required to be a resident of Toombs County if the named licensee designates a resident of Toombs County who shall be responsible for any matter relating to the license (i.e., a “designee”).

- (b) A licensee or manager of the licensed premises shall not have been convicted of a felony or have been convicted of any violations of the laws of this state, or any other state, relating to the sale of alcoholic beverages or the sale or possession of drugs.
- (c) A licensee or designee shall not have had revoked, within the five years preceding his or her application, any license to sell alcoholic beverages issued by any governmental entity.
- (d) A licensee shall be the owner of the premises to be licensed or the holder of a written lease thereon for substantially the same period to be covered by the license. A copy of such written lease or deed shall be attached to the application.
- (e) No license for the sale of alcoholic beverages by the drink for consumption on the premises shall be issued to any applicant who does not meet the requirements of a restaurant as defined in this ordinance.

Section 6 – Transfer

A license shall be retained for each sales location and shall not be transferable from one location to another or from one person to another, provided, however, that in the case of death of a named licensee, such license may be transferred to the administrator, executor or adult heir or heirs of the deceased unless the board determines it would otherwise violate this ordinance. Such transfer upon death shall only be valid until the current license expires upon which time a new application must be filed. Further, if such transferee cannot meet all the requirements of this ordinance when the time comes to renew the license, it shall not be granted.

Section 7 – Change in Business Ownership

- (a) If any licensee withdraws from, sells or otherwise transfers the licensee’s interest in the licensed business, the licensee shall immediately notify the board and surrender the license.
- (b) In the case of such a withdrawal, transfer, or sale, a new application shall be made as for a new license.

Section 8 - Suspension/Revocation

- (a) Any violation of the provisions of this ordinance, state law, or federal law, by any person known or unknown, on the premises of the licensed premises shall be grounds for immediate suspension or revocation of the license for cause by the board.
- (b) The board, by resolution, may direct the sheriff of the county and his lawful deputies to remove the license from any place of business of any licensee upon a determination by the sheriff or his deputies that any provision of this ordinance, or the laws of the state pertaining to the sale of alcoholic beverages, has been violated. Upon removal of the license as provided above, it shall be illegal for the licensee to engage in the sale of alcoholic beverages until such time as the license has been reinstated as hereinafter provided.
- (c) The board shall revoke the license if three (3) citations are issued within ninety (90) days or six (6) citations are issued within a twelve (12) month period relating to the operation of the licensed premises or to the licensee. The term citation shall include any citation issued by the Sheriff of Toombs County, the Toombs County Ordinance officer, any local or state fire official, the Georgia Department of Revenue, or any other state agency.

- (d) Upon removal of a license, the board shall give written notice within three days to the licensee of the reasons for the removal, as well as notice of any suspension or revocation of the license. The licensee may, within ten days from receipt of the notice from the board, make written application to the board for a hearing on the matter of suspension or revocation, including the right of the licensee to present evidence and cross-examine opposing witnesses. Failure of the licensee to request a hearing within the allotted period shall constitute a waiver of any right of further appeal of the board's decision regarding revocation or suspension. If a hearing is requested as provided above, the same will be held within ten days from receipt of the request by the board. The board, after hearing evidence, shall reach its decision and advise the licensee of the same. If the board determines, with or without a hearing, that a license shall be reinstated, the license shall be returned to the licensee on the effective date of the reinstatement as determined by the board.

Section 9 – Sales to Underage Persons Prohibited

- (a) Except as otherwise provided in this section:
- (1) No person knowingly, directly or through another person, shall furnish, cause to be furnished, or permit any person in such person's employ to furnish any alcoholic beverage to any person under 21 years of age;
 - (2) No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverages;
 - (3) No person under 21 years of age shall misrepresent such person's age in any manner whatsoever for the purpose of illegally obtaining any alcoholic beverage;
 - (4) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person less than 21 years of age;
 - (5) No person under 21 years of age shall misrepresent his or her identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.
- (b) The prohibitions contained in paragraphs (1), (2), and (4) of subsection (a) of this section shall not apply with respect to the sale, purchase, or possession of alcoholic beverages for consumption:
- (1) For medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) At a religious ceremony;
 - (3) When the parent or guardian of the person under 21 years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.

- (c) The prohibition contained in paragraph (1) of subsection (a) of this section shall not apply with respect to sale of alcoholic beverages by a person when such person has been furnished with proper identification showing that the person to whom the alcoholic beverage is sold is 21 years of age or older. For purposes of this subsection, the term “proper identification” means any document issued by a governmental agency containing a description of the person, such person’s photograph, or both, and giving such person’s date of birth and includes, without being limited to, a passport, military identification, driver’s license, or an identification card authorized under sections 40-5-100 through 40—5-104 of the Official Code of Georgia Annotated. “Proper identification” shall not include a birth certificate or school I.D.
- (d) This section shall not prohibit employment of a person less than 21 years of age in licensed premises if such employment is lawful.
- (e) In any case where a person could reasonably and prudently be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing such alcoholic beverage to request to see and be furnished with proper identification as provided in subsection (c) of this section in order to verify the age of such person; and the failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so knowingly.

Section 10 – Times of Operation and Days of Sale Prohibited

- (a) Class A and Class C licensees shall have no restriction on hours except those imposed by state or federal law.
- (b) Class B and Class D licensees shall not allow alcoholic beverage to be sold or consumed beyond 1 a.m. on any Monday through Friday night and 12 a.m. on Saturday night at the licensed premises. Class B and Class D licensed premises shall be closed and have no occupants at the licensed premises beyond 2 a.m. on any Monday through Friday night and 1 a.m. on Saturday night.
- (c) Class B and Class D licensees shall not permit the sale or consumption of alcoholic beverages on the licensed premises before 11:00am on Sunday.
- (d) No licensee shall permit the sale or consumption of alcoholic beverages at the licensed premises on any day or any time when the sale thereof is prohibited by state or federal law.
- (e) The sale of alcoholic beverages shall be lawful during the polling hours of any election; however, the sale of alcoholic beverages within 250 feet of a polling place is unlawful during such hours that the polls are open. Distance shall be calculated by the same provisions found in Section 4(i)(iii), supra.

- (f) No licensee shall permit the sale or consumption of any alcoholic beverages at the licensed premises on Christmas Day.

Section 11 – Building Requirements

- (a) No Class A or Class C license shall be issued for any premise where the building to be utilized for commerce is less than 1,000 square feet.
- (b) No alcoholic beverage license shall be issued for any premise where the building to be utilized for commerce has not passed inspection by the State Fire Marshall.

Section 12 - Sales to intoxicated persons; gambling; disorderly conduct, Prohibited

- (a) No licensee shall permit the sale of alcoholic beverages to any person who is noticeably intoxicated or allow the congregation of noticeably intoxicated persons on licensed premises.
- (b) No licensee shall permit any gambling, betting, illegal lottery, or other device for the hazarding of any money or other thing of value on the licensed premises, except that this prohibition shall not apply with respect to a properly licensed bingo game.
- (c) No licensee shall permit on the licensed premises any disorderly conduct, breach of the peace, or noise or activity which is disturbing to the surrounding neighborhood.

Section 13 – Breaking Package or Drinking on Premises Prohibited

It shall be unlawful for any person to open or consume any alcoholic beverages on premises of an establishment holding only a Class A and/or C license for the sale of alcoholic beverages by the package. In each retail sales location holding a Class A and/or Class C license, there shall be permanently posted and clearly visible to customers, at least two notices in letters at least two inches high, the following language:

***NOTICE: IT IS UNLAWFUL TO OPEN ALCOHOLIC BEVERAGE
CONTAINERS ON PREMISES.***

Section 14 – Brown Bagging Prohibited

It shall be unlawful for any person or establishment to open, consume, or allow to be opened or consumed any alcoholic beverages on premises of an establishment if said beverage was not purchased on the licensed premises. Holding a Class B and/or D license shall not be a defense for the establishment or the patron.

Section 15-Excise Taxes on Beer

- (a) There is hereby levied and imposed upon the sale of beer within the county, a specific excise tax as follows:

- (1) Where beer is sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15 ½ gallons and a proportionate tax at the same rate on all fractional parts of 15 ½ gallons; and
 - (2) Where beer is sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (b) The excise taxes provided for in this section shall be imposed upon and shall be paid by the licensed wholesale dealer in beer. Each wholesale dealer selling beer within the county shall file a report with the county by the tenth day of each month showing the exact quantities of beer, by size and type of container, sold during the preceding calendar month within the county. Each wholesale dealer shall remit to the county on the tenth day of the month after the calendar month in which such sales were made the amount of excise tax due in accordance with this section.

State Law Reference – Local excise tax on beer required, O.C.G.A. § 3-5-80.

Section 16 – Excise Taxes on Wine

- (a) There is hereby levied and imposed upon the sale of wine within the county, a specific excise tax in the amount of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.
- (b) The taxes imposed by this section shall not be levied with respect to:
 - (1) Wine sold to and used by established and recognized churches and synagogues for use in sacramental services only;
 - (2) Any sale of wine which is exempt from taxation by the state under the Constitution of the United States;
 - (3) Wine sold to persons outside the state for resale or consumption outside the state; or
 - (4) Wine which contains less than one-half of one percent alcohol.
- (c) The excise taxes as provided for in this section shall be imposed upon and paid by the licensed wholesale dealing in wine, and each wholesale dealer of wine within the county shall file a report with the county manager by the tenth day of each month showing the exact quantities of wine, by size and type of container, sold during the preceding calendar month within the county. Each wholesale dealer shall remit to the county on the tenth day of the month after the calendar month in which such sales were made the amount of excise tax due in accordance with this section.

Section 17 – Excise Taxes on Distilled Spirits

- (a) There is hereby levied and imposed upon the sale of distilled spirits within the county, a specific excise tax in the amount of \$0.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

- (b) The excise taxes as provided for in this section shall be imposed upon and paid by the licensed wholesale dealing in distilled spirits, and each wholesale dealer of distilled spirits within the county shall file a report with the county manager by the tenth day of each month showing the exact quantities of wine, by size and type of container, sold during the preceding calendar month within the county. Each wholesale dealer shall remit to the county on the tenth day of the month after the calendar month in which such sales were made the amount of excise tax due in accordance with this section.

Section 18 – Grandfather Clause

Notwithstanding anything in this chapter to the contrary, the board’s enactment of this chapter will not revoke or suspend any existing license of a licensee. Nor shall this enactment prevent a licensee who as of the date of the enactment of this Ordinance holds a then-current Class C license from applying for a Class B or Class D license because their business or licensed premises may not qualify as a restaurant under this Ordinance. Further, any licensee holding a valid Toombs County Beer & Wine License at the time of this enactment shall be exempt from the Application Fee imposed by this Ordinance. The “grandfather” clauses of this section shall remain valid until a change occurs to the current license applied for, the current licensee, or the current location of the licensed premises. Except as provided herein by this section, upon the board’s enactment of this chapter, any license issued pursuant to this chapter shall comply with all parts of this Ordinance.

Section 18 – Right to Audit

By acceptance of an alcoholic beverage license, the licensee agrees to submit to random audits by the Board or its agents for proof of conformity to any section of this Ordinance. Such audit may include financial statements and/or books of the licensee. Failure to participate in such audit shall be grounds for revocation of license.

Section 19- Effective Date

This Ordinance shall become effective as of July 1, 2019.

SO RESOLVED THIS _____ DAY OF _____, 2019.

Chairman, Toombs County Board of Commissioners

I do hereby attest the above resolution was read and adopted in Regular Session on _____, 2019.

County Clerk

“Exhibit A”

**NOTICE OF ALCOHOLIC BEVERAGE APPLICATION
TO THE
TOOMBS COUNTY BOARD OF COMMISSIONERS**

Name of Applicant -

Proposed Licensed Premises-

Class of License(s) Sought (mark all applicable):

- Class A- Beer/Wine by the Package
- Class B- Beer/Wine by the Drink
- Class C- Distilled Spirits by the Package
- Class D- Distilled Spirits by the Drink

The above notice must be a minimum of 1/32 of a page.

APPLICANT IS RESPONSIBLE FOR ADVERTISEMENT FOR TWO CONSECUTIVE WEEKS IN THE TOOMBS COUNTY OFFICAL ORGAN UPON FIRST APPLICATION FOR ANY NEW CLASS OF LICENSE.