

**AN ORDINANCE OF THE NEWTON COUNTY BOARD OF COMMISSIONERS
TO AMEND THE ALCOHOLIC BEVERAGE ORDINANCE;
TO PROVIDE FOR AN EFFECTIVE DATE;
TO REPEAL CONFLICTING PROVISIONS;
AND FOR OTHER PURPOSES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

WHEREAS, O.C.G.A. Section 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county; and

WHEREAS, O.C.G.A. §§ 3-4-90 and 3-4-110 authorize the issuance of licenses for sale of distilled spirits by the drink subject to reasonable rules and regulations, O.C.G.A. § 3-5-40 authorizes the issuance of licenses for sale of malt beverages by the drink, O.C.G.A. § 3-6-40 authorizes the issuance of licenses for sale of wine by the drink, O.C.G.A. § 3-11-2 authorizes the issuance of alcoholic beverage catering licenses, and O.C.G.A. § 3-11-3 outlines the requirements for the issuance of event permits for authorized catered functions; and

WHEREAS, to promote economic opportunities while preserving the interests of the health, safety, and general welfare of the citizens of Newton County, Georgia, the Board of Commissioners of Newton County desires to amend its Alcoholic Beverages Ordinance to expand the types of facilities where alcoholic beverages may be sold for on-premises consumption; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

THE BOARD OF COMMISSIONERS OF NEWTON COUNTY HEREBY ORDAINS, that Chapter 32, Section 32-201 of Division II of the Code of Newton County, Georgia, the Alcoholic Beverage Ordinance, is hereby amended as follows:

SECTION 1

Article I, Part A shall be amended by deleting the existing language and replacing it with the following:

1. No wine, beer or other malt beverage may be manufactured, distributed, or sold in the unincorporated area of Newton County, Georgia, whether at wholesale or retail, by the package or by the drink, for on-premises consumption or off-premises consumption, except under a license granted by the Board of

Commissioners of Newton County, Georgia (hereinafter referred to as the "Board"), upon the terms and conditions hereinafter provided.

2. No license hereunder shall be issued for the sale of wine or malt beverages at retail, by the package, for consumption off-premises, except in retail establishments devoted to retail sales which maintain at least 80 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of grocery products, and located in zoning districts in which retail establishments are permitted as a conforming use.
3. No license hereunder shall be issued for the sale of wine, beer or other malt beverage by the drink for consumption on the premises except in the following establishments, and then only in compliance with the specific regulations set forth in this Alcoholic Beverage Ordinance:
 - a. Country clubs
 - b. Eating establishments
 - c. Golf courses
 - d. Hotels
 - e. Indoor commercial recreational facilities
 - f. Outdoor commercial recreational facilities
 - g. Private clubs
 - h. Special event facilities
4. No catering of wine, beer or other malt beverage by the drink shall be provided except under an off-premises license as contemplated by this Alcoholic Beverage Ordinance.
5. No license hereunder shall be issued for the manufacture or wholesale distribution of wine or malt beverages unless the location is zoned to permit such use as a conforming use.

SECTION 2

Article I, Part B shall be amended by deleting the existing language and replacing it with the following:

1. No distilled spirits may be sold by the drink for on-premises consumption in the unincorporated area of Newton County, Georgia, except under a license granted by the Board, upon the terms and conditions hereinafter provided.
2. No license hereunder shall be issued for the sale of distilled spirits by the drink for consumption on the premises except in the following establishments, and then only in compliance with the specific regulations set forth in this Alcoholic Beverage Ordinance:
 - a. Eating establishments
 - b. Hotels

c. Special event facilities

3. No catering of distilled spirits shall be provided except under an off-premises license as contemplated by this Alcoholic Beverage Ordinance.
4. No distilled spirits may be distributed at wholesale in the unincorporated area of Newton County, Georgia, except under a license granted by the Board, upon the terms and conditions hereinafter provided
5. No license hereunder shall be issued for the wholesale distribution of distilled spirits unless the location is zoned to permit such use as a conforming use.
6. No distilled spirits may be manufactured or sold by the package in the unincorporated area of Newton County, Georgia.

SECTION 3

Article II shall be amended by inserting the following definitions:

Country Club. A land area and buildings containing recreational facilities, clubhouses and usual accessory uses, open to members and their guests which is privately operated. Uses at a country club frequently include golf courses, swimming pools (outdoors), and clubhouses. A country club may be a freestanding entity or part of a residential community or planned residential development.

Golf Course. A tract of land for playing golf, improved with trees, fairways, hazards and which may include clubhouses, shelters, pro-shops and golf cart storage facilities.

Indoor Commercial Recreational Facility. A recreational facility operated as a business, open to the public, in which the sale of food and alcoholic beverages is incidental to its primary enterprise and activity, and having as its principal objective recreational activities such as an indoor roller-skating, billiards, bowling, painting, day spa treatment, or the presentation of live sports, music, dramatic arts, plays, theatre productions and stand-up comedy. Bingo parlors, dance halls, nightclubs, adult entertainment and/or sexually related entertainment activities and similar uses are specifically excluded.

Outdoor Commercial Recreation Facility. Any establishment whose main purpose is to provide the general public with facilities for outdoor recreational activities and where tickets are sold or fees are collected. Outdoor commercial recreation facilities include, but are not limited to: parks, nature areas, miniature golf courses, driving ranges, and venues for sporting competition. The following uses are excluded from this definition: golf courses, tracks for motor sports and firing ranges.

Private Club. Buildings and facilities owned or operated by an incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational or similar activities, operated not primarily for profit or to render a service to the general public. Country clubs, as defined herein, and clubs organized or operated primarily for the selling or serving of alcoholic beverages are expressly excluded.

Special Event Facility. An establishment that is rented by individuals or groups to accommodate private functions including banquets, fundraisers, weddings, parties, private performances, art shows, and other celebrations, and which shall include an on-site kitchen or catering facility.

SECTION 4

Article IV, Part D shall be amended by deleting the existing language and replacing it with the following:

1. **Eating Establishments.** An eating establishment shall be eligible for an alcohol license only when such facility is located in a zoning district that permits alcohol consumption at an eating establishment as a conforming use. To the extent that a qualifying eating establishment is attached to or incorporated into another type of facility (e.g., hotel, country club), a separate license for the eating establishment may be obtained under which the eating establishment shall not be subject to any of the more restrictive limitations on sale of alcoholic beverages that may be applicable to the surrounding facility. All licensed eating establishments must continuously maintain the following seating capacities to the percentage of sales in food, said capacities excluding bar stools and/or counters. Patio/open area seating shall not be considered for the minimum seating capacities.

Seating Capacity	Percentage of Sales in Food
100 or more	50%
75 to 99	60%
50 to 74	70%
40 to 49	80%

2. **Hotels.** A hotel shall be eligible for an alcohol license only when such facility is located in a zoning district that permits alcohol consumption at such facility as a conforming use. The revenues received from alcoholic beverage sales shall never exceed twenty-five (25) percent of the total annual gross sales for any such facility. A hotel may offer room service of alcoholic beverages, provided that room service is offered only to patrons and their guests.

3. **Country Clubs, Golf Courses, Indoor Commercial Recreational Facilities, Outdoor Commercial Recreational Facilities.** Each of these facilities shall be eligible for an alcohol license only when such facility is located in a zoning district that permits alcohol consumption at such facility as a conforming use. All such facilities must serve food at all times and places that alcoholic beverages are served. The revenues received from alcoholic beverage sales shall never exceed twenty-five (25) percent of the total annual gross sales for any such facility.
4. **Private Clubs.** A private club shall be eligible for an alcohol license only when such facility is located in a zoning district that permits alcohol consumption at such facility as a conforming use. A private club shall not compensate any member, officer, agent or employee directly or indirectly from the profits of the sale of alcohol beyond a fixed salary as established by its members out of the general revenue of the club. The revenues received from alcoholic beverage sales shall never exceed fifty (50) percent of the total annual gross sales for any such facility.
5. **Special Event Facilities.** A special event facility shall be eligible for an alcohol license only when such facility is located in a zoning district that permits alcohol consumption at such facility as a conforming use. Such facilities shall be equipped with an adequate and sanitary kitchen and dining area, and shall be capable of preparing and cooking meals, or serving catered meals and other food products associated with its special events on site. At such facilities, food must be served at all times and places that alcoholic beverages are served. The revenues received from alcoholic beverage sales shall never exceed twenty-five (25) percent of the total annual gross sales for any such facility. No alcohol shall be sold in connection with any event sponsored by a public K-12 school.

SECTION 5

Article V, Part F, Subpart 6, Sub-subpart g shall be amended by deleting the existing language and replacing it with the following:

- g. With the exception of facilities that have obtained a premises-based alcohol license, only eight (8) Authorized Catered Functions per calendar year may be held at a location;

SECTION 6


All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

SECTION 7

This Ordinance shall be in force and take effect on September 7, 2016.

Adopted and approved by the Board of Commissioners on the 6th day of September, 2016, after a public hearing on said date.

Newton County Board of Commissioners

By: 
William K. Ellis, Chairman

Attest: 
Jackie Smith, Clerk

