

¹CHAPTER 34: ALCOHOLIC BEVERAGES SALE AND CONSUMPTION

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Drinking in Public

1. Consumption of alcohol on city streets prohibited; limited in certain area.
 - (a) Except as provided in 34-101(b) or in a licensed establishment, it shall be unlawful for any person to consume any spirituous malt, wine or other alcoholic beverage in or upon any street, alley, sidewalk or other public way or place in the City or within any public building. Except as provided in 34-101(b), it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, or within any public building, within the City limits of Lawrenceville.
 - (b) Consumption of alcohol in an open container outside of a licensed establishment shall be allowed only in the locations specified below pursuant to the following regulations:
 - (1) Inside the City of Lawrenceville Cultural Arts Center provided the sale of beer, wine and distilled spirits by the drink shall only take place between the hours of 12:00 noon and 12:00 midnight while a performance is taking place in the Center.
 - (2) Inside the Historic Courthouse Building; and
 - (3) Outside in an area clearly marked for identification as

an outdoor alcohol drinking area pursuant to a special use permit issued by Mayor and Council to allow consumption outside of a licensed establishment. Only establishments with a license to dispense alcoholic beverages may apply for this special use permit for a temporary license to serve alcohol outdoors. The license shall be granted for a maximum of three (3) consecutive days and shall be governed by all of the other rules and regulations of the City as if the alcohol was being dispensed within the licensed establishment. A permit fee of \$1.00 per square foot or \$2,000.00, whichever is greater, shall be charged per event payable at the time of issuance of the permit. The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant. Security officers shall be off duty Police Officers or Sheriff’ deputies from Gwinnett County or one of its municipalities. Special use permits issued pursuant to this subsection shall not require presentation to the Planning Commission nor a 2nd Reading prior to issuance.¹

- (4) Restaurants in the Downtown Overlay District shall also be allowed to serve alcohol in the area referred to in the Zoning Ordinance as the “Supplemental Zone.” Restaurants seeking to serve alcohol in the “Supplemental Zone” shall apply for a special use permit, with the application for a special use permit to include an area to be designated with specific markings for consumption of alcoholic beverages.
- (5) In an Indoor Special Event Facility pursuant to a special use permit issued by the Mayor and Council setting forth specific operational requirements and restrictions for the facility that control consumption at the facility. An annual permit fee of \$350.00 shall be charged for a license to permit consumption at an

¹ While this section does reference the Special Use Permit procedure as defined and explained within the City of Lawrenceville Zoning Code of Ordinances, applications for a Special Use Permit under this section shall not be required to go before the Planning Commission and shall not require a second reading. All other provisions in the Zoning Code regarding Special Use Permits, specifically including the criteria used in evaluating applications, shall apply. The Director of Planning and Zoning should consult with the Director of the Lawrenceville Tourism and Trade Association (“LTTA”) as well as any affected City department heads and members of the community prior to making any recommendation to the Mayor and Council.

Indoor Special Event Facility. *Indoor Special Event Facility* shall mean a privately owned commercial establishment which: (i) provides a gathering space for rental purposes where professional, live musical entertainment may be performed on-site indoors; (ii) has a full service kitchen, consisting of a three-compartment pot sink, a hot food (ie warming) unit permanently installed, and refrigerator, all of which must be approved by the health and fire departments where outside vendors can prepare catered food; (iii) charges a rental fee for use of the event hall for special events; (iv) does not allow sexually related adult entertainment to be performed in the event hall; (v) has at least 3000 square feet of enclosed heated space; and (vi) has an occupant capacity of at least 200 people.

Alcohol may only be served at an Event Facility by an establishment that already holds an alcohol license to serve at an existing restaurant in the City or by the owner of the Event Facility. For the owner to qualify to serve alcohol at the Event Facility, the owner shall obtain a license for serving alcohol by the drink as a restaurant provided the requirement to be open to the public is waived for this license.

The primary activity on the premises of the indoor event hall shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, corporate events, wedding receptions, birthday parties, holiday parties, and other similar uses. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor event halls.

The following are minimum special use permit requirements:

- (a) The applicant shall be required to provide adequate security officers for the event as established by the Mayor and Council at the expense of the applicant. Security officers shall be off duty Police Officers or Sheriff deputies from Gwinnett County or one of its municipalities.
- (b) A special use permit for an Indoor Special Event Facility shall only be granted to facilities in the Downtown Overlay District Entertainment Zone as specifically designated on Attachment 9 attached hereto and incorporated herein.

- (c) A separate event administrative application and permit shall be required for any party leasing the Indoor Special Event Facility and contracting with an establishment other than the owner that already holds an alcohol license to serve at an existing restaurant in the City. The administrative fee shall be \$20.00.
2. The following additional regulations shall apply to dispensing and drinking alcohol pursuant to the exceptions set forth in 34-101 (b)(1)-(4) above:
- (a) *One drink limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time and provided the alcohol is consumed in the area specified in the special use permit granted in Section 34-101 (b)(1)-(4) above.
 - (b) *Size limited to 12 ounces.* No container in which an alcoholic beverage is dispensed pursuant to Section 34-101 (b)(1)-(4) shall exceed twelve (12) fluid ounces in size. No person shall hold in possession within the defined area any open alcoholic beverage container which exceeds twelve (12) fluid ounces in size.
 - (c) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage outside or in the defined area.
 - (d) *Drinking Outside the Designated Area.* It shall be a violation of 34-101 (a) to take an alcoholic beverage served in the designated area outside of the designated area for any reason.
 - (e) *Hours and Days.* It shall be unlawful for any person to purchase, distribute, or consume alcoholic beverages outside of the timeframes given in 34-201 (69) and (94).

34-102

Public Drunkenness

1. It shall be unlawful for any person to be and appear in an intoxicated condition on any public or private street or highway within the City of Lawrenceville or within the curtilage of any private residence not in the exclusive possession of the person or persons so intoxicated or at any place of business open to the public or at any other place or

public gathering or assembly or place accessible to or visible to all members of the community. Said intoxication may be caused by the excessive use of intoxicating wines, beers, liquors, or opiates, or narcotics or other dangerous or hazardous drugs, and must be made manifest by boisterousness, or by indecent condition or actions or by vulgar, profane, or unbecoming language, or loud and violent discourse of the person or persons so intoxicated, and further a person may be deemed intoxicated within the meaning of this Ordinance where his excessive use of intoxicants produces such a material change in his normal mental status that his behavior becomes unpredictable and uncontrolled, and as a result, either:

- (a) slight irritations, real or imaginary, cause outbursts of anger that find expression in acts of physical violence against another person, either police officer or citizens; or
- (b) the accused becomes unable to exercise any care for his own safety.

34-103 Possession of Alcoholic Beverages by a Minor

It shall be unlawful for a person under the age of 21 to possess alcoholic beverages within the corporate limits of the City of Lawrenceville. The Municipal Court of the City of Lawrenceville shall have jurisdiction to try and dispose of cases where a person is charged with the possession of alcoholic beverages. No person under the age of 21 years of age shall attempt to purchase any alcoholic beverage or misrepresent his/her age in any manner whatever for the purpose of obtaining alcoholic beverages. Violation of this code section shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000.00 and imprisonment not to exceed one (1) year.

²34-104 Alcohol Excise Tax

- 1. Per drink excise tax.
 - (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three (3) percent of the retail price or charge for such drink. Such tax shall be collected by the licensee licensed under this article, and such licensee shall remit the same to the city on or before the 20th day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink, excluding malt beverages. Gross sales shall include all credit card sales and shall be reported and taxes collected thereon shall be submitted to

the **City Clerk or his designee** to the same extent as required of cash sales. Each licensee shall be allowed a deduction equal to that rate authorized for deductions from state tax under part V of the Georgia Retailer's and Consumer's Sales and Use Tax Act, O.C.G.A. § 48-8-50, as now written or hereafter amended; provided that the tax is not delinquent at the time of payment. It shall be the duty of every such licensee required to make a report and pay any tax levied pursuant to this article, to keep and preserve suitable records of the sales taxable pursuant to this article, and such other books or accounts as may be necessary to determine the amount of tax due. It shall be the duty of every licensee to keep and preserve such records for a period of three years.

- (b) Excise taxes received in the Office of the City Clerk after the 20th day of the month shall be charged a ten (10) percent penalty.
- (c) If the City Clerk deems it necessary to conduct an audit of the records and books of the licensee, he/she will notify the licensee of the date, time and place of the audit.
- (d) Any licensee who violates any provision of this article may, upon conviction, be punished by a fine of not less than \$300.00 for each offense and/or thirty (30) days in the common jail of the county, and the license of such location may be suspended or revoked.

2. Excise Tax and Bond Requirement on Wholesalers

- (a) There is hereby levied an excise tax computed at the rate of twenty-two cents (\$0.22) per liter (.65 cents per ounce) which shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to retailers in the City of Lawrenceville. Such tax shall be paid to the City Clerk or his designee by the wholesale distributor on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in the City of Lawrenceville as follows: each wholesaler selling, shipping, or in any way delivering distilled spirits or wine to any licensees hereunder, shall collect the excise 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. Excise taxes received in the office of the City Clerk after the twentieth day of the month shall be charged a ten (10)

percent penalty. The twenty-two cents (\$0.22) per liter (.65 cents per ounce shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of twenty-two cents (\$0.22) cents per liter or .65 cents (\$0.0065) per ounce. It shall be unlawful and a violation of this ordinance for any wholesaler to sell, ship or deliver in any manner any distilled spirits or wine to a retail dealer without collecting said tax. It shall be unlawful and a violation of this ordinance for any retail dealer to possess, own, hold, store, display or sell any distilled spirits or wine on which such tax has not been paid. Each wholesaler shall be paid three (3) percent of the amount of taxes collected as reimbursement for collection of the said tax.

- (b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in the City of Lawrenceville at the rate of five cents (\$0.05) per twelve-ounce container and six dollars (\$6.00) for each container of tap or draft beer or malt beverage of fifteen and one-half (15 ½) gallons and in similar proportion for bottles, cans and containers of various sizes as follows:

SIZE OF CONTAINER	TAX PER CONTAINER
7 ounces	0.0291
8 ounces	0.0333
12 ounces	0.0500
14 ounces	0.0583
16 ounces	0.0666
32 ounces	0.1333
½ barrel (15 ½ gallons)	6.00
1 barrel (31 gallons)	12.00

All provisions as to excise tax in this section shall apply to this tax on beer and malt beverages except the tax rate which is set out in this subsection and the reimbursement of three (3) percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

- (c) Each wholesale dealer prior to commencement of any business operation within the City shall post a performance bond with the City Clerk equal to one and one-half (1 1/2) times the estimated highest monthly payment to be made in a calendar year of the excise tax based on sales collected by the wholesaler dealer from the retailers to secure the payments

for the tax imposed herein. These bonds shall be secured by cash which shall bear no interest, or a surety bond executed by a surety company licensed to do business in this state and approved by the City Clerk.

- (d) A wholesaler may be excused from posting the performance bond as provided herein after demonstrating full and satisfactory compliance with the provisions herein for a period of twelve (12) months subsequent to the commencement of business operations within the City. Continued exemption from the requirement of posting the performance bond shall be conditioned upon continued compliance with the terms of this article and the payments of all sums as required by the provisions herein.

3. Brewpubs

- (a) Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed for retail consumption on the premises. The term “eating establishment” as used herein means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen prepared to serve food every hour they are open and deriving at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
- (b) No person, firm or corporation shall be issued a brewpub license without first obtaining a retail consumption license.
- (c) A brewpub license authorizes the holder of such license to manufacture on the licensed premises not more than 1500 barrels of beer in a calendar year solely for retail sale on the premises and solely in draft form.
- (d) Distribution of any malt beverages produced by a brewpub licensed under this ordinance to any wholesaler is prohibited.
- (e) There is hereby levied an excise tax on all beer and malt beverage produced by a brewpub at the rate of \$6.00 per ½ barrel (15 ½ gallons) and \$12.00 per barrel (31 gallons). Such tax shall be paid to the City Clerk or his designee no later than the 20th day of each month for the preceding month’s production. A late payment penalty not to exceed

ten (10) percent of the tax otherwise due shall be added to the amount due for any payment not received by the due date.

(f) Administration:

(1) The City Clerk, or his designee, is authorized to establish procedures for administering all provisions of this article, including but not limited to, reporting forms and requirements, or establishing procedures and schedules for conducting financial audits or inspections of the books or records of any establishment licensed under this section.

(2) Every brewpub located within the unincorporated City limits shall file a monthly report with the City Clerk or his designee, no later than the 20th day of each month, on such forms as the City Clerk may prescribe, setting forth all malt beverages produced during such preceding calendar month, to include beginning and ending inventories. Such report shall also indicate the total production of malt beverages during the report period and the proper tax remittance for such production. Failure to properly complete or submit the required reports shall subject the licensee to a late filing penalty not to exceed \$25.00 for each deficient reporting period.

4. The excise taxes provided for hereinabove 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 or wine at retail or wholesale, within the corporate limits of the City of Lawrenceville.

³34-105 Grandfathering Permits

Establishments with more than two (2) billiard tables, operating with a valid billiard license and a valid alcohol license as of July 1, 2007, may be allowed to renew both licenses for an indefinite period of time provided the following requirements are met:

1. There is no change of ownership of the business;
2. There is no change in location of the business;
3. There shall be no increase in the number of billiard tables in the establishment;

4. There shall be no increase in area within the establishment used for billiard tables; and
5. The applicant meets all of the standards required to obtain an alcohol license.

If an applicant seeking to renew its licenses under this Grandfathering Permit section violates any of the above-referenced items, both their billiard and alcohol licenses are subject to suspension and/or revocation as provided for in Section 34-201, paragraph 17.

^{2,6}**34-201**

ALCOHOLIC BEVERAGES SALES

ARTICLE 1. IN GENERAL

1. **Sale within city limits; license a privilege.**
 - (a) Alcoholic beverages may only be sold in the City of Lawrenceville under a license granted by the Mayor and Council upon the terms and conditions provided in this section.
 - (b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this Code and state law.
 - (c) All licenses issued pursuant to this chapter shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled, and is subject to any further Ordinances which may be enacted."
 - (d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, City licensees are required to abide by all applicable state regulations and laws.
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:
 - (a) Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

- (b) Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.
- (c) Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other 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. Also included are beverages known as "nonalcoholic beer," which is made by fermentation of any infusion or decoction of barley, malt, hops, or other products, and containing less than three (3) percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine.
- (d) Distilled spirits or spirituous liquor means any alcoholic beverage obtained by distillation or containing more than twenty-one (21) percent alcohol by volume including, but not limited to, all fortified wines.
- (e) Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator all of which must be approved by the Gwinnett County health and fire departments. An eating establishment will be prepared to serve food every hour they are open and will derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.

Notwithstanding the limitations set forth above in this section, eating establishments are allowed to have dancing provided the dancing is limited to a dance floor area of five (5) percent of the public floor space of the establishment or 200 square feet whichever area is smaller.

Notwithstanding the limitations set forth above in this section, eating establishments are allowed to have no more than two billiard tables in the establishment.

- (f) Fortified wine means any alcoholic beverage containing 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. Fortified wine includes, but is not limited to, brandy.
- (g) Governing authority means the Mayor and City Council of the City of Lawrenceville.
- (h) Hotel means any building or other structure providing sleeping accommodations for hire to the general public, either transient, permanent or residential. Such hotels shall maintain a minimum of 50 rooms available for hire and have one or more public dining rooms with an adequate kitchen. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of any licensed establishment described in this chapter and the holder of such franchise shall be included in the definition of a hotel pursuant to this definition.
- (i) Indoor commercial recreational establishment means and is limited to an establishment which:
 - (1) Regularly serves prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator all of which must be approved by the Gwinnett County health and fire departments), prepared to serve food every hour they are open and deriving at least seventy (70) percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and
 - (2) Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.

The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theaters, bowling centers, and other similar uses. Neither outdoor commercial recreational activities, nor concession stand sales of alcoholic beverages are permitted under this provision.

Dance halls, nightclubs, taverns, billiard parlors, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments. Furthermore, no indoor commercial recreational establishment shall offer alcoholic beverages for sale during the time it is sponsoring events which primarily attract persons under the lawful drinking age in the state.

Notwithstanding the limitations set forth above in this section, indoor commercial recreational establishments are allowed to have dancing provided the dancing is limited to a dance floor area of five (5) percent of the public floor space of the establishment or 200 square feet whichever area is smaller.

Notwithstanding the limitations set forth above in this section, indoor commercial recreational establishments are allowed to have no more than two billiard tables in the establishment.

- (j) Indoor publicly owned civic and cultural center means and is limited to publicly owned establishments which the sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. Indoor publicly owned civic and cultural centers includes the City owned Depot Building, the City owned Oakes House, the Historic Courthouse and the Cultural Arts Center, provided alcohol may only be served in these facilities by an otherwise licensed establishment under a special use permit.
- (k) License means an authorization granted by the City to operate as a retail consumption dealer, retail package dealer or wholesale dealer.
- (l) Licensed Establishment means the name of the business to which a license is issued.
- (m) Licensee means the individual to whom a license is issued or the person designated by the application and approved by the City Clerk or his designee to be responsible for the day to day operations of a licensed establishment to whom a license is issued or, in the case of closely held partnerships or corporations, all partners, officers, and directors of the partnership or corporation.

- (n) Liter means metric measurement currently used by the United States.
- (o) Manufacturer means any maker, producer, or bottler of an alcoholic beverage. Manufacturer also means: in the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; in the case of malt beverage, any brewer.
- (p) Package means a bottle, can, keg, barrel, or other original consumer container. Retail package alcoholic beverages shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale.
- (q) Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.
- (r) Pouring permit means an authorization granted by the City to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer.
- (s) Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises, at retail, only to consumers and not for resale.
- (t) Retail package dealer means any person who sells unbroken packages, at retail, only to consumers and not for resale.
- (u) Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.
- (v) Wine means any alcoholic beverage containing not more than twenty-one (21) percent alcohol made from fruits, berries, grapes, or rice either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the

manufacturing process when it conforms to the definition of wine contained in this section.

3. Sale or possession for sale without license or beyond boundaries of premises covered by license. It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license granted by the City to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license. Violations of this section shall result in a fine of not less than \$500.00 and/or thirty (30) days in jail.
4. Distance requirements.
 - (a) No person may sell or offer to sell any alcoholic beverage in or within 100 feet of a church building or within 300 feet of any school building.
 - (b) The school building referred to in this section shall apply only to state, county, city or private school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common school and colleges of this state. The term "school building" includes only those structures in which instruction is offered. "School" shall have the same meaning as the word is defined in O.C.G.A. § 3-3-21.
 - (c) The term "church building" as used in this section shall mean the main structure used by any religious organization for the purpose of worship. "Church" shall have the same meaning as the word is defined in O.C.G.A. § 3-3-21.
 - (d) For the purposes of this section, distance shall be measured in a straight line from the main entrance of the school or church building in question to the main entrance of the establishment for the sale of alcoholic beverages in question.
 - (e) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited in this section shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property.

- (f) No location which is currently licensed to sell alcoholic beverages on the effective date of this Ordinance shall be denied continued operation or denied any renewal of such license, nor shall any new owner or tenant of said location be denied a new license based upon the distance requirements of this section.

5. Application forms.

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the City Clerk. Separate applications must be made for each location and separate licenses must be issued.
- (b) The application shall include but shall not be limited to the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a corporation, the names of the officers; the names and address of the registered agent for service of process; the name of the manager(s); and the name of all shareholders holding more than twenty (20) percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought.
- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the City Clerk and to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths. No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with Ordinances of the City, applicable county regulations, the state revenue commissioner and the state. The proposed building shall also be subject to final inspection and approval when completed by the building inspector. Each building in which the business will be

located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. If the applicant is a franchisee, then such applicant shall attach a copy of the franchise agreement or contract with the application. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary toilet facilities and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by the customers therein.

- (e) In all instances in which an application is denied under the provisions of this chapter the applicant may not reapply for a license for at least one year from the final date of such denial.
- (f) All licensees shall list in their application their home address, home telephone number and places of employment. Thereafter, if any person other than the one listed in the application as manager shall be employed as manager, the name, address and telephone numbers of the new manager shall be filed with the City Clerk within three (3) days of the date of such employment.
- (g) Each application for license under this chapter shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative cost. Another check shall be paid to the Georgia Bureau of Investigation of the State of Georgia for the cost of their required investigation as established by the state.

The Chief of Police shall have a complete search made of any police record of the applicant based on the information given in the application. If the applicant has no criminal history, then the applicant is eligible for a temporary license pursuant to Section 9 "Licensing qualifications," subsections (m) and (n) below.

- (h) All licensed establishments must have and continuously maintain with the City a registered agent upon whom any process, notice or demand required or permitted by law or

under this chapter to be served upon the licensee or owner may be served. This person must be a resident of Gwinnett County. The licensee shall file the name of such agent, along with the written consent of such agent, with the City Clerk in such form as he may prescribe.

6. Reserved.
7. Reserved.
8. Withdrawal of application. Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required in this chapter.
9. Licensing qualifications.
 - (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.
 - (b) Where the applicant is a partnership or corporation, the provisions of this section shall apply to all its partners, officers and majority stockholders. In the case of a corporation the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this chapter. In the case of a partnership, the license will be issued to all the partners owning at least twenty (20) percent of the partnership; or if no partner owns twenty (20) percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be licensed.
 - (c) No person shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the City Clerk or his designee that such person, partners in the firm, officers and directors of the corporation and on-site managers have not been convicted or pled guilty or entered a plea of *nolo contendere* to any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic

beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime within a period of ten years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First Offender Act shall not apply to such consideration. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or county Ordinance shall not, by itself, make a person ineligible for an alcoholic beverage license. An applicant who is found to have falsified an application or any information therein shall be denied a license. Should any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or pled guilty or *nolo contendere* to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages, including sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexual related crime, the license shall be immediately revoked and canceled.

- (d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within ten years prior to the filing of application for such license.
- (e) It shall be unlawful for any City employee directly involved in the issuance of alcoholic beverage licenses under this chapter to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the City.
- (f) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the City previously revoked within two years prior to the filing of the application.
- (g) The City Clerk may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.

- (h) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
- (i) A license application may be denied to any applicant for any alcoholic beverage license 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 application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (j) The City Clerk, in his discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in his judgment circumstances are such that granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the application.
- (k) Reserved.
- (l) The City Clerk **or his designee** is hereby authorized to issue temporary licenses for the sale of alcoholic beverages, subject to the conditions set forth in this section.
- (m) Temporary licenses may be issued for such period as determined by the **City Clerk**, not to exceed 60 days. Requirements for temporary licenses are as follows:
 - (1) A written application must be filed with the **City Clerk**.
 - (2) An application for a permanent license, together with payment of the full fee, must have been deposited with the **City Clerk**.
 - (3) The **City Clerk** must be satisfied that the location for the proposed license complies with the provisions the ordinance authorizing such license in the City of Lawrenceville.
 - (4) The denial of a temporary license will create undue hardship upon the applicant, such as the closing of an

existing business or delaying of the opening of a new business.

(5) There is an agreement by the applicant that the temporary license may be revoked, with or without cause, by the **City Clerk** at any time.

(6) The applicant and application show no criminal history and have been approved for a temporary license by the City Clerk or his designee.

(n) The fees for issuance of a temporary license under this section are as follows:

(1) Sale of distilled spirits for consumption on the premises, \$250.00.

(2) Sale of beer and wine, package sales, \$250.00.

(3) Sale of beer and wine for consumption on the premises, \$250.00.

(4) Sale of distilled spirits, package sales, no temporary license permitted; and

(5) Wholesaler's or distributor's license, \$750.00.

(o) The granting or denial of a temporary license under the provisions of this section does not affect or have any bearing upon the grant or denial of a permanent license.

10. License fee scale. Before a license shall be granted, the applicant therefore shall comply with all rules and regulations adopted by the Mayor and Council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the Mayor and Council and kept on file in the office of the City Clerk.

11. Fees enumerated. License fees applicable to this chapter are set out as follows:

(a) Retail dealers of distilled spirits to be consumed on the premises, \$2,000.00 per year for first fixed bar; Sunday sales, \$500.00 per year additional.

- (b) Retail dealers of beer to be consumed on the premises, \$500.00 per year; Sunday sales, \$85.00 per year additional.
- (c) Retail dealers of wine to be consumed on the premises, \$500.00 per year; Sunday sales, \$85.00 per year additional.
- (d) Retail dealers of beer and wine to be consumed on the premises, \$1,000.00 per year; Sunday sales, \$125.00 per year additional.
- (e) Retail dealers of beer sold in original packages for consumption off the premises, \$500.00 per year.
- (f) Retail dealers of wine sold in original packages for consumption off the premises, \$500.00 per year.
- (g) Retail dealers of beer and wine sold in original packages for consumption off the premises, \$1,000.00 per year.
- (h) Wholesale dealers in beer, whose principal place of business is in the City, \$250.00 per year.
- (i) Wholesale dealers in wine, whose principal place of business is in the City, \$250.00 per year.
- (j) Wholesale dealers in beer and wine, whose principal place of business is in the City, \$500.00 per year.
- (k) Wholesale dealers in alcoholic beverages whose principal place of business is not in the City, \$100.00 per year.
- (l) Any additional fixed bar at any previously licensed location for consumption of distilled spirits on the premises, \$500.00 per year.
- (m) Any movable bar at any previously licensed location for consumption of distilled spirits on the premises, \$100.00 per year.
- (n) Temporary license for nonprofit civic organizations, \$25.00 per day, maximum five days per year.
- (o) Nonprofit private club beer to be consumed on the premises, \$100.00 per year; Sunday sales, \$17.00 per year additional.

- (p) Nonprofit private club wine to be consumed on the premises, \$100.00 per year; Sunday sales, \$17.00 per year additional.
 - (q) Nonprofit private club beer and wine to be consumed on the premises, \$150.00 per year; Sunday sales, \$25.00 per year additional.
 - (r) Nonprofit private club distilled spirits to be consumed on the premises, \$600.00 per year; Sunday sales, \$100.00 per year additional.
 - (s) Hotel-motel in-room service, \$100.00 per year.
 - (t) Wholesale dealers in distilled spirits whose principal place of business is in the City, \$1,000.00 per year.
 - (u) Retail dealers of distilled spirits, beer and wine by the drink to be consumed outdoors or in a public facility pursuant to a special use permit, \$2,000.00 per event.
12. Collection of fees or taxes sums due. If any person shall fail to pay the sum due under this chapter, the City Clerk or designee shall issue an execution against the person so delinquent and his property, for the amount of the delinquent fee or tax.
13. Transferability of license.
- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
 - (b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur, provided that no sale of alcoholic beverages shall be allowed until such time as a personal representative of the estate, appointed by a probate court of competent jurisdiction, shall make application for authorization with the City Clerk.
 - (c) If a license is surrendered or a licensee severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date determined by the City Clerk to be the date of severance, provided no such sale shall be authorized until such time as a new application for a license is made. The application shall indicate that no

change of ownership has occurred, except as excepted in this section. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.

- (d) Nothing in this section, however, shall prohibit one or more of the partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. This section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license nor shall it prohibit transfers of stock which do not result in any person increasing his stock holdings to a total of ten (10) percent or more of any class of stock.
 - (e) Except as provided in subsections (a) through (d) of this section, any change in the ownership of any entity owning a licensed establishment shall cancel and revoke any license pursuant to this chapter automatically, without the necessity of any hearing.
 - (f) Violation of this section shall result in revocation of the license being used and a fine on the new ownership and the old ownership of not less than \$1,000.00 and/or one (1) year in jail. No license will be issued to the old or the new owner in the City for one year from the date of the violation.
 - (g) Should a licensee make application to the City Clerk for a transfer of location and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in the amount of \$300.00.
14. Display of license at place of business. The City alcoholic beverage license shall be kept plainly exposed to view to the public at the place of the business of the licensee at all times.
15. Expiration; renewal of license.
- (a) All licenses granted under this chapter shall expire on December 31 of each year. Licensees who desire to renew their licenses shall file applications, with the requisite fee with the City Clerk on the form provided for renewal of the license for the ensuing year. Applications for renewal must

be filed before November 30 of each year. Any renewal applications received after November 30 shall pay, in addition to the annual fee, a late charge of twenty (20) percent. If license application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after January 1, investigative and administrative costs will be assessed. The establishment shall immediately stop selling alcohol and remove all alcoholic beverages offered for sale from the premises.

- (b) All licenses granted under this chapter shall be for the calendar year, and the full license fee must be paid for a license application filed on or before July 1 of the license year. One-half of a full license fee shall be paid for a license application filed after July 1 of the license year except for applications for temporary licenses which shall not be halved.

16. Automatic license forfeiture for nonuse. Any holder of any license under this chapter who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the three-month period, automatically forfeit the license without the necessity of any further action.

17. Suspension or revocation of license.

- (a) A license may be suspended or revoked by the City Clerk where the licensee furnishes fraudulent or untruthful information in the application for a license and for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the City license shall thereupon be automatically revoked. The City Clerk shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of this Ordinance shall be subject to immediate license revocation.

- (d) The City Clerk shall revoke the license of any licensee whose license has been suspended three or more times in any consecutive 12-month period.
- (e) The City Clerk shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The City Clerk may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to him/her.
- (g) An act or omission of a licensee, owner of more than twenty (20) percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the City Clerk determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the City Clerk must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.
- (h) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the City, the license may be suspended or revoked.
- (i) Wherever this chapter permits the City Clerk to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
 - (1) No suspension shall be for a period of time longer than the time remaining on such license.

- (2) The following factors may be considered on any revocation or suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the City Clerk;
 - b. Likelihood of deterring future wrongdoing;
 - c. Impact of the offense on the community;
 - d. Any mitigating circumstances or remedial or corrective steps taken by licensee;
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.

18. Hearings.

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as provided in this section. This provision does apply to pouring permits for employees.
- (b) The City Clerk shall provide written notice to the applicant or licensee of his or her order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the City Clerk may have a review of a final action by appeal to the Zoning Board of Appeals. Such appeal shall be by written petition, filed in the office of the City Clerk within 15 days after the final order or action of the City Clerk and, in order to defray administrative costs, must be accompanied by a filing fee of \$500.00; except that the filing fee for appeals relating only to pouring permits for employees shall be \$50.00. The City Clerk, at his/her discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing the appeal. The Zoning Board of Appeals may, at the request of the appellant, refund the filing fee by a majority vote.
- (c) A hearing shall be conducted on each appeal within 30 days of the date of filing with the City Clerk unless a continuance

of such date is agreed to by the appellant and the City Clerk. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the Zoning Board of Appeals shall sign an affidavit to be part of the record that he or she is not related to any owner of the licensed establishment in question in the appeal being considered and that he or she has no financial interest in the outcome of the appeal. Should any member be unable to sign such an affidavit, that member shall not serve on that appeal, and the case shall be heard by the remaining members of the Zoning Board of Appeals.

- (d) The findings of the Zoning Board of Appeals shall be forwarded to the City Clerk within 15 days after the conclusion of the hearing, and it shall be the duty of the City Clerk to notify the appellant of the action of the Zoning Board of Appeals.
 - (e) The findings of the Zoning Board of Appeals shall not be set aside unless found to be:
 - (1) Contrary to law or Ordinances;
 - (2) Unsupported by substantial evidence on the records as a whole; or
 - (3) Unreasonable.
 - (f) The findings of the Zoning Board of Appeals shall be final unless appealed within 30 days of the date of the finding by certiorari to the Superior Court of Gwinnett County.
19. Notice. For the purpose of this chapter, notice shall be deemed delivered when personally served or by certified mail, within three days after the date of deposit in the United States mail.
20. Advertising; location requirements; signs.
- (a) As a condition of the privilege of having a license and permit pursuant to this chapter, the holder agrees not to use any outdoor advertising or signs to promote the sale of alcoholic beverages or the prices of such beverages. No advertising or signs shall be permitted to be physically attached to the

windows of any such establishment. Any signs or advertising inside the permitted location shall be of a size and type that is directed to customers inside the facility. Any advertising or signs that are visible from the outside of the permitted facility shall be removed if the City Clerk or his/her designee determines that the advertising or signage adversely intrudes on the esthetic character of surrounding streets, sidewalks or properties.

21. Audits of licensees.

- (a) If the City Clerk deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit. The City Clerk may designate a City employee or other designated person to perform any audit authorized in this Code. The licensee shall cooperate with the audit or forfeit any license(s) issued under this chapter.
- (b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:
 - (1) Monthly income or operating statements.
 - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees).
 - (3) Daily cash register receipts such as Z tapes or guest tickets.
 - (4) Monthly state sales and use tax reports.
 - (5) Daily purchase receipts for liquor, beer and wine.
 - (6) Federal and State income tax returns.

The City Clerk may waive all or some of the requirements of the foregoing sentence if the City Clerk finds that no such records exist and it is not financially practical based on the net income of the licensed establishment to require them to keep such records.

22. Retailer to purchase from licensed wholesaler only.
- (a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
 - (b) The City Clerk or his designee may request, from time to time, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.
23. Retail consumption dealers to store inventory only on premises. No retail consumption dealer licensed under this chapter shall keep any beer or wine or other alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby distilled spirits ordered by a licensee are stored by a licensed wholesaler.
24. Addition to contents of alcoholic beverages prohibited. No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner.
25. Poured alcohol to be transported by employees. Poured alcoholic beverages shall be transported from point of dispensing to the customer only by employees that possess a City of Lawrenceville pouring permit.
26. Licensees to maintain a copy of this chapter; employees to be familiar with terms; licensee responsible for violations. Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter in the licensed premises and shall instruct any person working there with respect to the terms of this chapter; and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms of this chapter.
27. Employment of underage persons prohibited; exceptions.
- (a) No person shall allow or require a person in his/her employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.

- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenience stores from selling or handling alcoholic beverages which are sold for consumption off the premises.
 - (c) It is unlawful for any person under the age of 18 years of age to work as an entertainer in any establishment licensed under this chapter without written consent from parents or guardian.
28. Failure to require and properly check identification. It shall be a violation not to require and properly check identification to ensure that an underage person is not sold, served, or does not have in his possession alcoholic beverages while in a licensed establishment. Identification in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or ID card issued by a governmental entity.
29. Certain sales prohibited. No holder or employee of the holder of a license authorizing the sale of alcoholic beverages, shall do any of the following upon the licensed premises:
- (a) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
 - (b) The prohibition in subsection (a) of this section shall not apply with respect to the sale of alcoholic beverages to a person when such person has furnished proper identification showing that the person to whom the alcoholic beverages are being sold is 21 years of age or older. For the purposes of this subsection proper identification means any document issued by a government agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth, including but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
 - (c) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated, who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to the licensee or his employees.

- (d) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
- (e) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under the terms of this chapter.
- (f) The penalty for violation of this section by an individual shall be as follows:
 - (1) For the first offense, a minimum fine of \$250.00.
 - (2) For the second offense and subsequent violations, a minimum fine of \$500.00.
- (g) Any licensed establishment where three or more violations of this section, or section 3-3-23 of the Georgia Alcoholic Beverage Laws and Regulations, have occurred within any 36-month period shall be punished as follows:
 - (1) For the third offense within any 36-month period, suspension of license(s) for a period not to exceed 90 days.
 - (2) For the fourth and any subsequent violation within any 36-month period, suspension of license(s) for a period not to exceed one year.

As to the penalties in subsection (g), if there is a change in a majority of the licensed establishments' owners, partners or shareholders, the violations under the old ownership shall not count against the new owners; however, a different corporation, partnership or other association will be charged with the violations of its predecessor(s) if a majority of the owners, partners or shareholders are the same.

30. Reserved.

31. Promotions and sales.

- (a) No licensee or employee or agent of a licensee, in connection with the sale or other disposition of alcoholic beverages for consumption on the premises, shall:
- (1) Offer or deliver any free alcoholic beverage to any person or group of persons.
 - (2) Deliver more than one alcoholic beverage to one person at a time.
 - (3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than the price regularly charged for such alcoholic beverage during the same calendar week, except at private functions not opened to the public.
 - (4) Sell, offer to sell, or deliver to any person or group of persons an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public.
 - (5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not opened to the public.
 - (6) Sell, offer to sell, or deliver alcoholic beverages, including malt beverages, in any container which holds more than 32 fluid ounces (.947 liters), except to two or more persons at any one time.
 - (7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same calendar week.
 - (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.

- (b) Each licensee shall maintain a schedule of the price charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The licensee shall not vary the schedule of prices from day to day or from hour to hour within a single day. The schedule of prices shall be posted in a conspicuous manner so as to be in view of the paying public, and the schedule shall be effective for not less than one calendar week.
- (c) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (a) of this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, to prohibit licensees from including an alcoholic beverage as part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person.
- (e) It is the intent of this section to prohibit activities typically associated with promotions referred to as happy hour or similarly designated promotions.
- (f) The police department shall have responsibility for the enforcement of this article.
- (g) No licensee may require the purchase of any alcoholic beverage as a part of or prerequisite to the purchase of any other product or service. If alcoholic beverages are included as part of a package of other goods and/or services, the alcohol beverages must be priced separately and all customers must be allowed to purchase the remaining goods and services without the alcoholic beverages at a price from which the full price of the alcoholic beverages has been deducted.
- (h) Any person deemed guilty of violating this section may be punished by a fine not to exceed \$1000 and/or by imprisonment not to exceed 1 year in jail. Licensees may further be subject to revocation proceedings.

32. Regulations as to employees and manager. The following regulations shall apply to all establishments holding a license for consumption of alcoholic beverages on the premises:

- (a) No person shall be employed to dispense, sell, serve, take orders, mix alcoholic beverages, or serve in any managerial position, by an establishment holding a license under this chapter until such person has applied for and received a permit from the City of Lawrenceville Police Department, indicating that the person is eligible and has been issued a pouring permit.
- (b) This section shall not be construed to include employees whose duties are limited solely to those of host (ess), bus boy(s), cook(s), or dishwasher(s).
- (c) No permit shall be processed until such time as a signed application has been filed with Police Department, and a fee as established by the Mayor and Council has been paid. The application shall be made on forms approved by the Chief of Police.
- (d) The Police Chief or his designee shall conduct a background check on each applicant to determine whether the applicant is eligible to hold a permit. If it is found that the person is not eligible for a permit, the Police Chief or his designee shall notify the person, in writing, that they are not eligible to receive a permit, the cause of such denial and their right to appeal.
- (e) No person shall be granted a pouring permit if the Police Chief or his designee determines that such person has been convicted or pled guilty or entered a plea of *nolo contendere* to any crime involving moral turpitude, illegal gambling, or illegal possession or sale of controlled substances or the illegal sale or possession of alcoholic beverages, keeping a place of prostitution, solicitation of sodomy, or any sexual related crime within a period of five years prior to the date of application or the applicant remains on parole or probation for a violation of such a crime or any felony. Completed sentences under the Georgia First Offender Act shall not apply to such consideration. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a City or county Ordinance shall not, by itself, make a person ineligible for an alcohol pouring permit. An applicant who is found to have falsified an application or any information therein shall be denied a permit.

The penalty for service of alcoholic beverages to a minor by an individual who holds an alcoholic beverage pouring permit shall be as follows:

- (1) For the first offense, a minimum fine of \$250.00;
 - (2) For the second offense and subsequent violations, a minimum fine of \$500.00;
 - (3) Any individual holding an alcoholic beverage pouring permit where three or more violations of serving alcoholic beverages to a minor have occurred within any 36-month period shall be punished as follows:
 - a. For the third offense within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed 90 days.
 - b. For the fourth and any subsequent violation within any 36-month period, suspension of the alcoholic beverage pouring permit for a period not to exceed one year.
- (f) An alcohol pouring permit shall be issued for a period of one calendar year from the date of the original application. The alcohol pouring permit must be in the possession of the holder while the holder is working at the licensed establishment. This permit must be available for inspection by members of the Police Department or other City representatives.
- (g) All permits issued through administrative error shall be terminated and seized by the Police Chief or his designee.
- (h) Replacement permits may be issued upon paying one-half of the fees charged for an original permit. The original expiration date shall remain in force for any replacement permit.
- (i) All permits issued under this chapter remain the property of the police department and shall be produced for inspection upon the demand of any officer or designee of the police department.

- (j) No licensee shall allow any employee or manager required to hold a permit to work on the premises unless the employee or manager has in their possession a current valid City pouring permit. For new employees, a receipt issued by the City Police Department may be used for a maximum of 30 days from the date of its issue. Licensees are required by this chapter to inspect and verify that each employee required to do so has in their possession a valid current alcohol pouring permit.
- (k) Unless otherwise enumerated in this section, a person(s) convicted of any violation(s) of this section shall receive a minimum fine of \$200.00.

33. Reserved.

34. Open area and patio sales.

- (a) Alcoholic beverage sales may be made by a licensed consumption on-premises establishment in a patio/open area type environment if the establishment has been approved to do so by the City Clerk.
- (b) The requirement for approval is that the patio/open area be enclosed by some structure providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of three-and-one-half feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the City's building inspection department and the Gwinnett County fire department, as required by their governing regulations or codes.
- (d) The only exit from this type area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists. The fire exit shall be of the type that sounds an alarm so that the establishment will be alerted in the event of unauthorized use when no emergency exists.
- (e) If a licensee desires a patio/open sales area inside an existing

structure, plans will be reviewed and approved on an individual basis by the City Clerk. Interior type patio/open sales areas must also meet the requirements of the City and Gwinnett County development and fire codes.

- (f) Nothing contained in this section shall prohibit a hotel or motel with a consumption on the premises license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel.

35. No consumption outside premises.

Except as allowed in Section 34-101, the following restrictions shall apply:

- (a) It is prohibited for customers to leave the premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However, nothing in this section shall be construed to the carrying out of wine or malt beverages for consumption at a publicly owned or privately owned golf course.
- (b) It is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (c) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.

36. Reserved.

37. Reserved.

38. Noise from establishments prohibited. Noise will not be allowed that can be heard outside the physical boundaries of establishments licensed under this chapter.

39. Inspection of licensed establishments by the police department. Sworn officers of the police department shall have the authority to inspect establishments licensed under the alcoholic beverages Ordinances of the City during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of any

other City officer to conduct inspections authorized by other provisions of this Code.

40. Establishment can be closed in cases of emergency. The Police Chief, or his designee, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.
41. Sale on election days.
 - (a) The sale of wholesale and retail of alcoholic beverages, shall be lawful during the polling hours of any election; provided, however, nothing herein shall authorize the sale of alcoholic beverages within 250 feet of a polling place during such time as the polls are open.
 - (b) All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.
42. Bring your own bottle (brown-bagging) prohibited; Exception. It is prohibited for any person to bring in his own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages; provided however, establishments that are licensed pursuant to this Code may allow customers to bring in bottle(s) of wine and charge a corkage fee as a convenience charge for opening and serving wines from outside the restaurant.
43. Selling without a license. It shall be unlawful for any person, firm or corporation to sell or possess for the purpose of sale, any alcoholic beverage, beer or wine where such person, firm or corporation does not have a license from the City of Lawrenceville.
44. Package sales not permitted. Nothing in this Ordinance shall be construed to permit the package sale of distilled spirits or spirituous liquor.
45. Criminal Gangs and Criminal Activity. The Mayor and Council shall have the right to revoke a permit issued under this chapter after a hearing if by a preponderance of the evidence it is established that the licensed establishment is participating in helping, fostering, harboring or encouraging the unlawful activities described in Chapter 31, Section 120 of this Code or any other criminal activity.

46. Penalties for violation of chapter. Except where otherwise stated in this ordinance, any person who violates any provisions of the sections in this chapter may, upon conviction, be punished by a fine of not more than \$1,000.00 for each offense and/or one (1) year in jail.

In addition to the penalty imposed by the Municipal Court for a violation, the Mayor and Council may impose the following penalties upon the licensee for a violation of any provision of this Code section the following penalties: the first offense shall be punishable by probation; the second offense shall be punishable by a fine to be \$500.00; the third offense shall be punishable by a thirty day suspension of the license; and the fourth offense shall be punishable by revocation of the license.

46 - 65. Reserved.

ARTICLE II.

RETAIL SALES OF DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES.

66. Locations where permitted. No distilled spirits may be sold by the drink for consumption on the premises where sold except:
- (a) In eating establishments regularly serving prepared food, with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the Gwinnett County health and fire departments. Such eating establishment shall regularly serve food every hour it is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
 - (b) In indoor commercial recreation establishments.
 - (c) In an indoor publicly owned civic and cultural center.
 - (d) In zoning districts where such eating establishments are conforming uses or where such establishments are incident to a motel.
 - (e) Any eating establishments or indoor commercial recreational establishments where distilled spirits are to be consumed on the premises shall also meet the following requirements:

- (1) Such establishments shall have a seating capacity of 100 people excluding stools and counters; provided, a restaurant which can demonstrate that 80% of its total annual gross sales are derived from the sale of prepared meals or foods shall have a minimum seating capacity of 60 people for purposes of this provision.
 - (2) The establishment shall be used, advertised and held out to the public as a place where meals are served and meals are actually served;
 - (3) Such establishment shall serve two meals per day for at least six days per week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted with the serving of distilled spirits to be consumed on the premises as incidental thereto. Eating establishments serving full course meals during an extended period of not less than six (6) hours per day at least six (6) days per week shall be deemed to be serving two meals per day.
- (f) The only advertisement or sign indicating that distilled spirits may be consumed on the premises shall be a menu stating the name, brand or type of beverage served and the price per serving. No other sign may be displayed either within or without the eating establishment indicating that distilled spirits are sold or may be consumed on the premises.
67. Investigative and administrative costs. Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative costs. Any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code.
68. Advertising in official gazette of county. A notice of each application to sell distilled spirits by consumption shall be advertised in the official organ of the county, once a week for two weeks immediately preceding consideration of the application.

69. Hours and days of sale.
- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:55 a.m. Monday through Saturday.
 - (b) Distilled spirits shall not be sold for consumption at any time in violation of any local Ordinance or regulation or of any special order of the governing authority.
 - (c) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 12:30 p.m. until 12:00 midnight in: (i) any licensed establishment which derives at least fifty (50) percent of this total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; (ii) in any licensed establishment which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging, and (iii) an indoor publicly owned civic and cultural center under the standards established by the required special use permit.
 - (d) Distilled spirits may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.
70. Consumption sales only. Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle.
- 71 - 90. Reserved.

ARTICLE III.
RETAIL SALES OF MALT BEVERAGES AND WINE FOR CONSUMPTION ON THE
PREMISES

91. Locations where permitted. No beer or wine may be sold by the drink for consumption on the premises where sold except:
- (a) In eating establishments regularly serving prepared food, with a full service kitchen. A full service kitchen will consist of a three compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the Gwinnett County health and fire departments. Such eating establishment shall regularly serve food every hour it

is open and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits or beer and wine.

- (b) In indoor commercial recreation establishments.
- (c) In an indoor publicly owned civic and cultural center.
- (d) In zoning districts where such eating establishments are conforming uses or where such establishments are incident to a motel.
- (e) Any eating establishments or indoor commercial recreational establishments where beer or wine are to be consumed on the premises shall also meet the following requirements:
 - (1) Such establishments shall have a seating capacity of 100 people excluding stools and counters; provided, a restaurant which can demonstrate that 80% of its total annual gross sales are derived from the sale of prepared meals or foods shall have a minimum seating capacity of 60 people for purposes of this provision.
 - (2) The establishment shall be used, advertised and held out to the public as a place where meals are served and meals are actually served;
 - (3) Such establishment shall serve two meals per day for at least six days per week, with the exception of holidays, vacations, and periods of redecorating, and the serving of such meals shall be the principal business conducted with the serving of beer and wine to be consumed on the premises as incidental thereto. Eating establishments serving full course meals during an extended period of not less than six (6) hours per day at least six (6) days per week shall be deemed to be serving two meals per day.

92. Investigative and administrative costs. Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative costs. Any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which

fee shall be the largest of the investigative and administrative fees authorized under this Code.

93. Advertising in official gazette of county. A notice of each application to sell beer or wine by consumption shall be advertised in the official organ of the county, once a week for two weeks immediately preceding consideration of the application.
94. Hours of Sale.
- (a) Beer and/or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:55 a.m. Monday through Saturday.
 - (b) Beer and/or wine shall not be sold for consumption at any time in violation of any local Ordinance or regulation or of any special order of the governing authority.
 - (c) The sale of Beer and/or wine for consumption on the premises is permitted on Sundays from 12:30 p.m. until 12:00 midnight in: (i) any licensed establishment which derives at least fifty (50) percent of this total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; (ii) in any licensed establishment which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging, and (iii) an indoor publicly owned civic and cultural center under the standards established by the required special use permit.
 - (d) Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New year's Day, January 1 of any year.
95. Wholesales. Any persons, firm or corporation designed to sell at wholesale any beer or wine in the incorporated area of the City shall make application to the Mayor and Council for a license to do so, which application shall be in writing on the forms authorized and prescribed by the Mayor and Mayor and Council. No beer or wine shall be delivered to any retail sales outlet in the City except by a duly licensed wholesaler in licensed vehicles. The name of the wholesale distributor shall be clearly marked on the vehicles.

96 - 115. Reserved.

ARTICLE IV.
RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

116. Type of retail establishment where permitted.

- (a) No beer or wine shall be sold at retail package except in the following establishments:
 - (1) in retail establishments devoted principally to the retail sale of groceries and food products and which are located in zoning districts in which food establishments are permitted as a conforming use; and
 - (2) in retail establishments devoted principally to the retail sale of fish bait and fishing equipment and which are located in zoning districts in which retail sale of fish bait and fishing equipment are a permitted use.
 - (3) Within the overlay district established by the Downtown Development Authority for revitalization, a wine shop may be permitted for sale of wine without meeting the other requirements of this ordinance and may sell wine by the drink provided the applicant applies for and is granted a special use permit for the establishment by the Mayor and Council.

117. Hours and days of sale.

- (a) Retail package licensees shall not engage in the sale of beer and/or wine except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale of beer and/or wine.
- (b) Retail package beer and/or wine shall not be sold at any time in violation of any local Ordinance or regulation or of any special order of the governing authority.
- (c) No retail package alcoholic beverages shall be sold on Sunday.

118. Use of tags or labels to indicate prices. Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all beer and wine exposed or offered for sale.
119. Quantity sale requirements. Single cans or bottles or other containers of alcoholic beverages may be sold.
120. License fee and amount to defray investigative and administrative costs to accompany application. Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the \$300.00 cost paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.
- 121 - 140. Reserved.

ARTICLE V
PRIVATE CLUBS

141. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (a) Fixed salary means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

- (b) Private club means any nonprofit association organized under the laws of this state which:
 - (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this article;
 - (2) Has at least 75 regular dues paying members;
 - (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
 - a. Suitable kitchen and dining room space and equipment;
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
 - c. 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 a fixed salary.
- (c) Sports Club means an association or corporation organized and existing under the laws of the state, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption dealer's license, a sports club must have been actively in operation within the City at least two years prior to an application for license under this chapter. The two-year operational requirement shall not apply to golf club associations or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be permitted to serve alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

142. Regulation of sale of alcoholic beverages. Private clubs may sell and dispense alcoholic beverages upon compliance with all applicable

Ordinances and regulations of the City governing the sale of such beverages and upon payment of such license fees and taxes as may be required by the existing Ordinances, rules and regulations of the City.

143. Certain organizations exempt from food establishment requirements. Veteran organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food. However, any such organization selling or dispensing alcoholic beverages shall be subject to all Ordinance regulations dealing with general licensing and consumption on the premises establishments.
144. Investigative and administrative costs. Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate check or cash in the amount of \$300.00 for distilled spirits and/or beer and/or wine to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant is denied a state license, the deposit representing the license fee shall be refunded, but the \$300.00 cost paid for investigation and administrative cost shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this Code. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.
145. Hours and days of sale.
 - (a) Alcoholic beverages shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:55 a.m. Monday through Saturday.
 - (b) Alcoholic beverages shall not be sold for consumption at any time in violation of any local Ordinance or regulation or of any special order of the governing authority.
 - (c) The sale of alcoholic beverages for consumption on the premises is permitted on Sundays from 12:30 p.m. until 12:00 midnight in: (i) any licensed establishment which

derives at least fifty (50) percent of this total annual gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served; (ii) in any licensed establishment which derives at least fifty (50) percent of its total annual gross income from the rental of rooms for overnight lodging, and (iii) an indoor publicly owned civic and cultural center under the standards established by the required special use permit.

- (d) Alcoholic beverages may be sold for consumption on the premises from 12:00 midnight to 2:00 a.m. on any Monday which is New Year's Day, January 1 of any year.

146. Eligibility for issuance of temporary license. Any nonprofit organization may be issued a temporary permit for a period not to exceed ten days in any one year. The nonprofit organization must make application and pay the fee that may be required by Ordinances. Such organizations shall be required to comply with the entire general Ordinances and the licensing and regulations for consumption on the premises establishment with the exception of the full service kitchen requirement.

147 - 165. Reserved.

ARTICLE VI HOTEL-MOTEL IN-ROOM SERVICE

166. License.

- (a) In-room service means the provision of a cabinet or other facility located in a hotel-motel guestroom which contains beer and/or wine only, which is provided upon written request of the guest and which is accessible by lock and key only to the guest and for which the sale of the beer and/or wine contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.
- (b) Any hotel-motel that acquires this in-room service shall also be required to obtain a consumption on the premises license and meet all of the requirements of this chapter.
- (c) No hotel-motel shall be authorized to provide in-room service until it has been issued a special license to do so. A license fee of \$100.00 shall be imposed to provide only beer and/or wine by "in-room service."

- (d) The sale of beer and/or wine by in-room service shall be subject to all restrictions and limitations relative to the retail sale of any alcoholic beverages, except as provided otherwise in this article.
- (e) Keys for in-room service shall only be sold to guests between the hours of 11:00 a.m. until 12:00 midnight Monday through Saturday and between the hours of 12:30 p.m. until midnight on Sunday.

167 - 186. Reserved.

187 - 206. Reserved.

207. Severability. Should any part, paragraph or portion of this Ordinance be declared invalid for any reasons by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance not so declared to be invalid, but all such remaining portions of this Ordinance shall remain in full force and effect as if they were separately adopted.

¹ Ordinance to Adopt Chapter 34 to Amend the City of Lawrenceville's Alcohol Ordinance by Deleting Certain Provisions in Chapter 4-104, 31-104, 31-107, 31-112, and 32-207 Regarding Alcoholic Beverages Sales and Consumption of the City of Lawrenceville's 2005 Lawrenceville General Code of Ordinances was adopted on July 9, 2007.

² Ordinance to Amend Penalty Provisions and to make Technical Revisions within Certain Sections of the City of Lawrenceville's 2005 Lawrenceville Code of Ordinances was adopted on September 10, 2007.

³ Ordinance to Amend Chapter 34 of the City of Lawrenceville's 2005 General Code of Ordinances to add Section 105 regarding Grandfathering Permits was adopted on January 7, 2008.

⁴ Ordinance to Amend Chapter 34 Section 101 of the City of Lawrenceville's 2005 Lawrenceville General Code of Ordinances to Adopt Certain Provisions Regarding Indoor Special Event Facilities was adopted on June 2, 2008.

⁵ Ordinance to Amend Section 34-101 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on February 2, 2009.

⁶ Ordinance to Amend Sections 34-101 and 34-201 of the City of Lawrenceville's 2005 General Code of Ordinances was adopted on October 5, 2009. This Ordinance amends Section 34-101, Paragraph 1(b)(1) and Paragraph 2, and Section 34-201, Article 1, Paragraph 42.