

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF ODUM THAT THIS ORDINANCE WILL REPLACE THE ORIGINAL BEER & WINE ORDINANCE ADOPTED BY MAYOR & COUNCIL OF CITY OF ODUM ON FEBRUARY 5, 1980 AND ADOPTED BY REFERENDUM ON MAY 5, 2015 KNOWN AS THE ALCOHOL ORDINANCE ON THE CITY OF ODUM RECORDS WAS IS HEREBY AMENDED ON Aug. 5, 2025

BE IT ORDAINED BY THE MAYOR & COUNCIL OF THE CITY OF ODUM, as follows:

SECTION 1-1 "DEFNITION"

In the interpretation of this chapter, unless the context indicates a different meaning, the term "alcoholic beverage" shall mean and include beer & wine only.

SECTION 1-2 "PUBLIC CONSUMPTION"

No person shall in city drink any alcoholic beverage in the streets, parks bus or any public building or places, unless such places are authorized for such purposes by the City Council. No person shall drink any alcoholic beverage in any vehicle, nor shall any person be drunk or intoxicated or under the influence of intoxicants in any vehicle nor shall any person be drunk or intoxicated, or under the influence of intoxicants in any street, alley, park, or public building or place to which the public is invited or at any public gathering.

SECTION 1-3 "HOURS / DAYS OF SALE"

No alcoholic beverage shall be sold, given away, bartered, or otherwise placed for consumption. Cross references, 20-1. Public intoxication, driving under the influence of liquor. 34-143. State law reference intoxicating beverages generally, Ga. Code Ann., 58

ODUM CODE

For establishments selling beer & wine they shall not be sold or otherwise placed for sale at any time between 12:00 midnight on Saturday night, until 8:00 am on Monday morning unless modified by the council in an Ordinance.

On the day of any city election, or any time when prohibited by the laws of the State of Georgia

At any time when the same shall by resolution be prohibited by City council, on thanksgiving day & Christmas day (no exceptions)

SECTION 1-4 "PADLOCKNG PREMISES"

In any case where city council deems it advisable after a license issued hereunder has been revoked, or where beer and wine are being sold without a license, or in case of an emergency affecting the welfare of the citizens of the city, the city council may direct that any premises where beer & wine are located shall be padlocked by the chief of police or the sheriff's department, under such conditions as the city council may direct; and the city council and police chief and/or sheriff's may set for the disposal of said beer and wine under such terms and conditions as they may see fit.

SECTION 1-5 "POSSESSION OF MINORS"

It shall be unlawful for any minor to possess any alcoholic beverage of any kind, nature or description within the corporate limits of the city.

SECTION 1-6 "MISREPRESENTING AGE"

No minor shall misrepresent his age for the purpose of purchasing any alcoholic beverage.

SECTION 1-7 "ADULT RESPONSIBILITY"

No adult shall provide beer or wine for a minor, nor shall any adult allow any minor to drive a vehicle in which alcoholic beverages are being transported in the city without an adult of age to purchase.

SECTION 1-8 "APPLICATION"

Any person desiring to engage sale of beer and wine shall file with the city clerk an application in writing on a form furnished by the city, setting forth the following:

- (A) The name, age, race, and address of the applicant cross reference- Licenses, 17. State law reference-municipal license prerequisite to state license, Ga. Code ann. 58-1031,
- (B) A brief, concise personal history of the applicant.
- (C) The penal history, if any, of the applicant,
- (D) Location from which the applicant intends to do business,
- (E) The interest owned or held by the applicant in the premises,
- (F) Names and address of five (5) persons who will vouch for the character of the applicant,
- (G) A statement as to whether applicant intends to operate such a business in person, or, if he intends to have other person manage business, the of such person. The manager in such case shall be required to file an application setting forth the information required by subsections (b), (c) and (f) above,
- (H) The fingerprints of the applicant, manager, employee and all other persons handling beer and wine may be required.

SECTION 1-9 "PAYMENT OF FEES"

The license fees required for any business engaged in sale of beer and wine shall be as follows:

- (A) For beer the amount shall be set by council. If not otherwise set by council, the fee shall be three hundred thirty dollars (\$330.00) per year.
- (B) For wines the amount shall be set by council. If not otherwise set by council, the fee shall be two hundred twenty dollars (\$220.00) per year.
- (C) For liquor the amount shall be set by council. If not otherwise set by council, the fee shall be one thousand four hundred fifty dollars (\$1,450.00) per year.

Provided, however, the license fees required for any new business engaged in the sale of beer and wine, where the license is issued on or after July 1, shall be one-half (1/2) of the above stated amount for the remainder of the initial year.

A certified or cashiers check, or money order shall accompany each Application for a license, and the clerk shall not receive such application unless said license fee is tendered in the correct amount

SECTION 1-10 "NOTICE TO THE PUBLIC"

The applicant for a license under this article shall give notice to the public by advertisement published once in the official Newspaper of Wayne county Georgia in substantially the following Form:

NOTICE IS HEREBY GIVEN THAT (NAME OF APPLICANT) HAS MADE APPLICATION FOR A LICENSE TO SELL BEER AND WINE AT (ADDRESS OF PURPOSED BUSINESS LOCATION), SAID APPLICATION WLL BE HEARD BY CITY COUNCIL OF THE CITY OF ODUM AT 7:00 PM, ON THE (DATE) AT THE ODUM CITY HALL.

Said notice shall be paid by the applicant and no application shall be received until such notice has been published in the local public organ (newspaper) for the two (2) weeks prior to the at which time said application shall be presented to the council.

SECTION "POLICE INVESTIGATION"

A copy of each application for a license, or for approval of any manager of a business engaged in selling beer & wine shall be given to the City of Odum police department or the sheriff of Wayne county Georgia who may conduct a thorough investigation of the applicant or manager, or both, as the case may require, and the chief of policy of odum or the sheriff may make a report in writing to THEcity council with his research and findings. Each applicant for a license, and each manager employee and all other persons handling beer and wine may be required to be fingerprinted. The costs of said investigation, should any be incurred, shall be paid by the applicant.

SECTION 1-12 "CONSIDERATION OF APPLICATION"

At the time and place set for the hearing on said application, the city council shall consider evidence presented by the applicant as to his or her fitness to engage in the business of selling beer and wine, and shall allow any interested party to present evidence to the contrary and after having received such evidence and having considered the report of the sheriff, if the city council shall be satisfied that the applicant meets standards set forth by this article, said applicant shall be granted a license; otherwise, the same shall be denied. If any application is denied, no new application shall be received for the balance of the fiscal year.

SECTION 1-13 "STANDARDS FOR ISSUANCE"

Determining the qualifications for the issuance of a license to engage in the sale of beer & wine beverages, the city council shall consider the following:

That the applicant is of good moral character and generally fit to engage in business of selling beer & wine beverages; that the applicant has not been convicted within ten years prior to the filing of

application of illegally possessing, transporting, or selling intoxicating beverages, and that he or she has never been convicted of an offense involving moral turpitude or a felony, that the applicant is the true and actual owner of business for whom the license is desired and that he intends to operate the business in person, or if to be operated by other person that such person is morally fit and comes within the standards of this article; that the place for which the license is to be issued is one approved by the city council and that it is an appropriate location, considering the character of the premises, it's surroundings and the wishes of the persons residing or owning property in the neighborhood.

SECTION 1-14 "BEER AND WINE BEVERAGES"

It shall be the policy of the city to decline a license to any establishment in which the council deems necessary.

SECTION 1-15 "LOCATION RESTRICTIONS"

No person knowingly and intentionally may sell or offer to sell: any beer or wine beverage within one hundred (100) yards of any church building or within two hundred (200) yards of any school building, educational building, school grounds or college campus,

As used in this subsection, the term "school building" or "educational building" shall apply only to state, county, city or church & school buildings and to such buildings at other schools in which are taught subjects taught in on school and colleges of this state.

For the purpose of this section, distances shall be measured by the most direct route of traffic on the ground. The distances herein before referred to shall be measured from the front entrance of the location selling beer & wine to the nearest corner of the property on which is located the church, school building, educational building, college campus, no person shall sell beer & wine anywhere in the City of Odum unless approved by the city council.

SECTION 1-16 "LIMITATION UPON # OF RETAIL DEALER LICENSES ISSUED" RETAIL LICENSE

No retail dealer license shall be issued so that the number of such licenses within limits of the city of odum exceeds one such license to each two hundred (200) people, or major fraction thereof, within city, as shown by the current U.S. decennial census. The limitation upon the number of retail dealer licenses to be issued, as herein provided, shall not (preclude) transfer of such licenses; but upon the revocation of any existing license, no renewal thereof or new license therefore shall be issued contrary to the limitation herein prescribed.

Additional retail dealer licenses become available, by reason of increase in population or by any person, no current retail dealer licensee or any person who has held a direct or indirect interest in a retail dealer license during the preceding twelve (12) months shall be entitled to apply for and receive more than one (1) such newly available license.

A retail dealer shall be entitled to a renewal of an actual license from year to year, in accordance with regulatory procedures promulgated by the city of odum.

POURING LICENSE

The provisions above in the limitation upon the number of retail dealer licenses issued shall exclude restaurants for purposes of "pouring" only.

A pouring license may be applied for in the City of Odum beneath the same conditions and fees as a retailer license. However, the pouring license shall ONLY authorize the sale and **consumption of alcoholic beverages on the premises** where sold. This license is typically required for bars, restaurants, and similar establishments where alcohol is served by the drink for immediate consumption. Said permit shall NOT allow the sale of any alcohol which is not intended to be consumed on the premises. They shall not be permitted to allow patrons to leave the premises with said alcohol. The Permit is limited to on-premises consumption and shall only extend to the sale of beer, wine, and/or distilled spirits for consumption only on the licensed premises.

No sale for off-premises consumption is permitted under this license and the business must be within its hours of operation and service, the same being in compliance with Georgia, Wayne County and City of Odum's laws and regulations. All other provisions of this ordinance shall apply to the Pouring license, it is only the limitation of the number of licenses that the City Council may issue which is an exception herein.

SECTION 1-17 "REGISTRATION OF BUSINESS"

Not less than thirty (30) days after a license has been issued hereunder, it shall be the duty of the licensee to of this business in accordance with the provisions of chapter 106-301, Georgia Code Annotated, and failure to do so shall be grounds for revoking said license (Code 1958, 5-209).

SECTION 1-18 "SEPARATE APPLICATION FOR EACH BUSINESS"

A separate application for a license shall be filed with respect to each place of business. (Code 1958, 5-210)

SECTION 1-19 "TRANSFER"

Prohibited, no license issued under provisions of this article shall be transferred to any licensee to any other person or to any other place other than that stated in the application for such license.

Exceptions, transfer of licenses (may be permitted in the following cases);

(1) in cases where a retail licensee is moving his business to a different location, he shall be authorized to make an application. To have the license for the location previously occupied, Apply to the new location. If the retail licensee complies with all other requirements of the law, the city council shall authorize the existing license to apply to a new location.

SECTION 1-20 "NEW MANAGER"

No new manager shall be allowed to operate any business license under provisions of this article, except the one stated in the application, and approved by the council, without the written permission of the council.

SECTION 1-21 "RENEWAL"

All licensees shall annually, and before the first day of January in each year, make application to the council for a renewal of their license, said application to set forth any changes, if any, that exist since the issuance of the original license, including the name of the manager if any, the type of alcoholic beverages being sold and such other INFORMATION as the council may direct. The sheriff may make a report on each licensee, setting forth this conduct for previous year. After considering said application and other evidence, the council shall determine whether said license shall be reissued. In the event that any licensee shall fail to renew his, her or it's license within the aforesaid stated time, such license shall lapse and may not thereafter be renewed. In that event, such licensee must therefore apply for a new license, subject to the provisions of the code limiting the number of retail dealer licenses issued. In that event, if no licenses are available under the aforesaid section, then such new license shall not be issued to such licensee.

SECTION 1-22 "SALE, DISTRIBUTION, ETC., BY CERTAIN PERSONS"

No license shall allow any person who has, within ten (10) years prior thereto, been convicted of any felony or any offense involving moral turpitude, to give, sell, furnish, or distribute any alcoholic beverage as the servant, agent, employee or helper of said licensee, no person under age of eighteen (18) years shall sell, give, furnish or distribute any alcoholic beverage under any circumstances.

SECTION 1-23 "REVOCATION"

If any licensee violates any of the provisions of this article or any of the rules and regulations promulgated pursuant hereto by the City Council, or fails to superintend in person, or through manager approved by the City council, or allow the premises to be used for a unlawful, disorderly or improper uses, the license on said license may be revoked or suspend by the City council. After the license has been given an opportunity to be heard, the license may be reinstated or fully revoked. Should a license be revoked, no party of the license may be returned to that individual or any manager named on their application for said license.

SECTION 1-24 "ALCOHOLIC BEVERAGE TAX LEVIED"

There is hereby levied an alcoholic beverage tax at the following rates upon all alcoholic beverages sold in City of Odum.

- (a) on malt beverages, five cents (.05) per each twelve (12) ounces, and
- (b) on wine, twenty-two cents (.22) per liter, and a proportionate tax at a like rate on all fractional parts of such liter.

SECTION 1-25 "WHOLESALE DEALER, DISTRIBUTOR- RECORDS"

Each wholesale dealer or distributor selling, shipping or delivering spirituous or alcoholic beverages to any retail dealer in the city of odum, whether delivered to retail dealers place of business or elsewhere for resale in the city of odum, shall keep true and correct records of all sales, shipments and deliveries of such beverages to each retail dealer in the City of Odum, said records to be preserved for a period of not less than twelve (12) months and to be made available on request for inspection by any duly authorized representative of the city

SECTION 1-26 "TO COLLECT TAX FROM RETAILER"

Each wholesale dealer or distributor selling, shipping, or delivering spiritous or alcoholic beverages to any retail dealer in the City of Odum, whether delivered to the retail dealer's place of business or elsewhere for resale in the city of odum shall collect from each retailer at the of delivery all taxes assessed by the city and hold the same in trust for the city and remitted to the city as herein provided.

SECTION 1-27 "PAYMENT"

Each wholesale dealer or distributor selling, shipping or delivering spiritous or alcoholic beverages to any retail dealers in the city, whether delivered to the retail dealers place of business or elsewhere for resale in the city, shall, on or before the fifteenth day of each calendar month, make a verified and comprehensive return to the city treasurer showing all sales and deliveries of such beverages made to or for retail dealers in the city during the month. Immediately preceding said report, said report shall show the name and address of each retail dealer. THE quantities delivered to each retail dealer, amount collected under the terms of this article, and such other information as may be required by the city. Said report shall be accompanied by remittance to the city of odum all taxes due.

SECTION 1-28 "MALT BEVERAGE EXCISE TAX"

Imposed-generally. Except as provided in section 1-24, there is hereby levied and placed upon each wholesale dealer selling malt beverages within the city, an excise tax in amount of \$0.004166 per ounce or \$0.05 per twelve (12) ounces of malt beverages sold by such wholesale dealer within the corporate limits of the city.

SECTION 1-29 "SAME BULK SALES"

All malt beverages sold in or from a barrel or bulk container and being commonly known as tap or draft beer, shall not be subject to excise tax provided for in section 1-28 but in lieu thereof there is hereby imposed upon each wholesale dealer selling such malt beverages within the corporate limits of City of Odum an excise tax of six dollars (\$6.00) for each barrel or bulk container having a capacity of fifteen and one-half (15 1/2) gallons sold by such

Wholesale dealer within the City of Odum, and at a like rate for fractional parts thereof Section "cumulative". The excise tax provided for by this article shall be in addition to any license fee, tax or charge which may now or in the future be imposed upon the business of selling malt beverages at retail or wholesale, within corporate limits of the city.

SECTION 1-31 "MONTHLY REPORT"

Each wholesale dealer who has sold malt beverages within the city shall file a report by the tenth day of each month itemizing for the preceding calendar month the exact quantities of all malt beverages, by size and type of container for the month sold within the city

SECTION 1-32 "MONTHLY REMITTANCE"

Each wholesale dealer of malt beverages shall remit to the city on the tenth day of month next succeeding the calendar month in which such sales were made, the amount of excise tax due in accordance with this article.

SECTION 1-33 "DECALS, STAMPS NOT REQUIRED"

No decal, stamp, or other identifying marking shall be required on malt beverages sold within the city.

SECTION 1-34 "PENALTY"

The failure to make a timely report and remittance shall render a wholesale dealer liable for a penalty equal to ten (10) percent of the total amount due during the first thirty (30) day period. Following the date such report and remittance were due and a penalty equal to ten (10) percent of the amount of such remittance for each successive thirty (30) 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 Twenty (20) percent of the amount of remittance which would be required under an accurate and truthful report. Such failure to make timely report or remittance, or the filing of a false or fraudulent report shall also constitute grounds for the revocation of business license issued by the city to said wholesale dealer.

SECTION 1-35 "REFERENDUM APPROVAL OF ALCOHOL ORDINANCE"

A referendum was held on May 1, 1984 in Wayne County, said date confirmed by the Wayne County Attorney, concerning the approval of the sales of distilled spirits within the jurisdiction of the City of Odum, and all available records indicate that the majority of the municipality's residents that voted in such referendum voted in favor of authorizing package sales in accordance with O.C.G.A. 160(a). The same was adopted by the City of Odum, by and through its Council, Nunc Pro Tunc on May 5, 2015.