

**STATE OF GEORGIA
CITY OF CONCORD**

ORDINANCE NO. 20-01

AN ORDINANCE TO AMEND CHAPTER 3 OF THE CITY OF CONCORD CODE OF ORDINANCES ENTITLED “ALCOHOLIC BEVERAGES”; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**BE IT ORDAINED BY MAYOR AND CITY COUNCIL OF
THE CITY OF CONCORD, GEORGIA**

SECTION 1. Code Chapter Amended. Chapter 3 of the Code of Ordinances of the City of Concord, Georgia, entitled “Alcoholic Beverages” is hereby amended by deleting said Chapter in its entirety and substituting in lieu thereof a new Chapter 3 and new sections thereunder to be entitled “Alcoholic Beverages” which shall read as follows:

**Chapter 3
Alcoholic Beverages**

Article I. Purpose; Definitions; Compliance

Sec. 7-3-1 Purpose

This chapter is enacted in furtherance of the police powers of the City to promote the health and general welfare of its citizens; to regulate and control the licensing and sale of alcoholic beverages; to establish reasonable regulations and ascertainable standards for licensees which will ensure the public peace; to protect schools, churches, and residential areas from the negative secondary effects attributable to establishments that sell alcoholic beverages; and to ensure that only qualified persons obtain licenses for the sale, manufacture or distribution of alcoholic beverages.

Sec. 7-3-2 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. The definitions contained in O.C.G.A. §§ 3-1-2, 3-4-1, 3-5-1, 3-6-1, and 3-11-1, as amended, are hereby incorporated by reference.

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

Alcoholic Beverages means all alcohol, distilled spirits, malt beverage, wine, or fortified wine.

Authorized catered function means an event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, for consideration, and sold, dispensed or provided free of charge to persons present at the event, by the drink, pursuant to a permit obtained under this ordinance.

Business Entity means a duly incorporated business registered to do business in the State of Georgia, or a firm, partnership, joint venture or similar entity that can document to the satisfaction of the Governing Authority its existence as a tax-paying entity for a period of at least one (1) year prior to obtaining a license.

Brewer (see manufacturer)

Brewpub means any eating establishment in which malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. As used in this definition, the term “eating establishment” means an establishment that derives at least 50% of its total annual gross food and beverage sales from the sale of prepared meals or food.

Church means any permanent building which houses the main sanctuary in which persons regularly assemble for religious worship and which is publicly designated as a church and which is either owned or held under a lease of at least five years by or on behalf of such persons, but shall not include a residence also used for religious purposes. The term “church” shall not include the temporary housing of a religious group in an otherwise commercial center.

City means the incorporated area of the City of Concord, Georgia.

County means Pike County, Georgia.

Distiller (see manufacturer)

Distilled Spirits means the product of the distillation of any liquid, whether rectified or diluted, whatever may be the origin thereof, and shall include synthetic ethyl alcohol, brandy, rum, whiskey, gin, cordials, or other spirituous liquors by whatever name called, to include fortified wines as defined by the Federal Alcohol Administration.

Employee means any person who performs any service for a licensee at the business location of the licensee whether for compensation or otherwise when the services performed directly relate to the sale of alcoholic beverages.

Farm Winery Tasting Room shall have the same meaning as defined in O.C.G.A. § 3-6-21.1.

Governing Authority means the Mayor and City Council of the City of Concord.

License means the official authorization of the governing authority to sell by package or by drink distilled spirits, alcoholic beverages.

Licensed alcoholic beverage caterer means any person licensed for the sale of alcoholic beverages by the state and who possesses a license by a local government in the state authorizing such person to sell or dispense alcoholic beverages by the drink off the licensed premises and in connection with an authorized catered function.

Licensee means any person, firm or corporation duly authorized by the governing authority to sell by package or by drink distilled spirits, alcoholic beverages.

Malt Beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six (6) percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term does not include sake, known as Japanese rice wine.

Managing Agent means an individual designated by resolution of a corporation, LLC or other business entity (other than a sole proprietorship) to apply for a license as provided herein and to manage the day to day operations of the premises.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term 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 malt beverages, any brewer; and
- C. In the case of wine, any vintner.

Minor means any person under the age of twenty-one (21) years as provided by state law.

Package Store License means a license issued to a retail dealer for the sale of malt beverages and/or wine in sealed containers for consumption off the premises, generally known as the sale of malt beverages or wine “to go”.

Premises means the definite location, whether a room, shop or building, wherein a license has been granted to sell by package or by drink malt beverages, and/or wine.

Private Club means any nonprofit association organized under the laws of the State of Georgia which:

1. Has been in existence at least one (1) year prior to filing of its application for a license hereunder;
2. Has at least seventy-five (75) regular dues paying members;
3. Owns, hires or leases a building or space within a building for the reasonable use of its members, which building or space has suitable kitchen and dining room space and equipment, and is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and
4. 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 the amount of such salary as may be fixed by the members of the private club at any annual meeting or by its governing board out of the general revenue of the club.

Pouring License means a license issued by the governing authority to authorize the sale of alcoholic beverages by the drink for consumption on the premises. The sale of distilled spirits by the drink for consumption on the premises is only permitted at restaurants.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and having employed therein a sufficient number and kind of employees to prepare cook and serve suitable food for its guests. A restaurant shall derive at least fifty percent (50%) of its total annual gross food and beverages sales from the sale of prepared meals or food.

Retail Dealer means any person selling malt beverages and/or wine directly to the consumers.

Specified Anatomical areas shall mean any of the following:

1. Less than completely and opaquely covered human genitals or pubic region; cleft of the buttocks, or any portion of the female breast encompassed within an area falling below the horizontal line one would have to draw to intercept a point above the top of the areola, or any portion of the areola, or any simulation thereof. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard,

- bathing suit, or other wearing apparel, provided the areola is not so exposed; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean and include any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
3. Masturbation, actual or simulated; or
4. The displaying of the male or female pubic hair, anus, vulva or genitals; or
5. Excretory functions as part of or in connection with any of the activities set forth in 1 through 4 above.

Wholesale Dealer means any person selling alcoholic beverages to retailers and not to consumers.

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

Sec 7-3-3 License Required

No alcoholic beverages shall be sold in the City except under a license granted by both the State of Georgia and the City. The sale of distilled spirits by the package is prohibited in the City at this time.

Sec 7-3-4 Compliance with Chapter

No application for a license shall be approved until all applicable provisions of this chapter shall have been fully and completely complied with.

Sec 7-3-5 Knowledge of Chapter

All holders of a license for the sale of alcoholic beverages shall keep a copy of this chapter on the premises and shall be familiar with the terms of this chapter and shall instruct any person working there to be familiar with the terms of this chapter. It shall be unlawful to sell alcoholic beverages without compliance with this chapter.

Sec 7-3-6 Compliance with State and Federal Laws

All applicable provisions of O.C.G.A. Title.3, Alcoholic Beverages, are hereby adopted by reference. No licensee under this chapter shall engage in the sale of alcoholic beverages in violation of any state or federal laws. No license for the sale of alcoholic beverages shall be granted for any premises if such location is prohibited by O.C.G.A. § 3-3-21, or any subsequent amendment thereof.

Article II. Application

Sec 7-3-7 Filing of Application

All applications for licenses for the sale or distribution of alcoholic beverages shall be filed in person by the applicant at City Hall and shall consist of a completed form or forms furnished for application purposes by the City and fully in compliance with the criteria hereinafter set out. All applications shall be filed at least ten (10) days prior to the next regular meeting of the Governing Authority to be considered at that meeting. All applications shall be fully executed by the applicant. Where the applicant is not the owner of the premises, a copy of applicant’s lease with the owner must be submitted. Each question on the form(s) shall be answered accurately and under oath. The willful making of any false statement as to a material matter on any application for a license to sell wine and malt beverages shall constitute grounds for denying such license and/or for revocation of any license issued.

(1) If the applicant is a partnership, LLC, or other business entity, other than a sole proprietorship, applicant must submit a copy of its organizational documents and all members of the business entity shall execute it and meet the requirements of an applicant under this chapter at the time application is made and at all times during which the license is in effect.

(2) If the applicant is a corporation, it must submit a copy of the articles of incorporation, certificate of incorporation, by-laws, and other organizational documents, and the president and secretary must in all respects meet the minimum requirements to qualify for the issuance of a license. In the case of business entity applicants whose primary business is the operation of an alcoholic beverage establishment, the majority stockholder must meet the requirements of an applicant under this chapter at the time application is made and at all times during which the license is in effect. Where the applicant is a business entity whose primary business is other than the operation of an alcoholic beverage establishment, a managing agent of such business entity involved or to be involved in the active management of the business to be licensed, must apply for the license and meet the requirements of an applicant under this chapter at the time application is made and at all times during which the license is in effect.

(3) Any person, firm or business entity who or which owns property leased to an applicant, which lease provides for payment based upon the level of alcoholic beverage derived income, shall be considered a co-applicant and must meet all qualifications contained herein.

Sec 7-3-8 Specification of license applied for

An applicant may apply for more than one license on the same application for the same location, nevertheless, each individual license shall be approved or denied separately by the Governing Authority.

Classification

The following licenses are available for the sale alcoholic beverages:

Malt Beverage Package: permits the retail sale of closed containers of malt beverages directly to consumers

Malt Beverage Pouring: permits the retail sale of open containers of malt beverages directly to consumers

Wine Package: permits the retail sale of closed containers of wine directly to consumers

Wine Pouring: permits the retail sale of open containers of wine directly to consumers

Distilled Spirits Pouring: permits the retail sale of open containers of distilled spirits directly to consumers

Farm Winery: permits the manufacture and wholesale of wine up to 24,000 gallons per calendar year. To qualify for a Farm Winery at least 40% of annual production must come from agricultural produce grown in Georgia.

Farm Winery Tasting Room: permits the retail sale of wine produced by a Georgia Farm Winery for consumption on the premises and/or closed packages for consumption off the premises.

Brewpub: permits the manufacture and sale of not more than 10,000 barrels of malt beverage at a location that also holds a Malt Beverage Package and/or Malt Beverage Pouring License. This also permits the licensee to sell a maximum of 5,000 barrels per year to a licensed wholesale dealer.

Brewer: permits the manufacture and sale of not more than 3000 gallons per calendar year for consumption on the premises and/or closed container sales for consumption off premises

Special Event (nonprofit): permits the sale of wine and malt beverages in open containers for a limited and specific time period during an event sponsored by a certified non profit organization

Authorized Catered Function: permits the sale of wine and malt beverages in open containers for a limited and specific time period during an event by a person or entity that holds a valid alcohol permit in another location and/or jurisdiction

Wholesale dealer/distributor: Permits the sale of alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Manufacturer of Alcoholic Beverages: Permits the making, producing, or bottling of an alcoholic beverage.

The sale of distilled spirits by the package is expressly prohibited. The sale of distilled spirits by the drink is only permitted at restaurants.

The holding of one license does not entitle the holder to any other type of license, each will be individually decided upon by the Governing Authority.

Restaurants with a valid pouring license are authorized to allow patrons to remove one unsealed bottle of wine per patron for consumption off premises if the patron has purchased a meal and consumed a portion of the bottle of wine with their meal on the premises. This is commonly referred to as "brown bagging" and does not require a separate license. Please refer to O.C.G.A. § 3-6-4 for all requirements.

Restaurants with a valid pouring license are authorized to allow or disallow patrons to bring their own alcoholic beverages to be consumed on the premises. This does not require a separate license. This is commonly referred to as BYOB.

Authorized Catered Functions

Any person, partnership, or corporation who holds a malt beverage and or wine package and pouring license can also make application to sell the same off the licensed premises at an authorized catered function. Fifteen (15) days' notice must be given to the City Clerk before off premises sales are allowed. A separate permit must be issued for each event, the fee of which is decided upon by the Governing Authority and posted in the office of the City Clerk. All state location restrictions will still apply.

Special Events (non profit)

Nonprofit civic organizations may qualify for a temporary permit from the commissioner of the department of revenue to sell alcoholic beverages for the consumption on the premises for a period not to exceed three (3) days. No more than six (6) permits may be issued to a non-profit organization in any calendar year. An authorized representative of a nonprofit civic organization may apply to the City Clerk for a letter certifying the date, time and event location as a condition for seeking a temporary permit from the commissioner of the department of revenue. The City shall not impose a fee or charge for such letter.

Sec 7-3-9 Fingerprints

Each applicant shall furnish a complete set of fingerprints to the County Sheriff's office who shall search the files of the Georgia Bureau of Investigation (GBI) for a period of two (2) years (O.C.G.A. § 3-3-2) immediately preceding the date of application for any instance of criminal activity, and the fingerprints shall also be submitted to the Federal Bureau of Investigation (FBI) under rules established by the United States Department of Justice for processing and identification of records. The records from the GBI and the FBI will be forwarded by the sheriff's office to the office of the Governing Authority to become part of the application, but will be held separately in a secure location and will only be viewed and/or disseminated to those persons who have completed training as may be required by state and federal laws. Tender of an application for an alcohol license shall serve as an express authorization to the City to conduct an investigation into the background of the applicant and all others authorized in this chapter.

Sec 7-3-10 Other information needed

The applicant is also required to provide his/her name, complete address and phone number, address for the past five (5) years, employers for the past five (5) years, and a listing of any other license held in any other jurisdiction for alcoholic beverages and any revocation of such license. A detailed drawing is required of the building which will house the business, including the outside area with all businesses within three hundred (300) feet of the building identified, dining area, restrooms, kitchen and the area reserved to store any alcoholic beverages.

Sec 7-3-11 Posting of Notice

Once an application for the sale or distribution of alcoholic beverages is made, the applicant has three (3) days to post a sign at least twenty-four (24) inches by thirty-six (36) inches with letters at least four (4) inches in height on the front door of the premises proposed for the location of the business to be licensed and upon a prominent place on the lot where the business for which the license is proposed is located, to be no more than ten (10) feet from the public street on which said business faces, which sign shall state: "Application Pending for this Location for License to Sell Alcoholic Beverages" whichever is applicable. This sign shall remain in place until the application is acted upon by the Governing Authority.

Sec 7-3-12 Application Fee

There shall be a non-refundable application fee attached to the application in an amount set by the Governing Authority and posted in the office of the City Clerk.

Sec 7-3-13 Application Review by the Governing Authority

Once the application is complete, the City Clerk will submit the application to the Governing Authority for approval or denial at its next regularly scheduled meeting. The applicant, or at least one general partner of the partnership, member or manager of the LLC, or officer of the corporation, or the managing agent shall be present to answer any questions that may be submitted to them by the Governing Authority. Failure to attend the meeting may be grounds for denial or delayed consideration of the application. Other grounds for denial are found in this ordinance. If the Governing Authority finds, upon motion and majority approval, the application is in good order and granting approval of the license(s) meets the standards set under this ordinance, the Governing Authority will instruct the City Clerk to generate the license(s) so approved.

Article III. Grounds for Denial

Sec 7-3-14 Age and Residency Requirements

No license shall be granted to any person as defined herein unless such person is of legal age and is a citizen or resident legal alien of the United States of America.

Sec 7-3-15 False Statements on Application

The making of any statement on the application that is found to be false is grounds for denial of the application.

Sec 7-3-16 Character

(a) In no event shall any license be granted to any person where any of the individuals, or officers, as the case may be, have, within two years (2) immediately prior to the filing of the application, entered a plea of guilty or a plea of nolo contendere, or shall have suffered any conviction of any kind involving particularly, but not limited to, alcoholic beverages, of the state or of any locality or of the United States, if such plea or conviction tends to indicate that the applicant will not maintain the operation for which he is seeking a license in conformity with local, state or federal laws.

(b) In no event will a license be granted if the applicant at any time has had a license for distilled spirits, alcoholic beverage revoked at any location, whether in this county or otherwise if it indicates the applicant will not maintain the operation for which he is seeking a license in conformity with local, state or federal laws.

(c) A license application may be denied to any applicant 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 applicant is

intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.

(d) The Governing Authority, in its discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or proposed location of the business. If in their judgment circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstance may be grounds for denying the application.

(e) The restrictions of this subsection as to stockholders shall apply only to stockholders of privately owned corporations and to stockholders of publicly owned corporations who hold in excess of fifty percent (50%) of outstanding stock.

Sec 7-3-17 Zoning Requirements

No license shall be granted to an establishment that does not meet all zoning and building regulations.

Sec 7-3-18 Payment of Taxes

No application for a license required by this chapter shall be approved unless the applicant and/or the property owner of the establishment to be licensed (if different from the applicant) thereof shall have fully paid all ad valorem taxes and occupational taxes due to the City and County.

Sec 7-3-19 Location

No application for any license to sell alcoholic beverages shall be approved where the proposed location of the business is within 100 yards of any school building, school grounds, or college campus. However, this shall not prohibit a grocery store licensed for the retail sale of only wine and malt beverages within 100 yards of any school building, school grounds, or college campus, where so otherwise permitted. For this purpose, the term "grocery store" shall mean a retail establishment which has a total retail floor space of at least 10,000 square feet of which at least 85% is reserved for the sale of food and other nonalcoholic items, conducts all of its sales inside the building containing its retail floor space, and meets such other criteria as may be required in the City's Zoning Ordinance. Sale of any distilled spirits, wine, or malt beverages within 100 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein is prohibited. O.C.G.A. § 3-3-21

The distance herein prescribed shall be measured in the following manner:

- From the front door of the structure from which alcoholic beverages is offered for sale;

- In a straight line to the nearest public sidewalk, walkway, street, road or highway;
- Along such public sidewalk, walkway, street, road or highway by the nearest route;
- To the front door of the building, or to the nearest portion of the grounds, whichever is applicable under the appropriate state statute.

The premises cannot, at the time of application, be the subject of an ordinance violation enforcement investigation. The front entrance of the premises must be clearly visible from a public street.

Sec 7-3-20 Written statement of denial

If the application for a license is denied, the denial shall issue a written statement to the applicant with ten (10) days of the decision, which statement shall set forth the reason or reasons for denial.

Sec 7-3-21 Hearing

Any person aggrieved by any act or omission of the Governing Authority with respect to its proceedings as to issuance of a license under this chapter shall have the right to move for a hearing and reconsideration of the matter. Such motion for a hearing shall be filed within ten (10) calendar days after the receipt of the notice of denial, shall be in writing, and shall outline the manner in which such protestant believes that the City has erred. If the motion relates to a matter as to which evidence has already been heard, no additional evidence or argument shall be permitted on the motion for a hearing except after a grant thereof by the Governing Authority for good cause shown. The Governing Authority shall afford a hearing within sixty (60) calendar days after the filing of the motion, with at least ten (10) calendar days written notice having been served upon the protestant, which notice shall state the protestant has the right to appear in person at a date and time specified in said notice, and that the protestant shall be allowed to be represented by counsel, and may introduce oral and documentary evidence under oath, and may examine and cross examine witnesses.

Article IV. License

Sec 7-3-22 License Fee

A license fee for alcoholic beverages will be established by the Governing Authority and will be posted in the office of the City Clerk.

Sec 7-3-23 Transferability

No license issued under this chapter shall be assignable or transferable. In the event a licensed business is moved, sold or closed or no longer directly operated by the licensee, the licensee shall immediately surrender his license to the City Clerk. All licenses shall be issued to specific persons and for a specific location. Change of business interest from one (1) party at interest named in the original application to another party at interest named in the original application shall not be deemed a transfer of a license. In such instance, however, the licensee shall notify the City Clerk in writing of such change, and fully disclose the facts in connection therewith, within seven (7) days from the date of such change. Whenever a licensee is a business entity, other than a sole proprietorship, a new license application shall be required subsequent to any change in more than 10 percent (10%) of the ownership of the licensed business entity where a new owner joins said business entity.

Sec 7-3-24 Licenses to be Displayed

Licenses granted for the manufacturing, sale or distribution of alcoholic beverages must be displayed at all times on the premises for which the same was issued in the same location as is displayed the occupational tax certificate.

Sec 7-3-25 Term

All licenses issued by the City shall be issued on a calendar year basis and shall expire, regardless of the date of issuance, on the last day of December of each year.

Sec 7-3-26 Renewals

Applications for a renewal license shall be provided to the City by November 1 for the following year for the Governing Authority to act upon by December 31. Renewal applications will be made available in the City Clerk's office. Re-advertising is not required, however, fingerprints must be resubmitted to the Pike County Sheriff's Office every two (2) years. Any license not renewed by December 31st of each year will become void on January 1st and the license holder must reapply following the same procedure as a new license.

Sec 7-3-27 Failure to open or operate

All holders of licenses issued hereunder must, within six months after the issuance of such license, open for business the establishment referred to in the license. Failure to open the licensed establishment within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

Article V: Restrictions and Requirements

Sec 7-3-28 Hours of Operation

It shall be unlawful to sell or offer for sale any alcoholic beverage except between the hours of 7:00 a.m. and 12:00 a.m. (midnight) on Monday through Saturday. All open containers of alcoholic beverages on the premises shall be collected and either properly stored or disposed of not later than thirty minutes after the deadline to stop selling or offering for sale alcoholic beverages by the drink.

Sec 7-3-29 Sales on Election Days

The sale of alcoholic beverages on election days is specifically permitted. However, no licensee or any person in his employ shall sell or offer to sell any alcoholic beverages within two hundred fifty (250) feet of any polling place or the outer edge of any building within which such polling place is established on primary or election days.

Sec 7-3-30 Sale to Minors

No licensee under this chapter shall furnish or cause to be furnished or permit any person in his employ to furnish any alcoholic beverage to any minor. The licensee shall be held responsible for any such sale made by his employees or others in the licensed business premises. The prohibition of this section includes the sale, gift or any other furnishing of alcoholic beverages to minors. The holder of any license for the sale of alcoholic beverages by package or by the drink shall post in a conspicuous place in his place of business a notice with letters not less than four (4) inches in height which shall be clearly visible to all customers entering the establishment as follows: "Sales of any alcoholic beverages to Minors is Strictly Prohibited."

Sec 7-3-31 Furnishing to certain other persons prohibited

No licensee under this chapter shall sell or permit to be sold or otherwise furnish any alcoholic beverages to any person who is physically or mentally impaired due to the consumption of any alcoholic beverage.

Sec 7-3-32 Employment of Persons under the age of 18

It shall be unlawful for any person to allow or require a person under 18 years of age to dispense, serve, sell or take orders for alcoholic beverages; provided, however, that the provisions of this section shall not prohibit minors who are employed in supermarkets, convenience stores, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises, so long as such

minor is under the supervision of at least one (1) adult, whether such adult be the licensee or another employee.

Sec 7-3-33 Consumption on Premises

No retail dealer for the sale of alcoholic beverages shall allow alcoholic beverages to be consumed on its premises unless such dealer has both a package license and a pouring license.

Sec 7-3-34 Requirements Regarding Premises

All businesses holding a license to sell alcoholic beverages must comply with the building ordinances of the City, County, the State of Georgia and the federal government. Each building in which alcoholic beverages will be sold shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times. All premises for which a license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passageways and open areas may be clearly seen.

Sec 7-3-35 State Law Location Restrictions

No license for the sale of alcoholic beverages shall be granted for any premises located at any place, even if in accordance with the City's zoning regulations, if the sale of alcoholic beverages at such location is prohibited by O.C.G.A. § 3-3-21, or any subsequent amendment thereof.

Sec 7-3-36 Adult Entertainment Establishments

(a) 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.

Adult bookstore means an establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such materials or five percent of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult dancing establishment means a business that features live dancers on the premises engaged in displaying or exposing specified anatomical areas.

Adult entertainment establishments shall mean and include adult dancing establishments, exotic dance establishments, adult bookstore, adult motion picture theaters, adult motion picture arcades, and adult video stores.

Adult motion picture arcade means any place to which the public is permitted or invited wherein coins or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater means an enclosed building used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult video store means an establishment having a substantial or significant portion of its stock in trade, video tapes, DVD' s or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Exotic dance establishment means a nightclub, theater or other establishment which features live performances on the premises by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

(b) The Governing Authority takes note of the notorious and self-evident conditions and secondary effects attendant to the commercial exploitation of human sexuality, particularly the problems of crime, blight, and deterioration which are brought about by alcohol and live nudity. It is the finding of the Governing Authority that prohibiting public nudity (either partial or total) under circumstances related to the sale and consumption of alcoholic beverages is in the best interest of the public welfare by furthering legitimate governmental interest, such as reducing criminal activity, protecting against property devaluation and deterioration, and eliminating undesirable community conditions normally associated with establishments which serve alcohol and allow and/or encourage nudity, and that such prohibition will not infringe upon the protected constitutional rights of freedom of speech. Therefore, the sale or consumption of alcoholic beverages is prohibited in Adult Entertainment establishments.

Article VI: Taxes on Malt Beverages and Wine

Sec 7-3-37 Taxes on Wine

There is hereby levied an excise tax computed at the rate of \$.22/liter which shall be paid to the Governing Authority on all wine sold, displayed or stored in the City. Said tax shall be paid to the Governing Authority by the wholesale distributor on all wine sold to the licensees for the sale of wine, as follows: Each wholesale distributor selling, distributing or in any way delivering wine to any such licensee shall collect the tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. The \$.22/liter shall be pro-rated so that each bottle or each individual sized container shall be taxed on the basis of \$.22/liter. It shall be unlawful and a violation of this division for any such licensee to possess, own, hold, store, display, or sell any wine on which such tax has not been paid.

Sec 7-3-38 Taxes on Malt Beverages

There is hereby levied an excise tax computed at the rate of \$.05 per twelve ounces which shall be paid to the Governing Authority on all malt beverages sold, displayed or stored in the City. Said tax shall be paid to the Governing Authority by the wholesale distributor on all malt beverages sold to the licensees for the sale of malt beverages, as follows: Each wholesale distributor selling, distributing or in any way delivering malt beverages to any such licensee shall collect the tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the tenth day of the month following. The \$.05 per twelve ounces shall be pro-rated so that each bottle or each individual sized container shall be based on \$.05 per twelve ounces. It shall be unlawful and a violation of this division for any such licensee to possess, own, hold, store, display, or sell any malt beverages on which such tax has not been paid.

Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 of 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.

Sec. 7-3-39 Taxes on Distilled Spirits by the Drink

There is imposed an excise tax upon the sale of distilled spirits by the drink, which tax shall be three percent (3%) of the charge to the public, members or guests for the beverages. Each licensee shall collect, report and remit the tax in the manner described in Section 2.

Sec 7-3-40 Excise tax for private clubs

An excise tax of three percent (3%) is hereby imposed of private clubs pursuant to O.C.G.A. § 3-7-61.

Sec 7-3-41 Failure to make timely reports and/or false or fraudulent reports

The failure of any wholesale dealer in distilled spirits, wine and/or malt beverages to make a timely report or remittance as provided in this article shall render a wholesaler dealer liable for a penalty equal to ten (10) percent of the total amount due during the first thirty-day period following the date such report and remittance were due and further penalty of twenty-five (25) percent of the amount of such remittance for each successive thirty-day period or any portion thereof during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to fifty (50) percent of the amount of the remittance which would be required under an accurate and truthful report.

Article VII. Revocation or Suspension

Sec 7-3-42 Grounds for Revocation or Suspension

The following shall be considered just cause for suspension or revocation of any license issued under this chapter:

- (1) The performance of any act prohibited by this chapter or the failure to perform any act required by this chapter, as well as the violation of any state, local or federal law, particularly, but not limited to, those involving alcoholic beverages, if such violation tends to indicate that the licensee will not maintain the operation of the business licensed in conformity with state, local or federal laws. If such act, omission or violation is done by any agent, employee, or officer of the licensee, the lack of knowledge on the part of the licensee or the lack of authorization for such act or omission or violation shall be no defense.
- (2) The conviction of, or the entry of a plea of guilty or nolo contendere to, a drug-related, alcohol, gambling, or sex-related crime, or any crime involving moral turpitude, or any violation of this Chapter.
- (3) The occurrence on three (3) or more occasions within any twelve-month period on the licensed premises of fights, disorderly conduct, drunkenness, breach of the peace and other similar conduct, whether the same be committed by the licensee or by customers or by others.
- (4) The employment or use of any person live, in any capacity, in the sale or service of alcoholic beverages or food while such person is unclothed or in such attire, costume or clothing, as to expose any portion or his or her specified anatomical areas as defined herein.

(5) Live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her specified anatomical areas or where such person performs acts or specified sexual activities or acts which simulate specified sexual activity, as defined herein.

(6) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where live patrons of the licensed establishment are encouraged or allowed to engage in any or the conduct proscribed above.

Sec 7-3-43 Suspension or Revocation of License

In the event the licensee violates any regulation or restriction as defined in this chapter or any laws of the state or has committed a crime of moral turpitude as defined by state law, then the license of the licensee shall be subject to immediate suspension pending a hearing. The Governing Authority hereby empowers the Mayor to issue orders of immediate suspension of any license issued under this chapter provided that said Mayor receives clear and convincing evidence indicating either a violation of the prohibitions of this chapter or of state law relating to alcoholic beverages or any general law, the violation of which is a crime of moral turpitude as defined by state law. In such cases, the Mayor or his agent shall immediately enter upon the premises of the licensee, post a notice in a place where it can be seen by the general public and notify the licensee or its agent on the premises that the license is suspended pending a hearing. A notice of the immediate suspension shall also be delivered to the licensee at the address given when applying for the license. The immediate suspension order and notice shall contain the following information:

- A brief description of the reason for the issuance of the order for immediate suspension of the license;
- The date, time and place of the hearing before the Governing Authority; and
- Notice to the licensee and the general public that the licensee's permission to engage in the sale of distilled spirits, alcoholic beverages has been suspended pending the outcome of the hearing and any continuation of the business pursuant to the suspended license is a further violation of this chapter and state law.

Within seven (7) days after the issuance of such order, unless the seventh day falls on a Sunday or a holiday, the Governing Authority shall convene for a hearing on the issue of continued suspension or permanent revocation of the license. If the seventh day falls upon a Sunday or a holiday, the time shall be extended until the next day that is neither a Sunday nor a holiday. At the hearing, the licensee shall have the right to appear in person and by attorney and both the Governing Authority and the licensee shall have the right to present evidence under oath, introduce documentary evidence, cross examine witnesses, and generally present evidence of violations of this division or the absence thereof, such hearing to be open to the public.

Sec 7-3-44 Rehearing

Any person aggrieved by any act or omission of the Governing Authority with respect to its proceedings involving revocation or suspension or forfeiture of any part of a bond under this article shall have the right to move for a rehearing. Such motion for rehearing shall be filed within five (5) calendar days after the act or omission complained of, shall be in writing, and shall outline the manner in which such protestant believes that the Governing Authority has erred. If the motion relates to a matter as to which evidence has already been heard, no additional evidence or argument shall be permitted on the motion for rehearing except after a grant thereof by the Governing Authority. If the matter of which complaint is made is not the subject of a prior hearing at which the protestant was permitted to be present and heard, the Governing Authority shall afford a hearing within ten (10) calendar days after the filing of the motion, of which three (3) calendar days written notice shall be given to the protestant, at which rehearing the protestant shall be allowed to appear, be represented by counsel, introduce oral and documentary evidence and examine and cross examine witnesses.

Sec 7-3-45 Time Limitations on New Licenses

When a license issued under this chapter has been suspended or revoked under the provisions of this article, no application for a new license for the same location will be received for a period of twelve (12) months thereafter; and no application for a new license from the licensee involved shall be received for a period of twenty-four (24) months.

SECTION 2. Sections 2-5-41 and 2-5-42 are hereby repealed in their entirety and shall be marked as "Reserved."

SECTION 3. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia.

SECTION 4.

A. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

B. It is hereby declared to be the intention of the City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other Section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the City Council that, to the greatest extent

allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

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

SECTION 5. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

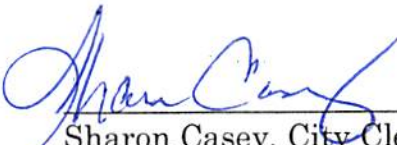
SECTION 6. Effective Date. This ordinance shall become effective immediately upon its adoption by the Governing Authority, Georgia.

SO ORDAINED this 11th day of February, 2020.

CITY OF CONCORD, GEORGIA


JOHN STRICKLAND, MAYOR

Attest:


Sharon Casey, City Clerk



FIRST READING: 01/14/2020

SECOND READING: 02/11/2020

CONCORD ALCOHOLIC BEVERAGES ORDINANCE

**STATE OF GEORGIA
CITY OF CONCORD**

ORDINANCE NO. 19- 01

TO ANNEX APPROXIMATELY 6.271+/- ACRES OF PROPERTY OWNED BY MARY WALKER HOFFMAN INTO THE CITY OF CONCORD, GEORGIA ("CITY") PURSUANT TO THE CHAPTER 36 OF TITLE 36 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; TO PROVIDE FOR APPROPRIATE ENTRIES UPON OR ADDITIONS TO THE OFFICIAL MAP OF THE CITY AND ALL OTHER RECORDS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE OF ANNEXATION; AND FOR OTHER PURPOSES

WHEREAS, on August 7, 2019, the City received an application for annexation pursuant to the one hundred percent (100%) method of annexation as provided under Section 36-36-20 *et seq.* of the Official Code of Georgia; and

WHEREAS, said application is included in Appendix "A" of this ordinance and attached hereto and incorporated by reference as part of this ordinance; and

WHEREAS, the property to be annexed is now owned by Mary Walker Hoffman, and the application for annexation was submitted by Mary Walker Hoffman (the "Applicant"); and

WHEREAS, the City finds that said annexation will not create any unincorporated islands, and further finds this annexation to be in the best interest of the public health, safety and welfare of the citizens of the City and the Applicant; and

WHEREAS, the City has provided the County with applicable notice of this application as required by law; and

WHEREAS, the Mayor and Council now wish to adopt an ordinance to annex the property described in the application and instruct the City Clerk and City Attorney to carry out those steps necessary effectuate this annexation; and

WHEREAS, the City finds that the property to be annexed is currently zoned residential under the classification system currently in use and effect in unincorporated Pike County, Georgia; therefore, no rezoning is necessary; and

WHEREAS, the City now desires to finalize the annexation of the property.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF
CONCORD, GEORGIA, HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Annexation. The property, as described in Appendix "A" attached hereto and incorporated by reference as part of this ordinance, is contiguous to the City of Concord (the "City") and is hereby annexed into the City and made a part of the City in accordance with Section 36-36-20 *et seq.* of the Official Code of Georgia.

SECTION 2. Zoning. The property, as described in Appendix "A" attached hereto and incorporated by reference as part of this ordinance, is hereby zoned, in accordance with Section 36-66-4(e) of the Official Code of Georgia, with the same classification it was assigned by Pike County immediately prior to annexation of same.

SECTION 3. Official Map and Records. The Mayor and City Clerk are hereby directed to make entries upon or additions to the Official Zoning Map of the City and all other maps and records to the extent necessary to reflect annexation of property contemplated herein.

SECTION 4. Effectuation. The Mayor and Council hereby adopt an ordinance to annex the property described in the application and instruct the City Clerk and City Attorney to carry out those steps necessary effectuate this annexation.

SECTION 5. Severability. In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of Concord that such adjudications shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect as if the invalid or unconstitutional section, sentence, clause or phrase were not originally part of the ordinance.

SECTION 6. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

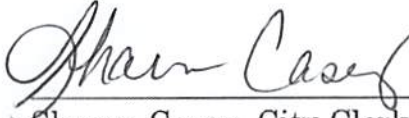
SECTION 7. Effective Date of Annexation. This Ordinance shall take effect immediately upon its adoption by the Mayor and City Council.

SO ORDAINED this 8th day of October, 2019.

CITY OF CONCORD, GEORGIA


JOHN STRICKLAND, MAYOR

Attest:


Sharon Casey, City Clerk



(City Seal)

FIRST READING: September 17, 2019

SECOND READING \ ADOPTION: October 8, 2019

**APPENDIX "A" (ANNEXATION APPLICATION AND LEGAL
DESCRIPTION OF PROPERTY BEING ANNEXED)**

All that tract or parcel of land lying and being in Land Lots 141 & 148 of the 9th District, Pike County, Georgia, and being more particularly described as follows:

COMMENCING at a 1 inch open top pipe found on the northerly right-of-way of Roseview Drive (50' R/W) 383.4 feet southeasterly from the intersection of said right-of-way and the easterly right-of-way of Hollonville Road (aka Concord Road - 80' R/W); thence leaving said right-of-way North 24°33'12" East, a distance of 200.25 feet to a 1 inch open top pipe found; thence North 65°44'29" West, a distance of 108.80 feet to a 1 inch open top pipe found; thence North 24°19'49" East, a distance of 17.63 feet to a 1 inch open top pipe found; thence North 58°03'15" West, a distance of 364.26 feet to a point on the northwesterly city limit line of the City of Concord and the POINT OF BEGINNING; thence North 58°03'15" West, a distance of 61.73 feet to a point on the easterly right-of-way of Hollonville Road; thence along said right-of-way 254.90 feet along a curve to the left, said curve having a chord of North 11°36'03" West 254.77 feet and a radius of 2287.68 feet to a point; thence continuing along said right-of-way North 14°47'35" West, a distance of 133.75 feet to a 3/4 inch rebar found; thence leaving said right-of-way North 72°00'06" East, a distance of 493.98 feet to a point; thence North 87°03'43" East, a distance of 869.15 feet to a point on the northerly city limit line of the City of Concord; thence along said city limit line 1360.62 feet along a curve to the left, said curve having a chord of South 63°06'12" West 1345.61 feet and a radius of 2640.00 feet to a point, being the POINT OF BEGINNING.

Said tract contains 6.271 acres of land.

617692992
 PARTIAL PLAT ID
 BK 53 PG 201-203
 P 2019000075

FILED BY OFFICE
 CLERK OF COURT
 07/27/2019 10:53 AM
 MARY WALKER HOFFMAN, CLERK
 SUPERIOR COURT
 FIVE COUNTY, GA

Mary Walker Hoffman

LEGEND

- BORN FOR SET
- BORN FOR ROAD
- PROPERTY LINE
- ADJOINING PROPERTY LINE
- ADJACENT LAND LOT LINE
- FENCE LINE
- ORIGINATED POWER LINE
- CL. CENTER
- UTILITY POLE
- SM ○ SWIFTWAY MANHOLE
- SM ○ FIRE HYDRANT
- EXISTING ASPHALT

APPROVED FOR RECONSTRUCTION
[Signature]
 LAND SURVEYOR
 DATE 7/26/19
 FIVE COUNTY GEORGIA

The plat "Boundary" as filed in Book 53, Page 201 and 202 and being in compliance with the provisions of the Georgia Code, O.C.G.A. § 44-2-201 and § 44-2-202, and being a correct and true copy of the original as shown to the undersigned by the person or persons who executed the same, is hereby certified to be a correct and true copy of the original as shown to the undersigned by the person or persons who executed the same.

As required by subsection (b) of O.C.G.A. Section 44-2-202, the plat has been prepared by a land surveyor who is duly licensed and qualified to practice the profession of land surveying in the State of Georgia, and who has personally examined the original and the copy of the same and has found them to be correct and true copies of the original as shown to the undersigned by the person or persons who executed the same.

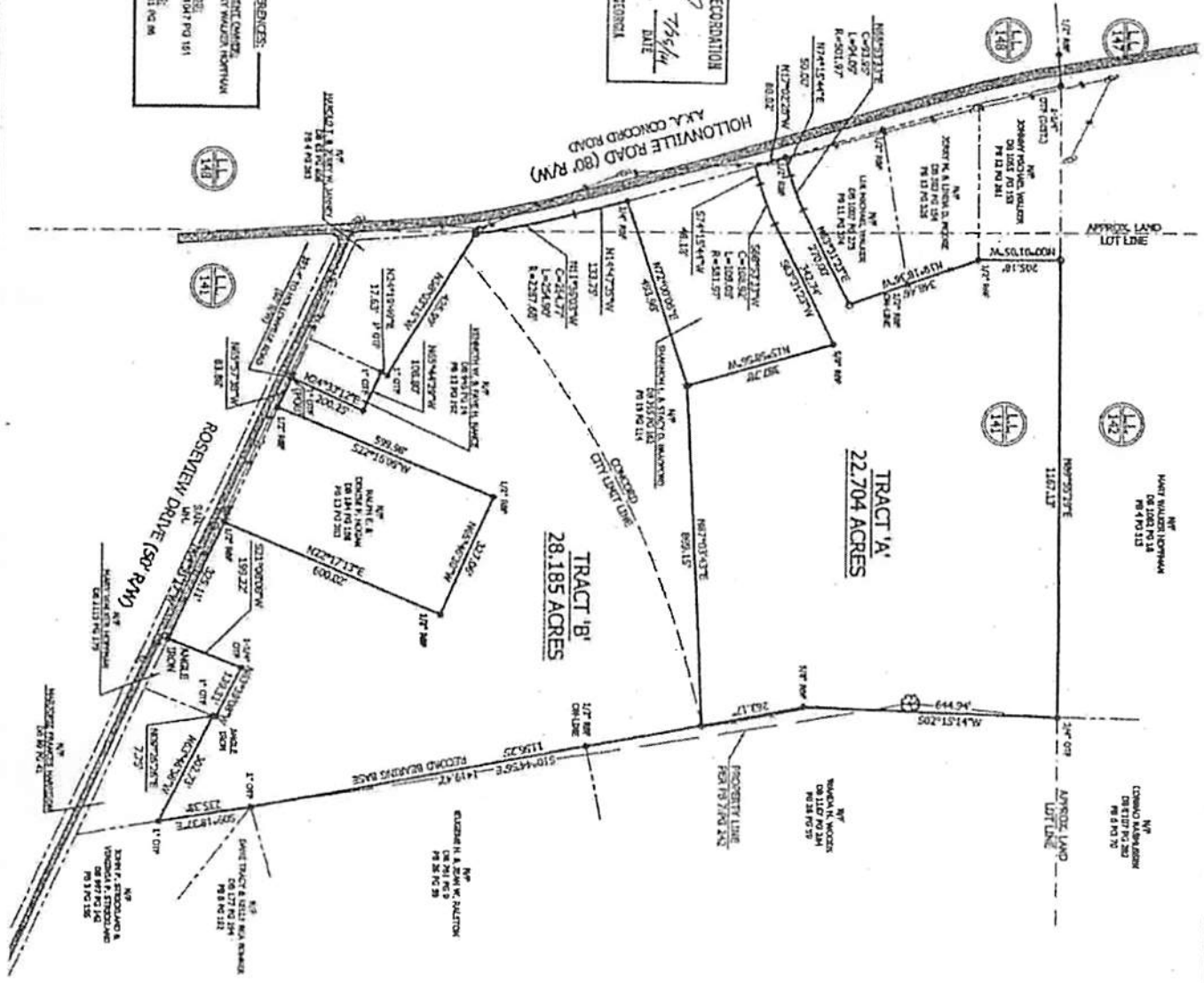
M. A. Walker
 M. A. Walker, C.S. 13372, L.S. 13372

PLAT CERTIFICATION:
 The field data, computed on 1000' x 4" vertical, upon which this plat is based, was obtained from a total station or other electronic distance measuring instrument of one foot or less accuracy and was reduced to mean sea level by the method of vertical curvature. The field data were reduced to mean sea level by the method of vertical curvature. The field data were reduced to mean sea level by the method of vertical curvature. The field data were reduced to mean sea level by the method of vertical curvature.



THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES. THIS SURVEY DOES NOT GUARANTEE THAT ALL EXPOSURES WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

REFERENCES:
 DEPARTMENT OF REVENUE
 PLAT NUMBER 1000000000
 CO 1047 PG 161
 DATE 08/11/06



SES
 ENGINEERING
 PLANNING
 SURVEYING

BOUNDARY SURVEY FOR
MARY WALKER HOFFMAN
 LOCATED IN LAND LOTS 141 & 146 OF THE 9th DISTRICT,
 FIVE COUNTY, GEORGIA

SCANLON ENGINEERING SERVICES, INC.
 221 EAST BANK STREET
 CROFTON, GEORGIA 30523
 PHONE: (678) 242-3475
 FAX: (678) 242-3476

Project #:	514233001	Drawn by:	ES	Review by:	JH	Date:	11/05/2014
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SHEET IDENTIFICATION
 BOUNDARY SURVEY
 SHEET NUMBER
311C
 SHEET 1 OF 1

ORDINANCE NUMBER 2017-01

**AN ORDINANCE OF THE OFFICIAL ZONING MAP OF
THE CITY OF CONCORD, GEORGIA**

WHEREAS, the Mayor of the City of Concord has caused to be prepared a new and comprehensive zoning map for the City of Concord, which map designates the location and boundaries of the City's zoning districts; and

WHEREAS, the City Council believes that said zoning map provides a clear and comprehensive mechanism whereby members of the public may easily determine the location and boundaries of the zoning districts; and

WHEREAS, the City Council of the City of Concord desires to adopt said zoning map as the Official Zoning Map for the City of Concord; and

WHEREAS, the City of Concord desires to protect the health, safety, morals, and welfare of the citizens of the City of Concord;

NOW THEREFORE, The Mayor and the Council of the City of Concord hereby **ENACT** and **ORDAIN** the City of Concord's Zoning Map Ordinance as follows:

ARTICLE I

(a) The City Council hereby adopts and incorporates by reference as if it were fully contained herein the "Official Zoning Map of the City of Concord", duly certified by the City Clerk on the date of adoption of this Ordinance. Said Zoning Map shall be and henceforth is a public record and shall be kept on file in the City Hall where it shall be available for public inspection. Regardless of the existence of purported copies of the official Zoning Map which may from time to time be published, the official Zoning Map in the City Hall shall be the final authority to the current zoning status within the City.

(b) All prior zoning maps of the City of Concord shall remain on file in the City Hall but shall be of no legal effect except to designate the zoning districts and boundaries existing before the adoption of the Zoning map of this Ordinance.

(c) The revised zoning map will be available for public inspection and copying during business hours at City Hall, 50 Main Street, Concord, GA 30206.

(d) The revised zoning map shall be titled the Official Zoning Map for the City of Concord and shall bear the date of adoption.

ARTICLE II

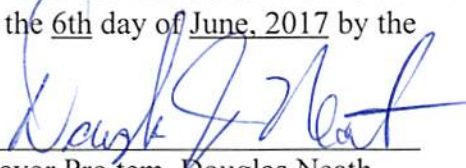
This Ordinance shall become immediately effective upon its second reading and adoption by the City Council.

(signatures on next page)

ARTICLE III

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

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF CONCORD at a regular meeting of the Mayor and Council on the 6th day of June, 2017 by the following voting for adoption:



Mayor Pro tem, Douglas Neath



Councilman Timothy Brown

Councilman Rictor Calhoun



Councilwoman Subrenna Weathers

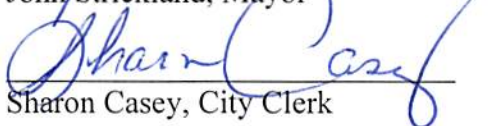
Councilman Jacob Clay



Attest:



John Strickland, Mayor



Sharon Casey, City Clerk

Date of Notice published in Pike County Journal/Reporter: April 5, 2017

Date of first reading at a regular/open meeting of Council: April 11, 2017

Date of second reading before Council at regular/open meeting: June 6, 2017

Date of Adoption: June 6, 2017

ORDINANCE NO. 2015-02

**OF THE CITY OF CONCORD, GEORGIA
A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA
As to
HOTEL MOTEL EXCISE TAX ON ROOMS, LODGINGS &
ACCOMMODATIONS**

AN ORDINANCE TO IMPLEMENT TITLE 48, CHAPTER 13, ARTICLE 3, SECTION 51(1)(a) OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, - EXCISE TAX ON ROOMS, LODGINGS, AND ACCOMMODATIONS, AND TO PROVIDE FOR THE COLLECTION BY OPERATOR; TO PROVIDE FOR ADMINISTRATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Concord, a political subdivision of the State of Georgia, is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated levy certain excise taxes; and

WHEREAS, the City Council of the City of Concord, a political subdivision of the State of Georgia, is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available the funds so collected for the purpose of promoting, attracting, stimulating, and developing conventions and tourism in the City of Concord; and

WHEREAS, City Council of the City of Concord, a political subdivision of the State of Georgia is designated as a "special district" pursuant to Title 48, Chapter 13, Article 50.1 of the Official Code of Georgia Annotated for the purpose of implementing an excise tax on rooms, lodging and accommodations; and

WHEREAS, the options of local citizens having been heard at public meetings call for such purposes;

NOW, THEREFORE, the City Council of the City of Concord, a political Subdivision of the State of Georgia, resolves to adopt an Excise Tax Ordinance pursuant to said authority; and therefore, City of Concord, a political subdivision of the State of Georgia does publish, state and promulgate the following ordinance:

I.

City of Concord Hotel Motel Excise Tax Ordinance Excise Tax on Rooms, Lodgings and Accommodations.

II.

This ordinance is enacted by virtue of the powers set out in Title 48, Chapter 13, Article 3, Section 51(1)(a) of the Official Code of Georgia Annotated, as amended.

III.

The purpose of this ordinance is to enact an excise tax upon the furnishing for value to the public of any room or rooms, lodgings or accommodations furnished by any person or legal entity licensed by or required to pay business or occupational taxes to, the City of Concord for operating within the special district a hotel, motel, inn, lodge, tourist camp, tourist cabin, rental cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished for value.

IV.

Definitions: As used in this ordinance, the following words, terms and phrases shall have the meanings ascribed to them herein, except when the context clearly indicates a contrary meaning.

a. *Person:* an individual, firm partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust receiver, trustee, syndicate, business entity, or any other group or combination acting as a unit, to include the plural as well as the singular number, excepting, however, the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the governing authority of City of Concord is without power to impose the tax herein provided.

b. *Tax:* means the tax on occupants imposed by this article, as provided by O.C.G.A. §48-13-51(1)(a)

c. *Estimated Tax Liability:* The lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel.

d. *Operator / Innkeeper:* any person operating a hotel/motel (as set out herein) in the City of Concord, including, but not limited to, the owner or proprietor of such premises, the lessee, sub lessee, lender in possession, licensee, online travel companies, or any other person otherwise operating such hotel/motel, including private owners who rent or lease private residences for more than two days in any one year.

e. *Occupant:* any person (or persons utilizing as a single unit) who, for a consideration, uses, possesses, or has the right to use or possess, any room or hotel or motel under any lease, concession, permit, right of access, license, agreement or otherwise.

f. *Occupancy:* the use or possession, or the right to use or possession, of any room or apartment in a hotel or motel, or the right to use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or apartment.

g. *Hotel/Motel/Cabin/Residence/Lodge/Bed&Breakfast:* any structure or any portion of a structure including any lodging house, studio, hotel, motel, motor hotel, auto court, inn, public club, lodge, tourist camp, tourist cabin, rental cabin, or private club containing guest rooms and which is occupied, or is intended or designed for occupancy, by guests, whether rent is paid in money, goods, labor or otherwise.

h. *Guest Room:* a room or rooms occupied, or intended, arranged, or designed for occupancy, by one or more occupants for the purpose of living quarters or residential use.

i. *Rent:* the considerations or value received in money or otherwise, including all receipts, cash, credits, and property or services of all kind or nature, and also the amount for which credit is allowed by the operator to the occupant, without any deduction there-from whatsoever.

j. *Permanent resident*: any occupant who as of a given date shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel for at least ninety (90) consecutive days.

k. *Return*: any return filed or required to be filed as herein provided.

l. *Due Date*: the twentieth (20th) day after the close of monthly period for which tax is to be computed.

m. *Folio*: means the primary documentation produced by a hotel or other Facility that demonstrates interaction between the operator and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with the amounts of applicable excise tax(es), and the method(s) of payment.

n. *Monthly Period*: means the calendar months of any year.

o. *Tax Supervisor*: means the individual appointed by the City Clerk for the City of Concord which many in the future be designated as the administrative entity to collect the tax.

V.

Rate of Taxation: There is hereby set and levied on the occupant of a guest room of any hotel/motel/cabin/residence/lodge/bed & breakfast located within the special district a tax in the amount of 3 percent (3 %) of the gross rent for such occupancy.

VI.

Commencement/Effective Date of Ordinance: The tax herein imposed shall be paid upon any occupancy occurring on or after July 14, 2015, including, but not limited to such occupancy that was entered into pursuant to a contract, lease or other agreement entered into prior to such date.

VII.

Exemption from Tax: No tax shall be levied pursuant to this ordinance under the following situations:

- a. No tax shall be levied under this Section for the use of meeting rooms.
- b. No tax shall be levied under this Section for the use of any jail cell, detention center or other building where such housing or detention is under legal restraint.
- c. No tax shall be levied under this Section for the use of any hospital medical treatment facility.
- d. No tax shall be levied under this Section upon the fees or charges for any room, lodgings or accommodations furnished for a period of one or more days to the State of Georgia employees or officials when traveling on official business.
- e. No tax shall be levied under this Section upon the fees or charges for any room, lodging or accommodations furnished for a period of one or more days to local government employees or officials when traveling on official business.
- f. No tax shall be levied under this section for rentals over thirty (30) consecutive days.
- g. No tax shall be levied under this Section upon any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty or natural disaster.

VIII.

Exemption – Permanent residences: Notwithstanding any other provision of this section, no tax shall be imposed hereunder upon a permanent resident.

IX.

Collection of tax by operator: It shall be the duty of every operator providing lodging accommodations within the jurisdictional boundaries of the City of Concord to collect the tax on occupants as imposed herein.

X.

Registration of operator:

Every person engaging in or about to engage in the business of providing lodging accommodations, as above defined, in the special district shall immediately register said business with the City Clerk at City Hall, as the duly authorized representative of the City of Concord, a political subdivision of the State of Georgia, on a form provided by the City Clerk for such purpose.

Persons engaged in such business must so register no later than thirty (30) days after the date this section becomes effective, but such grace period for the filing of the registration after the effective date of the tax shall not relieve any person from the obligation of payment or collection of such tax on and after the date of imposition thereof.

a. The required registration hereunder shall set forth the name under which the operator transacts business or intends to transact business; the location of the place or places of business, the mailing address of the business, the principal contact person at said business and such other information as would facilitate the collection of the tax.

b. The registration shall be signed by the owner (if a natural person), by an officer (if a corporation) or a partner (if a partnership).

c. A separate registration shall be required for each place of business of an operator. However, a realtor offering cabins for rent shall be deemed to be one place of business and shall not require a separate registration for each cabin rented.

d. An operator offering more than one cabin or unit for rent under the same federal and state tax identification number shall be required to file the same number of returns as required by the State of Georgia for the filing of state sales tax returns.

XI.

Certificate of taxing authority: Upon the registration of an operator as hereinabove provided, the City Clerk as the duly authorized representative of the City of Concord, a political subdivision of the State of Georgia shall issue to such operator a certificate of authority to collect the tax on occupant. Each certificate shall state the name and location of the business or person to which it relates.

XII:

Due date and required report: All taxes levied by this Ordinance shall be due and payable to the City of Concord monthly, on or before the twentieth (20th) day of every month next succeeding each respective month in which taxes are collected, and payment shall be accompanied by return for the preceding monthly period showing the gross rent, rent from permanent residents, taxable rent, amount of tax collected or otherwise due for a period, and such other information as may be required by governing authority of the City of Concord.

In the event that an Operator is permitted under applicable state guidelines to make quarterly sales tax returns to the State of Georgia, said Operator shall be permitted to make quarterly sales tax returns to The City of Concord, Georgia.

At the time of registration, the Operator shall indicate that he is permitted to make quarterly sales tax returns together with month and day said quarterly returns are due. The failure of the Operator to indicate that he is permitted under applicable state statute to file quarterly reports will infer that monthly reports are due and collectable.

At the time any such report is due, the Operator shall file a copy of the corresponding state sales tax return for the sole purpose of verifying the sums reported and due. In the event an Operator is permitted under applicable state guidelines to file annual excise, or lodging tax returns, to the State of Georgia, said operator is required to file monthly or quarterly returns for lodging tax to the City of Concord, Georgia.

In the event there are no rentals in a reporting period, lodging providers are required to file a return to the City of Concord, Georgia stating they had zero rentals for the period.

XIII.

Deposit to general fund: No later than the twenty-fifth (25th) day of each month, the City Clerk shall transfer to the General Concord Fund such excise taxes as have been paid under the provisions of this ordinance, and the statute-required portion of such funds shall thereafter at the direction of the City Council be expended for the promotion of the tourism industry in Concord, or such funds at the direction of the City Council of Concord, Georgia, may otherwise be expended for the purpose of promoting tourism, conventions and trade shows as provided by statute.

XIV.

Collection fee allowed operators: Operators collecting the tax levied hereunder shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and payment of the amount due. The rate of the deduction shall be **3 percent (3 %)** of the amount due, but only if the amount due was not delinquent at the time of payment.

XV.

Penalty Against Lodging Operator Section: Penalty and Interest: The operator, in the event of operator's failure to pay tax when due, shall pay a penalty of fifteen percent (15 %) of the amount due plus interest on the total amount of delinquent taxes at the rate of eight and one-half (8.5 %) per annum. In addition, the operator shall not be entitled to the fee allowed in Article XIV of this Ordinance. The late penalty will be strictly enforced.

(a) If any operator fails to file a return as required under the provisions of this section, the City of Concord shall make an estimate of the amount of gross rentals which are subject to the tax. The estimate shall be made for the period or periods in which the operator failed to file the return and shall be based upon any information which is or may come into the possession of the City of Concord.

(b) The City Council of Concord, a political subdivision of the State of Georgia or its designated representative(s) shall give to the operator written notice of determination as herein provided. The notice may be served personally or by mail; if by mail such service shall be addressed to the operator at his/her/its last known address as it appears on any of the City's records. Service by mail is complete when delivered by certified mail with a receipt signed by the addressee.

(c) The amount of the determination made hereunder shall bear interest at the rate of three-fourths of one percent per month, or a fraction thereof, from the twentieth day of the month following the monthly period for which the amount or any portion thereof should have been returned, until the day of payment.

(d) In addition, a penalty of five percent (5%) of the tax due or \$5.00 whichever is greater for each 30 days or fraction thereof of delinquency, not to exceed twenty five percent (25%) or \$25.00 in the aggregate, whichever is greater, shall be assessed and paid by the operator to the City of Concord.

(e) The estimated tax together with applicable penalties and interest may be collected utilizing any of the enforcement methods set forth in this Resolution.

XVI.

Each lodging operator is required to keep records and/or books of transaction of every service rendered. This section should make that clear, as well as establish preferred guidelines: Each operator collecting a tax under the provisions of this section shall keep for a period of at least three years all records, receipts, invoices, and other pertinent papers setting forth the rental charged for each occupancy, the date or dates of occupancy, and such other information as the City may, in writing, from time to time require. Duties of the Local

XVII.

The City Council or its designated representative (s) shall administer and enforce the provisions of this section for the collection of the tax herein imposed, and in so doing shall have the following powers:

(a) To examine, or authorize the examination of, books, papers, records, financial reports, equipment, and other facilities of any operator subject to this Resolution, in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(b) To require the filing of reports by any person or persons having in their possession or custody information relating to rentals which are subject to the tax herein levied; and,

(c) To allow a credit on any amount due payable from persons who paid the tax herein levied but who were erroneously or illegally subjected thereto.

XVIII.

At any time within three years after any tax or any portion of such tax required to be collected becomes due and payable, the City of Concord attorney at the direction of the City Council may bring an action in a court of competent jurisdiction in the name of the City of Concord to collect such amount due together with interest, court fees, filing fees, attorney's fees, and other legal fees incident thereto.

XIX.

If any operator becomes liable for any amount required to be paid by this section and subsequent thereto sells or quits the business, the successors or assignees of such operator shall withhold a sufficient amount of the purchase price to cover such amount due. In the event said purchaser of the business fails to withhold the required amount, he/she/it shall become personally liable for the extent of the tax owed, together with any applicable penalties and interest. Any operator or person who ceases to operate the entity under which the same is registered with the city, said operator or person must notify the City Clerk in writing within thirty (30) days of closing said enterprise.

XX.

(a) Any person who shall do anything prohibited by this Resolution or who shall fail to do anything required by this Resolution shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of City of Concord and upon conviction, shall be assessed with any penalty, including fine, confinement, or both, allowed by law for the violation of the City of Concord's Resolutions or Ordinances each and every day that such violation exists shall be deemed a separate offense.

(b) In order to enforce this Resolution or to correct or abate any violation of the Resolution, the City Council of the City of Concord, in addition to other remedies may institute injunction, mandamus, or other appropriate action.

XXI.

(a) If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any Court of competent Page 10 jurisdiction, or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of this Resolution to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council to provide separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

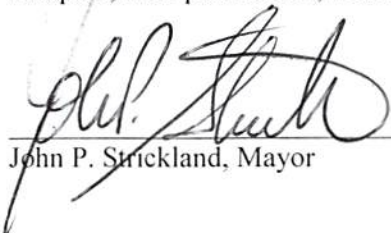
(b) All Resolutions or parts of Resolutions in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any Resolution or law which may be applicable hereto and aid in carrying out or making effective the intent, purpose and provisions hereof, which shall be literally construed to be in favor of City is hereby adopted as part hereof.

(c) The effective date of this Resolution shall be the 1st day of November, 2015, by statute, must be no earlier than the 1st day of the 2nd month following adoption.

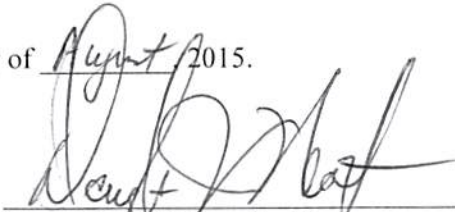
XXII.

Fees Section This section should establish any fees that will be charged by the local government for the licensing issuance or services rendered: In order to comply with the mandates of the applicable Laws of the State of Georgia, an administrative fee is hereby implemented on any business or person under the purview of the within ordinance. Said administrative fee shall be in the amount of \$25.00 payable annually. Said administrative fee shall be remitted to the City of Concord before the 1st day of January of each year that this ordinance is in effect. The City Clerk shall issue a lodging certificate to said enterprise paying said administrative fee.

Adopted, after publication, notice and hearing on the 11th day of August 2015.



John P. Strickland, Mayor



Doug Neath, Mayor Pro Tem

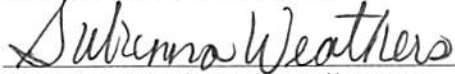


Tim Brown, Councilman

Jacob Clay, Councilman

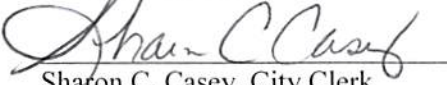


Kim Griffin, Councilwoman



Subrenna Weathers, Councilwoman

ATTEST TO BY:



Sharon C. Casey, City Clerk

1st reading July 14, 2015

2nd reading August 11, 2015



ORDINANCE NO. 2015-01

AN ORDINANCE OF THE CITY OF CONCORD
TO ESTABLISH PAY FOR SERVICES FOR COUNCIL MEMBERS AND MAYOR

WHEREAS, City of Concord Charter Section 2.13 - Compensation and expenses: The mayor and council members shall receive compensation for their services in an amount set by ordinance, but any increase in compensation shall be subject to Section 36-35-4 of the O.C.G.A., or any similar law hereafter enacted. The mayor and council members shall be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office.

WHEREAS, The City of Concord currently does not pay council members for their services. Mayor receives \$100.00 per year.

WHEREAS, The City Council desires to provide fair and equitable pay to the position of mayor and council, comparable to jurisdictions of similar size; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Concord, Georgia:

SECTION 1. Effective August 11, 2015 a yearly stipend will be budgeted to pay council members and mayor for their service.

SECTION 2. Each council member will receive a check in the amount of \$25.00 for scheduled council meetings that he or she attends. The mayor will be presented with a check for \$50.00 for each scheduled council meeting attended.

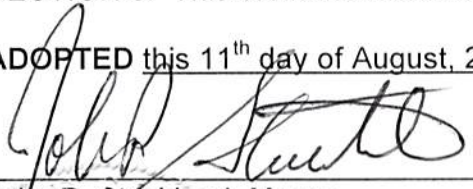
SECTION 3. A council member or mayor must not be more than 15 minutes late to a meeting to be declared present for the meeting.

SECTION 4. If two meetings are scheduled on the same day each council member will receive a maximum of \$25.00 and mayor will receive a maximum of \$50.00 for that day.

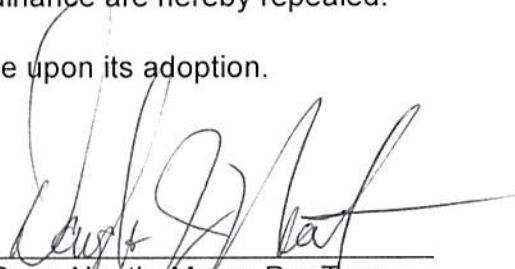
SECTION 5. All ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. This ordinance shall become effective upon its adoption.

ADOPTED this 11th day of August, 2015.



John P. Stickland, Mayor

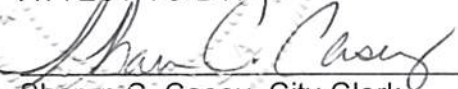


Doug Neath, Mayor Pro Tem

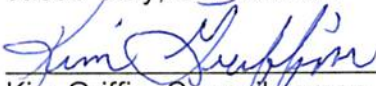


Tim Brown, Councilman

ATTEST TO BY:

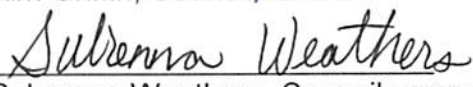


Sharon C. Casey, City Clerk

Jacob Clay, Councilman


Kim Griffin, Councilwoman

1st reading July 14, 2015
2nd reading August 11, 2015



Subrenna Weathers, Councilwoman