

O-100714

**AN ORDINANCE TO AMEND
THE ALCOHOLIC BEVERAGE ORDINANCE;
TO PROVIDE FOR AN EFFECTIVE DATE;
TO REPEAL CONFLICTING PROVISIONS;
AND FOR OTHER PURPOSES**

WHEREAS, in conjunction with the Newton County Board of Commissioners' approved placement of referenda questions relating to alcoholic beverage licensing on the ballot for the November 6, 2012 general election, on July 3, 2012, the Board of Commissioners adopted a revised Alcoholic Beverage Ordinance with an effective date of January 1, 2013; and

WHEREAS, the referenda questions were approved by the voters on November 6, 2012, and subsequently, the amended Alcoholic Beverage Ordinance went into effect on January 1, 2013; and

WHEREAS, the Alcoholic Beverage Ordinance does not provide for the issuance of alcoholic beverage catering licenses or event permits for authorized catered functions; and

WHEREAS, 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, the Board of Commissioners desires to authorize the issuance of catering licenses and event permits in accordance with state law and to establish fees for the issuance of catering licenses and event permits;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners, Newton County, Georgia, and by the authority of the same, that Chapter 32, Section 32-201 of Division II of the Code of Newton County, Georgia, Alcoholic Beverage Ordinance, is hereby amended as follows:

Section 1

Subsection II is hereby amended by adding the following definitions:

Alcoholic Beverage Caterer. Any person who has obtained an off-premises catering license to sell and/or distribute alcoholic beverages by the drink.

Authorized Catered Function. An event for which an Authorized Catered Event Permit has been issued pursuant to Section V.F. of this Ordinance for the sale and/or distribution of alcoholic beverages by the drink for consumption at such event.

Bona Fide Nonprofit Civic Organization. An entity which is exempt from federal income tax pursuant to the provisions of subsection (c) of 26 U.S.C. Section 501.

Section 2

Subsection V is hereby amended by adding a new subsection F to read as follows:

V. Licenses

F. Alcoholic Beverage Catering.

1. **Off-Premises License Issued by Newton County.** Any person who holds a valid license issued by Newton County to sell alcoholic beverages for consumption on the premises (as provided for in this Ordinance) may be issued an off-premises catering license that permits said person to sell and/or distribute alcoholic beverages by the drink off-premises at an Authorized Catered Function. Any person seeking an off-premises catering license shall make application therefore, which shall be processed and decided according to the same guidelines set forth for other licenses under this Section, including payment of the application fee and annual license fee set forth in Ordinance Section V.A. When an initial application for an off-premises catering license is not filed at the same time the application (or renewal) for an on the premises license is filed, the Development Services Department shall, in consultation with other departments as needed, determine whether the applicant is in full compliance with the provisions of this Ordinance. Upon issuance of an off-premises catering license, an Authorized Catered Event Permit shall be required for each Authorized Catered Function.
2. **Off-Premises License Issued by Other Jurisdictions.** If a person is licensed by a municipality or county of this State (other than Newton County) to sell alcoholic beverages by the drink for consumption on the premises and also holds a valid off-premises catering license issued by the same licensing authority, such person may sell and/or distribute alcoholic beverages by the drink at an Authorized Catered Function, provided that such person obtains an Authorized Catered Event Permit for each function.
3. **Bona Fide Nonprofit Civic Organization.** A Bona Fide Nonprofit Civic Organization (hereinafter referred to as "Nonprofit Civic Organization") may distribute alcoholic beverages by the drink at an Authorized Catered Function without an alcoholic beverage license, provided that such Nonprofit Civic Organization first obtains an Authorized Catered Event Permit for each function.
4. **Authorized Catered Event Permit Application.** Any person authorized under paragraphs V. F. (1), (2), or (3) to sell and/or distribute alcoholic beverages at an Authorized Catered Function shall apply for and obtain an Authorized Catered Event Permit issued by the Development Services Department for each Authorized Catered Function prior to serving alcohol at such function. Applications should be submitted at least fifteen (15) calendar days prior to the event and shall include:

- a. The name of the Alcoholic Beverage Caterer (including license number) or Nonprofit Civic Organization, and the name and phone number of the representative for same who will be at the event;
 - b. A plan of the event, which includes: (1) the date, location and hours of the event; (2) the number of persons expected to be in attendance; (3) the location of guest parking; and (4) whether security, valet parking, or additional restroom facilities will be provided;
 - c. The name and phone number of the host or sponsor of the event, including the name and telephone number of the representative of the host or sponsor who will be at the event;
 - d. The name of the property owner and a signed affidavit or notarized permission from the property owner granting permission for use of the property for the event;
 - e. Whether food is being provided by the applicant, and if not, the name and phone number of the person providing food at the event;
 - f. Documentation of the cost of the food and alcoholic beverages to be served at the event;
 - g. Proof of compliance with all applicable state and local laws, including but not limited to approvals related to zoning and building codes, Newton County Fire Service requirements, Newton County Environmental Health Requirements, and law enforcement requirements;
 - h. Payment of a non-refundable \$50 Authorized Catered Event Permit fee for each Authorized Catered Event;
 - i. Any Alcoholic Beverage Caterer not licensed by Newton County shall also be required to submit: (i) the name of the local jurisdiction issuing the off-premises catering license to the applicant; and (ii) a photocopy of the applicant's off-premises catering license; and
 - j. A Nonprofit Civic Organization shall provide a copy of the Internal Revenue Service's determination letter (or other official correspondence) recognizing the organization's federal tax exempt status under subsection (c) of 26 U.S.C. Section 501.
5. Authorized Catered Event Permit Application Review. Within ten (10) business days after receipt of an application for an Authorized Catered Event Permit, the Department of Development Services, in consultation with other County departments, shall either approve or deny the Authorized Catered Event Permit and communicate same in writing to the Applicant. An Authorized Catered Event Permit may be denied for any of the following reasons or combination of reasons:
- a. The applicant, and/or event host or sponsor does not meet the requirements for an Authorized Catered Event Permit or has on prior occasion(s) violated or failed to comply with this Ordinance or with any state rules or laws regarding alcoholic beverages;
 - b. The event location is a site where a violation of this Ordinance or the state laws or rules regarding alcohol has previously occurred;
 - c. The plan of the event as proposed is likely to restrict and/or congest traffic on any of the public roads, rights-of-way, or sidewalks in the immediate vicinity of the event, or

- is likely to present a danger to the health and safety of guests at the event or members of the public;
- d. The plan of the event as proposed is likely to cause a disturbance of the peace at the time of the event, or is likely to intrude upon the privacy or property of citizens in the area of the event;
 - e. The plan of the event as proposed is inconsistent with the uses of or is prohibited at the event location; and
 - f. The plan of the event as proposed is not in compliance with other County ordinances, including but not limited to, the Newton County Zoning Ordinance and Newton County Noise Ordinance.
6. Authorized Catered Event Requirements. All Authorized Catered Functions and all Alcoholic Beverage Caterers and Nonprofit Civic Organizations receiving an Authorized Catered Event Permit hereunder shall be subject to the following requirements and conditions:
- a. An Alcoholic Beverage Caterer may sell and/or distribute only those alcoholic beverages that are authorized by that person's alcoholic beverage license;
 - b. Alcoholic beverages may only be served at the location and on the date(s) specified in the Authorized Catered Event Permit. Authorized Catered Event Permits shall be valid for a period not to exceed two (2) consecutive calendar days;
 - c. No person shall dispense, sell, serve, or mix alcoholic beverages at an Authorized Catered Function without first obtaining a pouring permit under this Ordinance;
 - d. Food, the total cost of which must exceed the total cost of the alcohol served, must be served at the event;
 - e. Copies of Authorized Catered Event Permits shall be posted and/or maintained at the front door or entrance of the event location at all times during the event. Alcoholic Beverage Caterers must also carry a copy of the caterer's off-premises catering license, copy of the Authorized Catered Event Permit, and any necessary state documents and permits in the vehicle transporting the alcoholic beverages to the event;
 - f. Except for events held on sites zoned for agricultural or residential uses, alcoholic beverages may only be served between the hours of 9:00 a.m. and 1:45 a.m., Monday through Saturday and between the hours of 12:30 p.m. and midnight on Sundays. For sites zoned for agricultural or residential uses, alcoholic beverages may only be served between the hours of 12:00 noon and 10:00 p.m.;
 - g. No more than four (4) Authorized Catered Functions per calendar year may be held at a location;
 - h. Alcoholic beverages may not be sold at events held on sites zoned for agricultural or residential uses (e.g. no "cash bar" sales will be permitted) or at events where a Nonprofit Civic Organization is the permit holder, except that such Nonprofit Civic Organizations may charge admission and collect donations provided the net funds collected go to further the organization's mission;
 - i. The service of alcoholic beverages is subject to compliance with state laws and regulations regarding service of alcoholic beverages at such an event, including the receipt of any necessary state permits and filing of reports with the state revenue commissioner; and

- j. Alcoholic Beverage Caterers licensed by Newton County shall pay excise taxes on the sale of alcoholic beverages, as calculated under this Ordinance and provide a report to the Development Services Department on or before the time when other excise taxes are due for such licensee, while alcoholic beverage caterers not licensed by Newton County shall pay excise taxes on the total quantity of alcoholic beverages brought into the county, as calculated under this Ordinance, and provide a report to the Development Services Department within fifteen (15) days of the conclusion of the event. In addition to information required to determine the amount of tax due, the report shall state the quantity and type of alcoholic beverages transported from the licensee's primary premises to the location of the event.
7. Nothing contained herein is intended to prohibit anyone from hosting a private function at his or her personal residence where the host provides alcohol to guests free of charge or permits the otherwise legal consumption of alcoholic beverages.

Section 3

The fee schedule is amended to add the following fees:

Alcohol Ordinance Fee Schedule for Catering Licenses and Authorized Catered Event Permits:			
	Development Services Administrative Fee	License	Total
Catering license-original	\$200- not filed with on-premises application \$50- filed with on-premises application	\$500	\$550-700
Catering license-renewal	\$50	\$500	\$550
Authorized catered event permit	\$50		\$50

Section 4

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 October 8, 2014

SO ORDAINED this 7th day of October, 2014.

Newton County Board of Commissioners

By: William K. Ellis
William K. Ellis, Chairman

Attest: Jackie Smith
Jackie Smith, Clerk

