

BARTOW COUNTY
MALT BEVERAGE AND WINE LICENSE ORDINANCE
(as amended)

AN ORDINANCE OF THE COUNTY COMMISSIONER OF BARTOW COUNTY SITTING FOR COUNTY PURPOSES **FOR THE PURPOSE OF AMENDING AND READOPTING THE EXISTING BARTOW COUNTY MALT BEVERAGE AND WINE LICENSE ORDINANCE; AMENDING DEFINITIONS; AMENDING PROVISIONS RELATING TO LICENSING PROCEDURES;** AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE COMMISSIONER OF BARTOW COUNTY HELD ON THE 10th DAY OF OCTOBER, 2007.

WHEREAS, Bartow County has previously adopted a Malt Beverage and Wine License Ordinance on the 3rd day of December, 1997, as amended from time to time and as readopted on October 4, 2006; and

WHEREAS, the Bartow County Commissioner finds that it is in the best interest of the citizens of Bartow County, Georgia that the Malt Beverage and Wine License Ordinance be updated and amended in a manner consistent with the Georgia Alcoholic Beverage Code; and

WHEREAS, the Commissioner deems it in the best interest of the citizens of Bartow County to revise and adopt procedures, rules and regulations governing the licensing and sale of packaged malt beverages and wine and for consumption on premises at restaurants and private clubs; the manufacturing of malt beverages and wine and to provide for penalties for violations of said ordinance.

NOW THEREFORE BE IT ORDAINED by the Commissioner of Bartow County, by virtue of the authority vested in him by law and pursuant to Title 3 of the Official Code of Georgia, that the Bartow County Malt Beverage and Wine License Ordinance, attached hereto and incorporated herein by reference, is hereby amended and re-adopted.

SO ORDAINED AND ADOPTED, this 10th day of October, 2007, to be effective immediately, the public health, safety and welfare demanding.

Attest:

BARTOW COUNTY, GEORGIA

by: _____
Kathy Gill, County Clerk

by: _____
Clarence Brown, Commissioner

**BARTOW COUNTY MALT BEVERAGE AND WINE LICENSE
ORDINANCE
October 10, 2007**

**ARTICLE I
TITLE**

This Ordinance shall be known as the “Bartow County Malt Beverage and Wine License Ordinance.”

**ARTICLE II
PURPOSE**

The purpose of this Ordinance is to provide procedures, rules and regulations governing the issuance of licenses for the sale of packaged malt beverages and wine and for the sale of malt beverages and wine for consumption on the premises of restaurants and private clubs; regulating the sale of malt beverages and wine and to provide for penalties for violations of this ordinance (hereinafter referred to collectively as “alcoholic beverages” unless the context clearly requires otherwise).

**ARTICLE III
PRIVILEGE**

Wholesale licenses, manufacturing licenses, retail licenses, special events licenses and consumption on the premises licenses for the sale of alcoholic beverages in the unincorporated area of Bartow County may be issued by the Commissioner of Bartow County pursuant to the rules and regulations set forth in this Ordinance. The holding of any such license or licenses is declared to be a privilege and not a right, and such privilege shall not be exercised except in accordance with the licensing, regulatory, and revenue requirements of this Ordinance and Title 3 of the Official Code of Georgia.

**ARTICLE IV
DEFINITIONS**

Unless expressly defined below, all terms used in this ordinance shall have that meaning ascribed to them by the Official Code of Georgia, and particularly O.C.G.A. § 3-1-2, as that statute may be from time to time amended. As used in this Ordinance, the term:

- (1) Alcoholic Beverage means and includes all alcohol, distilled spirits, beer, malt beverages, wine or fortified wine.
- (2) Brown Bagging means possession of an open glass bottle, can or other container

containing an alcoholic beverage or consumption of an alcoholic beverage on the premises (1) of any business in the County and (2) occurs at a location different from where said alcoholic beverage was purchased.

- (3) Building Official means the Building Official of Bartow County, or that official's designee.
- (4) Business License Office means the Bartow County Business License Office.
- (5) Charitable organization means an organization exempt from federal taxes under 42 U.S.C. Section 501(c)(3) or an any charitable, benevolent, philanthropic, patriotic, or charitable purpose for religion, health, education, social welfare, arts and humanities, environment, civic, or public interest.
- (6) Commissioner means Commissioner of Bartow County or his successors in office being the governing authority of Bartow County.
- (7) County means Bartow County, Georgia.
- (8) Distilled spirits means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.
- (9) Election Day means that period of time beginning with the opening of the polls and ending with the closing of the polls. As used in this paragraph, the term "Election" is defined as any statewide primary election and the statewide general election and any run-off held for such primary or general election. Said term also includes "County Elections."
- (10) Financial or ownership interest means any involvement financially including loaning money, and any ownership interest in the business seeking the license, or a majority ownership interest in any entity that has an ownership interest in the business.
- (11) Fire Chief means the Bartow County Fire Chief or that official's designee.
- (12) Interest means a financial or ownership interest, including any direct or indirect entitlement to the profits or responsibility for the losses of the business, holding any shares, being a member, partner or having any other ownership interest.
- (13) License Official means that Department or official designated by the Commissioner to administer the provisions of this Ordinance.
- (14) Malt Beverage means beer and any alcoholic beverage obtained by any fermentation of any infusion or decoction of barley, malt, hops or any other similar product or any combination of such products in water containing not

more than fourteen percent alcohol by volume and including ale, porter, brown, stout, lager, beer, small beer or strong beer. The term does not include Sake, known as Japanese rice wine, but the term shall include, for purposes of this Ordinance, "hard cider" meaning an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six percent alcohol by volume, including, but not limited to flavored or carbonated cider.

- (15) Nonprofit Private Club means a corporation organized and existing under the laws of the State of Georgia or a fraternal or veterans organization associated with a part of a recognized national fraternal or veterans organization which is organized and operated exclusively for pleasure, recreation and other nonprofit purposes and which immediately prior to the application for a license hereunder has:
- (A) At least one hundred members regularly paying dues; and
 - (B) Tax exempt status under the provisions of 501(a) of the U.S. Internal Revenue Code; and
 - (C) Owns or leases a building or space for the reasonable use of its members; and
 - (D) No members or officers, agents or employees of the club receiving compensation directly or indirectly in the form of commissions or other compensation based on the amount of profits from the sale of alcoholic beverages beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body out of the general revenue of the club; and
 - (E) No part of the net earnings inuring to the benefit of any shareholder or member; and
 - (F) Been in continuous operation for at least one year prior to the application for a license hereunder.
- (16) Premises means the space or area owned, leased or controlled by the licensee and used by him for the purpose of operating under the license. It shall be limited to one location for each license and there shall be a separate license for each premises outlet.
- (16.1) Principal Place of Business means the primary office or location of a business, where such business is licensed and from where it operates.
- (17) Resident means a person whose primary residence is within the territorial limits of Bartow County.
- (17.1) Responsible resident means a person who resides in Bartow County and has been named as the responsible resident pursuant to O.C.G.A. § 3-3-2 for a business whose owner does not reside in the County. Such person shall be responsible for any matter relating to the license and shall be subject to penalties and enforcement actions for violations of this Ordinance.

- (18) Restaurant means any public space kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without requiring the rental of sleeping accommodations, and which holds a valid food service permit issued by the Bartow County Board of Health; said place must have adequate and sanitary kitchen and dining room equipment and seating capacity for at least 50 people with at least one (1) full course meal per day being served for not less than three (3) days a week, for at least three (3) months each calendar year; and the serving of such meals must be the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto. Alcoholic beverages shall only be served during such times as full course meals are available and only to customers ordering meals.
- (19) Retail Package means sales of alcoholic beverages or wine in unbroken packages at retail only to consumers and not for resale, and not for consumption on the premises.
- (20) Sheriff means the Sheriff of Bartow County or the Sheriff's designee.
- (21) Special Event Permit means a one day permit for the sale of malt beverages or wine or both for consumption on the premises issued only to a nonprofit charitable organization as defined by §501(c)(3) of the Internal Revenue Code.
- (22) Veteran's Organization means a veterans group duly certified by their national organization.
- (23) Wholesaler or wholesale dealer means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.
- (24) Wine means any alcoholic beverage containing not more than twenty-one percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this Ordinance.

ARTICLE V
LICENSES

Section 500. General.

- (1) No person shall engage in the business of manufacturing, wholesaling, retailing or otherwise providing alcoholic beverages of any kind in the unincorporated area of the County without first obtaining a license therefore under this Ordinance. The state laws and regulations relating to the sale and distribution of alcoholic beverages, malt beverages and wine in this state are incorporated into and made a part of this Ordinance as if fully set out herein. Any violation of such state law or regulations shall be grounds for suspension or revocation of any license issued under this Ordinance.
- (2) Each licensee shall keep a copy of this Ordinance in the licensed premises and shall instruct any person employed by the licensee with respect to the terms of this Ordinance, and it is the responsibility of the licensee that his agents and employees be familiar with all of the terms of this Ordinance. The licensee is responsible for any acts of his agents or employees in violation of this Ordinance.
- (3) Each person holding a license issued pursuant to this Ordinance shall display the license prominently at all times on the premises for which the license is issued.
- (4) A wholesaler licensed by another County whose principal place of business is in another County, and whose sole activity in Bartow County is delivery of malt beverages or wine to a business that is licensed under this Ordinance, shall not be required to obtain a license. However, such wholesaler shall be required per state law to pay excise tax.
- (5) **Licenses for the retail or wholesale sale of distilled spirits, consumption on the premises of distilled spirits, or manufacturing of distilled spirits are not authorized under this Ordinance, and no such activities shall be authorized in the unincorporated portions of Bartow County.**

Section 501. Classification.

Only the following classes of licenses shall be authorized:

- (1) Retail Package
 - (A) Malt Beverage only
 - (B) Wine only

- (C) Combination malt beverage and wine
- (2) Consumption on the premises (malt beverage and wine)
- (3) Wholesale
 - (A) Malt beverage
 - (B) Wine
- (4) Manufacturing
 - (A) Malt beverage
 - (B) Wine
- (5) Special Event

Section 502. License Fees.

- (1) Retail Package. The applicant for a retail package license shall pay to the Business License Office at the time of application the following sums (depending on type of license) as an annual license fee for operation for one calendar year at one location where the product will be sold.

(A) Malt Beverage only	\$500.00
(B) Wine only	\$500.00
(C) Combination	\$1000.00
- (2) Consumption on the Premises. The applicant for a consumption on the premises license shall pay to the Business License Office at the time of application the sum of \$1,000.00 as an annual license fee for operation for one calendar year at one location where the product will be sold.
- (3) Wholesale. Any wholesale dealer in malt beverages or wine, licensed by the State of Georgia, or the agent of such wholesale dealer, whose principal place of business is to be located in Bartow County, may be granted a license upon payment of \$500.00 annually for malt beverages, and/or \$500.00 annually for wine. Wholesalers whose principal place of business is in another County and who only delivery to businesses in this County that are licensed under this Ordinance, shall not be required to be licensed. Delivery to unlicensed businesses, persons or entities shall be prohibited. Wholesalers making deliveries only shall be required to pay excise tax under this Ordinance and state law.
- (4) Manufacturing. The applicant for a manufacturing license shall pay to the Business License Office at the time of application the sum of \$3,000.00 as an annual license fee for operation for one calendar year at one location where the product will be manufactured. All appropriate and pertinent parts of this Ordinance shall be applicable to any applicant for or holder of a manufacturing license to sell and/or distribute malt

beverages and/or wine under this Ordinance.

- (5) Special Event. The applicant for a special event license shall not be charged a license fee for the sale for consumption on the premises only for one calendar day at one location where the special event will take place.
- (6) The above license fees shall not be pro-rated for applicants whose businesses operate for less than one calendar year. No refund shall be made to license holders whose license is suspended or revoked.

Section 503. General Application Requirements and Procedures.

The following requirements apply to all license applications, and renewals, unless otherwise noted.

- (1) All applications for licenses under this Ordinance shall be made by the applicant to the Business License Office in writing under oath and verified on forms furnished by the Business License Office, and all requested information thereon shall be provided. Any misstatement or concealment of fact in the application shall be grounds for denial or revocation of the license issued and shall make the applicant liable to prosecution for perjury under the laws of the state. An application containing false information or false statements may result in disapproval, revocation, suspension or failure to renew the license applied for.
- (2) Pursuant to O.C.G.A. § 3-3-2, the applicant for a license shall be a resident of Bartow County as a prerequisite of issuance of a license. However, if the applicant is not a resident of Bartow County, the applicant shall designate a resident of the County who shall be responsible for any matter relating to the license (referred to herein as the “responsible resident”). Corporations, LLCs, partnerships and other business entities that are applying for a license shall designate an individual shareholder, member or partner as the applicant, and if said person is not a resident of the County, shall also designate a responsible resident. The requirement of designating a responsible resident shall not apply to wholesale delivery-only licenses for businesses whose principal place of business is in another county and who are licensed by that county. Pursuant to O.C.G.A. § 3-3-2, the responsible resident **shall be responsible for any matter relating to the license**, including being chargeable for violations of this Ordinance. The owner and responsible resident, by submitting an application, shall be deemed to have agreed to this responsibility and to have waived any defenses or objections to such actions.

- (3) In accordance with O.C.G.A. § 3-3-2(c), each applicant for a license (other than a special event license) shall furnish a complete set of fingerprints, which shall be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instances of criminal activity during the two (2) years immediately preceding the date of such application. In the event of a non-resident applicant, the responsible resident shall likewise submit fingerprints. The Georgia Bureau of Investigation shall also submit such fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification records. The federal record, if any, shall be obtained and returned to the board of commissioners considering such application. Applicants shall appear at the Bartow County Sheriff's Office at 104 Zena Drive, Cartersville, at such times as are specified by that Office for fingerprinting, and shall pay such fee as the Sheriff requires for the service. The Sheriff shall provide the prints to the GBI.
- (3) The following identification items shall be presented to the Business License Office by the applicant and responsible resident prior to an application or renewal being filed for all licenses issued pursuant to this Ordinance.
 - (A) Naturalization documents or valid passport or birth certificate;
 - (B) Valid driver's license or valid state identification card; or
 - (C) Social security card or work visa.
- (4) Upon completion of the application, the applicant must submit the application to the Business License Office for review. After review, if the submitted application is determined to be in proper order, the application will be presented to the Commissioner for consideration.
- (5) Applications must be submitted not less than twenty (20) days before such application is to be considered by the Commissioner. The publisher's affidavit may be submitted later, but must be submitted prior to the hearing at which such application is to be considered by the Commissioner.
- (6) Each application for a license (except an application for a special event license) under this Ordinance shall be accompanied by a certified check or money order for the full amount of the license fee, plus an investigative fee in the nonrefundable amount of \$100.00 (\$50.00 for renewal of licenses where no changes have occurred) to defray investigative and administrative costs. Should the applicant be denied a license or should the applicant withdraw the application prior to its being submitted to the Commissioner, the deposit representing the license fee only shall be refunded.

- (7) It shall be unlawful for any person to file an application for a license, or permit his name to be used in such application, where the application contains a nominal applicant for the purpose of avoiding the provisions of this ordinance restricting applicants to persons of good character and without criminal records, or restricting economic interests in retail package stores, or for elusive purposes. It shall be unlawful for any person to permit his name to be used in an application for a license where such person will not be the de facto owner of the license. It shall be unlawful for any person to file an application for license containing his name as applicant when such person is not the de facto applicant. It shall be unlawful for any person to file, or permit to be filed, an application for a license wherein a sham applicant is named.
- (8) The applicant shall disclose whether the applicant, responsible resident or any person with any interest in the application or the business has made application previously for any alcoholic beverage license and the disposition of such application.
- (9) The applicant shall disclose whether the applicant, responsible resident, or any persons with any interest in the application or the business has ever been convicted under a federal, state or local statute, law, ordinance or regulation relating to 1) theft, conversion or fraud; 2) drugs or alcohol; 3) taxes or 4) alcoholic beverage license. The applicant shall be required to authorize a criminal background check through the Georgia Crime Information Center (GCIC) to confirm such assertions.
- (10) The applicant shall disclose whether a previous alcohol license issued to the applicant, responsible resident or any person with any interest in the application or the business has been revoked by any state or political subdivision thereof or by the federal government and the date and reason for said revocation.
- (11) The applicant shall be required to provide certification of compliance with all applicable regulations of the following: a) Tax Commissioner, including demonstrating no delinquent taxes owed; b) Zoning Department; 3) Building Inspections Department; 4) Engineering Department and 5) Health Department. The applicant shall be required to provide such other information as is requested by the Business License Official.

Section 504. Retail Package or Consumption on the Premises Licenses Applications.

- (1) The application shall require the applicant to provide, the information requested on the Application Form, including, but not limited to, name, address, business name and address, interested persons in the business,

and other information as listed on said Form.

- (2) The applicant for an alcoholic beverage license shall attach to his application evidence of ownership of the business premises or a copy of the current lease for the premises upon which the license is to be effective.
- (3) Each application for a license shall be accompanied by a scale drawing showing the nearest church, school or college or shall have attached thereto an affidavit of a registered land surveyor that the proposed location of the licensed premises complies with the distance requirements of this Ordinance and any state or federal law.

Section 505. Wholesale License Applications

- (1) Any wholesaler in malt beverages or wine licensed by the state or the agent of such wholesale dealer may be granted to operate a wholesale business in Bartow County. Any wholesaler whose principal place of business is located in another County (and who is licensed in that County), and who desires only to deliver into Bartow County shall not be required to obtain a license. Such deliveries shall be made only to businesses licensed under this Ordinance.
- (2) All appropriate and pertinent parts of this Ordinance shall be applicable to any applicant for or holder of a wholesale license or wholesale delivery license.
- (3) The application shall require the applicant to provide, the information requested on the Application Form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said Form.

Section 506. Manufacturing License Application.

- (1) Any manufacture of malt beverages or wine licensed by the state may be granted a license to manufacture such beverages in the County upon application for such license to the Business License Office.
- (2) All appropriate and pertinent parts of this Ordinance shall be applicable to any applicant or holder of a manufacturing license to sell and/or distribute malt beverages and/or wine under this Ordinance.
- (3) The application shall require the applicant to provide, the information requested on the Application Form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said Form.

Section 507. Special Event License Applications

- (1) Special event licenses are available for charitable groups and non-profit private clubs to authorize temporary sale of malt beverage and wine for consumption on the premises of the event. If the license is granted the event shall be subject to all relevant provisions of this Ordinance relating to the sale of malt beverages and wine.
- (2) Special event licenses shall be held by individuals, who shall be responsible for the license and compliance with this Ordinance. If the special event is associated with a group or organization, that entity shall be disclosed on the application.
- (3) Special event licenses shall be valid only for the duration of the special event, not to exceed two days in duration. All other relevant provisions of this Ordinance, including hours of operation, shall be applicable. Special event premises may be outdoors, but access to the alcohol must be restricted or supervised so that minors may not obtain it.
- (4) The application for a special event license shall require the applicant to provide, at a minimum, the information requested on the Application Form, including, but not limited to, name, address, business name and address, interested persons in the business, and other information as listed on said Form.
- (5) The applicant shall provide a list of any churches, schools or colleges within five hundred yards of the proposed special event site.

Section 508. License Approval Procedures.

- (1) After filing an application with the Business License Office, the applicant for a license (except an applicant for a special event license) shall cause to be published, in the form prescribed by the Commissioner, a "Notice of Application" in the newspaper and on the day in which sheriff's advertisements appear, two consecutive weeks immediately prior to the date of the meeting at which the application is to be presented and considered by the Commissioner. The notice shall contain the name of the person applying for the license and the relevant corporation or other entity, if applicable; the location of the proposed premises; and the date, time and place at which said application will be considered. An affidavit of the publisher or his authorized agent certifying that the advertisement has been published as required by this Ordinance shall be submitted to the Business License Office before such application will be considered.

- (2) Applications for a license shall have a background check and investigation conducted by the Sheriff. The Sheriff shall attach a written report of the investigation to the application and return the same to the License Official prior to the meeting at which the application is to be considered.
- (3) Upon request of the Business License Office, applications for a license may be reviewed and investigated by the Sheriff, Building Official, Engineering Department, Zoning Department, and Fire Chief. Those officials shall review the premises for compliance with all relevant ordinances and applicable safety regulations, and shall provide a written report to the License Official. The License Official may also conduct an investigation.
- (4) Upon receiving a completed application from the Business License Office, along with any reports from the officials conducting investigations, the Commissioner shall, at the meeting of the Commissioner, as advertised in said notice (or if no advertisement is required, at the Commissioner's next regular meeting), review such application for alcoholic beverages licenses and shall approve or deny said application. The public may be heard on any application, and may present any relevant evidence at the hearing. The applicant shall have the right to present evidence and cross-examine any opponents. The applicant shall have the right to have counsel and have the hearing transcribed.
- (5) The Commissioner shall make the decision based on the standards listed in Article VI. No prohibited person, as defined in that Article, may be licensed. The Commissioner may table the application should additional information be required by the Commissioner before acting upon said application or should the meeting of the Commissioner be continued or rescheduled for any reason. If the application is tabled, or the meeting continued or rescheduled, the application shall be considered at such time and place as announced by the Commissioner.

Section 509. Effective Dates of Licenses.

Initial licenses granted are effective as of the date and time of approval and expire at midnight on December 31 of the year of grant. Renewals approved in December of the preceding year are effective as of 12:01 a.m. on January 1 and expire at midnight on December 31. Late renewals approved after January 1 of the renewal year are effective as of the date and time of approval and expire at midnight on December 31. Any sales during a lapsed license period (i.e. before a late renewal) shall be a violation of this Ordinance.

Section 510. Renewal of Licenses.

- (1) A licensee who desires to renew his license for a subsequent calendar year must file a renewal application with the Business License Office between November 1st and November 15th of the preceding year. All relevant information requested on the Renewal Application must be provided, including updated criminal background records checks and tax payment information. Payment by certified funds of license fees for renewal shall be made at the time of application and, upon approval of the renewal application by the Commissioner, the license will be issued. Applications for renewal of an existing license shall be acted on by the Commissioner at the next regularly scheduled meeting of the Commissioner following the filing of the renewal application, unless additional time is required by the Commissioner to obtain additional information pertaining to said application.
- (2) Applications submitted after November 15 are subject to an additional \$100 late fee, and may not be able to be processed in time for the December Commissioner's meeting, resulting in the license expiring on December 31 and there being a period of license lapse before the January Commissioner's meeting. Applications submitted after December 1 are subject to an additional \$200 late fee, and almost certainly will not be heard until the January Commissioner's meeting.
- (3) If the License Official, Sheriff, Building Official, Zoning Department, Engineering Department, or Fire Chief reports any activity which constitutes probable cause for not renewing a license, renewal shall not be made and the matter shall be referred to the Commissioner for consideration. The Commissioner shall afford the licensee a public hearing where the licensee may be represented by counsel, present evidence and cross-examines witnesses. The hearing shall be recorded and may be transcribed at the cost to the applicant. In passing upon the application for renewal, the Commissioner shall be guided by the standards listed in Article VI for initial application. The Commissioner's decision shall be issued in writing no later than three days after the hearing, and shall be sent to the applicant certified mail.

Section 511. Transfer of Licenses; Discontinuance; Change of Responsible Resident or Owner.

- (1) No license may be transferred from one person to another without approval of the Commissioner pursuant to written application. Said transfers shall be considered in accordance with the same procedures set forth in this Ordinance for new applications, except as otherwise specifically provided in this subsection.

- (2) If the applicant or responsible resident ceases to be associated with such business, the business owner (or corporation, LLC, partnership, etc), within five (5) days of such event, shall notify the Business License Office of said fact. Said owner shall, within thirty (30) days of such event, submit an application for the transfer of the license to a new individual and/or responsible resident. Said application shall consist of completed portions of the application for an alcoholic beverage license which pertains to the new applicant along with a copy of the notice of change of interest required by the Georgia State Revenue Commissioner and a certified check in the nonrefundable amount of \$100.00, to defray investigative and administrative costs. In addition, the applicant shall cause to be published a notice of such change as provided in Section 508(1). Said application shall be considered in accordance with the procedures set forth in this Ordinance for new applications, except as otherwise specifically provided in this subsection.
- (3) Upon the death of any license holder, his personal representative or heirs may continue to operate under the original license for the balance of the calendar year without payment of any fee, provided those persons requesting to continue said business are otherwise qualified as license holders.
- (4) Any licensee desiring to discontinue business at one location and commence business at another location must make a new application and pay all applicable fees.
- (5) Upon a change in ownership of the licensed business, the new owner shall comply with all provisions of this Ordinance prior to commencing business, including the payment of all applicable fees.

Failure to comply with this section shall result in the lapse of the alcoholic beverage license.

ARTICLE VI

QUALIFICATIONS FOR LICENSE HOLDERS

Section 600. General Qualification Requirements.

The following qualification requirements shall apply to all license applicants.

- (1) All applicants for license and all responsible residents shall be at least twenty-one years of age.
- (2) All owners who are residents of the County shall make application for a license in their own name. Where the owner is a corporation,

partnership, association, or nonresident, the application shall be made in the name of an owner of the entity (shareholder, member, partner, etc.). If the applicant owner is not a resident of Bartow County, a responsible resident shall also be named. All other owners, shareholders, members or partners shall be disclosed in the application, along with their interest in the entity.

- (3) Where an application for a license is submitted for a nonprofit private club, special charitable event or a veterans organization, the application shall be made in the name of the highest elected officer and/or the manager of said club or organization.
- (4) Applications for a license to sell alcoholic beverages (except special event licenses) shall be accompanied by a certification from the Tax Commissioner of Bartow County or his deputy that all ad valorem taxes owing to Bartow County against any real and personal property pertaining to the business for which such application is made have been paid. Also said certification shall state that there are no delinquent taxes owing to Bartow County against the applicants, owner and any party with a financial or ownership interest in the business for which such application is made. The County shall provide forms to the applicant for said certification.

Section 601. Standards for Issuance.

The Commissioner, in making a determination on an initial application for a license, shall be guided by the following factors as to whether or not to grant a license under this Ordinance. The following standards are meant to comply with the requirements of O.C.G.A. § 3-3-2, in providing ascertainable standards for licensing decisions:

- (1) Whether the applicant, responsible resident, or other owner of the business listed in the application has held any other licenses issued by any other jurisdiction that have been revoked, and the cause of such revocation.
- (2) Whether the applicant, responsible resident, or other owner of the business listed in the application holds or has held any other licenses for the sale of alcohol issued by the County, and the history of violations of this Ordinance under such licenses.
- (3) Whether the applicant, responsible resident, or other owner of the business listed in the application have a criminal records involving violation of any federal, state or local laws relating to drugs or alcohol, or theft, fraud or conversion; or any history of violations of this or other local government regulations of alcohol; or any record of nonpayment of federal, state, or county taxes.

- (4) Whether the use is consistent with the immediately adjacent properties and the general character of the neighborhood, including whether the adjacent neighborhood is predominantly residential, industrial, or business/commercial.
- (5) Whether the proposed use is consistent with the traffic patterns and congestion in the area, including whether it would cause an increase in negative traffic effects and hazards.
- (6) Whether the proposed use would have a negative effect on adjacent and surrounding property values.
- (7) Whether the number of other licenses granted for similar business in the trading area of the place for which the license is sought would result in this license having a negative effect on the character of the area or the public health, safety and welfare.
- (8) Whether the location or type of structure is likely to create difficulty in law enforcement, or is designed or configured such that it would create any safety hazards or fire hazards, or other threats to life or property.
- (9) Whether the building or establishment where licensee will operate has a history or reputation with regard to prostitution or other sex offenses, fighting, shooting, stabbing or other violence, gambling, illegal dealing in alcoholic beverages or drugs, and other violations of the law.
- (10) Whether any license for sale of malt beverages or wine previously issued for the location has been revoked for cause by the Commissioner.
- (11) Whether the character of the area of the proposed use is such that would cause minors to frequent the immediate areas, or cause minors to congregate in the vicinity of the proposed location.
- (12) Whether the reports of the License Official, Sheriff, the Building Inspector, Zoning Department, Engineering Department, and/or the Fire Chief contain any evidence of violations of law, regulation, or ordinance, or otherwise failure to comply with all applicable laws, regulations or ordinances, or otherwise indicate that grant of the license would be a serious threat to public health and safety.
- (13) Whether the application is complete and in compliance with all provisions of this Ordinance (including the building and location requirements of Article VII).

- (14) Whether the application is in compliance with all other relevant Ordinances of Bartow County.
- (15) For special event licenses, whether the event is for charitable or community purposes and whether the affiliated entity is a charitable organization or non-profit private club, or whether the special event is unrelated to those purposes and organizations, or conducted purely for business or commercial purposes.

Section 602. Prohibited Persons

No license shall be issued by the Commissioner when the applicant or responsible resident is found to be one or more of the following:

- (1) A person who has been convicted under a federal, state or local statute, law, ordinance or regulation relating to i) theft, conversion or fraud; ii) drugs or alcohol; iii) taxes or iv) alcoholic beverage licenses.
- (2) A person whose license under this Ordinance has been revoked for cause or who has had a license under this Ordinance revoked for cause.
- (3) A person whose license under any other state, county or municipal alcoholic beverage ordinance has been revoked within the last five years preceding the application.
- (4) A person who is under the age of 21 years.
- (5) A person who is an official or employee of the County.

ARTICLE VII
BUILDING AND LOCATION REQUIREMENTS

Section 700. General Building and Location Requirements.

- (1) No license shall issue for a location at which the operation of such a licensed business would violate the zoning rules and regulations of the County.
- (2) No license shall issue for a location where it would violate state or local law, rules, regulations or Ordinances.
- (3) No license shall issue for a location that is within five hundred (500) feet of the nearest school building, school ground, college campus, or church as measured by the most direct route of travel on the ground. Said distance shall be measured from the front door of the structure from

which alcoholic beverages are sold or offered for sale; in a straight line to the nearest public sidewalk, walkway, street, road or highway; along such public sidewalk, walkway, street, road or highway by the nearest route; to the nearest portion of the school building, school grounds, college campus, church or church grounds. The word "school" shall include kindergartens, primary and secondary schools, colleges and other educational institutions whether public or private. In the event a school or church subsequently locates within five hundred (500) feet of a licensed premises, this provision shall not be applicable under such circumstances and such an event would not cause a license holder to be in violation of this provision or prohibit the renewal or transfer of the license. A church shall mean any building of any commonly recognized religion, denomination or sect regularly used for worship or religious instruction including cemeteries when contiguous to and part of the church grounds.

- (4) No license shall issue for any location in which the licensed premises contains a drive-in window for the sale of alcoholic beverages.
- (5) The licensed premises shall be subject to inspection by authorized personnel of the County at all times.
- (6) A Consumption On The Premises License shall be issued only to restaurants, and for qualifying special events as defined herein. Retail package licenses shall not be issued to restaurants and special events.

ARTICLE VIII

REQUIRED REPORTS AND NOTICES

Section 800. Required Reports and Notices.

The following report and notice requirements shall apply to all license holders.

- (1) The licensee must report to the Commissioner, within five days, any change in any interests in the licensee's business including but not limited to:
 - (A) Any change in the division of ownership of the licensed business;
 - (B) Any change in the ownership of any lease or building or land used in such business;
 - (C) Any change in the ownership of stock or any corporation that has an interest in the licensed business except for the sale of stock over the counter or through a recognized stock exchange.

- (2) The Commissioner shall notify the licensee within ten (10) days of the receipt of said information required by subsection (1) of any objections to the changes reported. Upon receipt of the objections, if any, from the Commissioner, the licensee shall have thirty (30) days to satisfy said objections. Failure to report said changes or to satisfy said objections may result in the suspension or revocation of all licenses held by said licensee.
- (3) The report reflecting the change in interest shall be on a form provided by the Commissioner and shall be an amendment to the licensee's permanent license application which shall remain on file with the Business License Office. The report shall be under oath and verified.
- (4) Any licensee under this Ordinance who removes his residence from the county, or otherwise becomes a "prohibited person" as defined in Section 602, shall, within five days of the event, make the fact known to the Business License Office and shall surrender his license upon demand by the Business License Office in such case.
- (5) The licensee shall report promptly to the Sheriff's Department any violation of law, regulation, resolution, ordinance or breach of the peace, disturbance, or altercation occurring on the premises.
- (6) The licensee shall report to the Business License Office within one business day any violation of this Ordinance or any other law, regulation or local ordinance relating to regulation of alcoholic beverages occurring on the premises.
- (7) The licensee shall report to the Business License Office within three business days any conviction, revocation or suspension of any other license for alcoholic beverages held by the licensee.

ARTICLE IX
REGULATIONS FOR OPERATION OF BUSINESS

Section 900. Hours of Operation.

- (1) The hours of sale of alcoholic beverages each day shall be between 6:00 a.m. and 12:00 midnight Mondays through Saturdays.
- (2) In the event that a licensed business is open for less than the hours stated in the preceding paragraph, the sales of alcoholic beverages shall be restricted to those regular store hours. However, in no event shall sales be made during hours other than described in the preceding paragraph.

Section 901. Minors.

License holders may not allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverages. This shall not prohibit persons under 18 years of age who are employed in supermarkets, convenience stores, breweries, or drugstores from selling or handling alcoholic beverages which are sold for consumption off the premises. Persons aged 18 or more may dispense, serve, sell, take orders or handle any alcoholic beverages as a part of employment in a licensed establishment.

Section 902. Gross Sales Requirements.

- (1) Retail and consumption licenses shall be revoked if gross sales of groceries and food products (excluding sales of alcoholic beverages) fall below fifty percent of the combined business volume of groceries, food products and alcoholic beverages sold monthly for three consecutive months.
- (2) On or before the 20th day of each month, each retail and consumption licensee shall furnish to the Business License Office an affidavit under oath, showing the gross sales of groceries and food products (excluding sales of alcoholic beverages), and the combined gross sales of alcoholic beverages, groceries and other food products for the preceding month. This affidavit shall be on a form furnished by the Business License Office. The licensee shall attach a copy of the Georgia Sales and Use Report for the same period to his affidavit.
- (3) Copies of summaries of sales and State Form ATT-122 shall be furnished to the Business License Office no later than the 20th day of each month by wholesale dealers selling alcoholic beverages to licensees. The report shall apply to deliveries made during the previous month. Copies of these reports shall be submitted with the excise tax described in Article XI.
- (4) These reports shall be confidential.

Section 903. Sunday, Christmas Day and Election Day.

The following prohibitions shall apply to the sale of alcoholic beverages on Sunday, Christmas Day and Election Day.

- (1) Except as specifically authorized by law, no person knowingly and intentionally shall sell or offer to sell alcoholic beverages on Sunday or Christmas Day.

- (2) Alcoholic beverages may be sold on any election day, subject to all other provisions of this Ordinance; provided however, it shall be unlawful for any person to sell alcoholic beverages within two hundred fifty (250) feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Section 904. Miscellaneous Regulations.

The following miscellaneous regulations shall apply to all license holders.

- (1) License holders shall not sell alcoholic beverages to any person who is in an intoxicated condition.
- (2) License holders shall not permit any disorderly conduct or breach of the peace on the licensed premises.
- (3) License holders shall not sell, offer for sale, possess or permit the consumption on the licensed premises of any kind of alcoholic beverage for which a license holder is not authorized to sell under his license. The license holder shall not allow “brown bagging” on the licensed premises.
- (4) Alcoholic beverages shall not be sold or offered for sale through vending machines on the licensed premises.
- (5) Deliveries of alcoholic beverages shall only be made to licensed premises and shall be made only by a conveyance owned and operated by a duly licensed wholesaler or delivery-only wholesaler.
- (6) No retail license holder shall accept delivery of alcoholic beverages from any wholesaler unless the wholesaler has fully complied with the Georgia laws regulating and taxing the sale of such beverages at wholesale.
- (7) No retail or consumption license holder shall deliver alcoholic beverages at any location other than the licensed premises.
- (8) All licensees shall store all alcoholic beverages in their possession only on the premises for which the license was issued.
- (9) License holders of retail package licenses shall require that the alcoholic beverages purchased be placed in an opaque container before being removed from the store; provided, however, that this subparagraph shall not apply to the purchase of a 12- pack or larger container.
- (10) Every license holder shall have available on the licensed premises a copy of this Ordinance and shall be responsible for compliance with said

Ordinance by all persons on the premises.

Section 905. Prohibited Products

No license holder under this Chapter shall sell, offer for sale, display, lend, rent, lease, give, exchange, keep in stock, possess with intent to sell, or otherwise distribute to any person, at any place of business licensed hereunder any of the following products:

- (1) Any “drug paraphernalia” or “drug related object” as defined by OCGA § 16-13-32(a)(1), as amended:
- (2) Any “drug paraphernalia” or “drug related object” which are further defined as including, but not limited to, objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana or a controlled substance in the human body. For the purposes of this ordinance, the following objects are found to be drug related objects, regardless of the purpose for which the object is marketed:
 - (A) Metal, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
 - (B) Water pipes; carburetion tubes and devices; smoking and carburetion masks.
 - (C) Roach clips; meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.
 - (D) Miniature cocaine spoons and cocaine vials.
 - (E) Chamber pipes; carburetor pipes; electric pipes; air-driven pipes.
 - (F) Chillums; bongs; ice pipes or chillers.
 - (G) Digital or postal scales.
- (3) “Controlled substance” is defined for purposes of this Chapter, as that definition stated in OCGA § 16-13-21, as amended.

ARTICLE X
REVOCATION OR SUSPENSION OF LICENSE

Section 1000. Grounds for revocation or suspension.

The following shall be grounds for the suspension or revocation of an alcoholic beverage license. The existence of such grounds shall be determined by the Commissioner based upon the preponderance of evidence, following a hearing, to wit:

- (1) Violation by the licensee of any state or federal law or regulation relating to the use and sale of drugs or alcoholic beverages, or violation by the licensee or any employee of this Ordinance; or
- (2) The failure of the licensee or his employees to report promptly to the Sheriff's Department any violation of law, regulation, resolution, ordinance or breach of the peace, disturbance, or altercation occurring on the premises; or
- (3) Any conduct on the part of the licensee or his employees contrary to the public welfare, safety, health and morals; or
- (4) Operating or conducting the licensed business in a manner contrary to the public welfare, safety, health or morals or in such a manner as to constitute a nuisance; or
- (5) The violation by a license holder of any state or federal law or regulation, municipal or County resolution or ordinance pertaining to alcoholic beverages, specifically including any violation of any provision of this Ordinance, including failure to pay any fee or tax due under this Ordinance; or
- (6) The violation by the licensee of the Georgia Controlled Substances Act;
or
- (7) The violation by the licensee of any federal, state or local law prohibiting the sale of pornographic materials; or
- (8) Failure of the licensee to furnish to the Business License Office any report required by this Ordinance or any reasonable reports requested in writing by the Business License Office; or
- (9) Allowing a person to work in the licensed business who has had an alcoholic beverage license revoked by any jurisdiction for violation of its laws or rules within a period of five (5) years immediately preceding the filing of an application for a license, or the renewal thereof, under this Ordinance; or

- (10) Allowing a person to work in the licensed business who has violated the provisions of this Ordinance or any law of the United States or any state law pertaining to the sale of alcoholic beverages within the past five (5) years from the date of filing an application for a license, or the renewal thereof, under this Ordinance; or
 - (11) Permitting a person to work in the licensed business who has violated any state or federal law or regulation, municipal or County resolution or ordinance pertaining to alcoholic beverages, specifically including any provision of this Ordinance; or,
 - (12) Sales by the licensee or any employee of alcoholic beverages to a minor;
- or,
- (13) Submitting an application containing false information or false statements; or
 - (14) Any activity on the premises by the licensee or any employee involving marketing or selling drug paraphernalia, drug related objects, or otherwise violating Section 905 of this Ordinance; or
 - (15) Any crimes against the person (battery, assault, theft, etc) committed against any customer of the business by the license holder or any employee of the business, on the premises.

Section 1001. Hearings.

- (1) A license holder shall be entitled to a hearing before the Commissioner concerning any alleged violation that could lead to revocation or suspension of the license.
- (2) Upon the report of any violation of this Ordinance, the License Official shall give notice to the license holder in writing to show cause before the Commissioner why the license should not be revoked or suspended.
- (3) A written notice from the License Official shall specify the nature of the violation and the time and place for the hearing, which shall not be less than three (3) business days nor more than fourteen (14) business days from the date of service of the notice. Service shall be deemed completed three (3) business days after mailing to the licensee's address listed on the application.
- (4) The Commissioner shall have the power to suspend any license under this Ordinance for a period of time not to exceed seventeen (17) business days pending the hearing on the question of whether or not the license

shall be further suspended or revoked for cause.

- (5) At the hearing, the licensee shall have the opportunity to show cause why the license should not be suspended or revoked.
- (6) Hearings shall be conducted consistent with rules applied in administrative proceedings which shall ensure that each party may present evidence, cross-examine witnesses, and be represented by legal counsel. All testimony shall be sworn. The hearing shall be recorded and transcription may be provided at cost to the applicant.
- (7) The Commissioner shall hear all relevant evidence as to the alleged violation of the Ordinance.
- (8) The hearing need not be at a regular meeting of the Commissioner, but may be at such time and place as shall be fixed in the notice.
- (9) Within three (3) business days from the date of the hearing, the Commissioner shall render a decision in writing and furnish a copy of the decision to the licensee via certified mail. A decision of the Commissioner shall be effective immediately.

Section 1002. Penalties.

- (1) The Commissioner, after a hearing and finding of any license holder to be in violation of any provision of this Ordinance, may take one or more of the following actions depending on the severity of the violation: revocation of license; suspension of license for a period of time; fine the license holder; place the license holder on suspension; warn the license holder; take no action.
- (2) If a fine is imposed, the fine may be up to \$1,000 for a first offence, and up to \$3,000 for subsequent offenses. Suspensions may be up to 180 days. Probation may be for up to three years. Probation means that any further violation of this Ordinance during the probation period shall result in revocation of the license.
- (3) Whenever a fine is imposed by the Commissioner, and such fine is not paid within 30 days from the date the fine is imposed, the license shall automatically lapse and be invalid pending payment of the fine and reapplication, along with all reapplication fees.
- (4) All penalties assessed against a license holder may also or instead be assessed against the responsible resident.

ARTICLE XI
TAXES

Section 1100. Excise Tax.

There is hereby levied and imposed upon each wholesaler selling alcoholic beverages in the unincorporated area of the County, an excise tax in the following amounts:

- (1) Where malt beverages, commonly known as tap or draft beer, are sold in and from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15 1/2 gallons and a proportionate tax at the same rate on all fractional parts of 15 1/2 gallons;
- (2) Where malt beverages are sold in bottles, cans, or other containers except barrel or bulk containers, a tax of \$.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces;
- (3) On the first sale or use of wine by the package a tax of \$.22 per liter and a proportionate tax at the same rate on all fractional parts of a liter.

Section 1101. Collection.

- (1) The tax shall be paid to the County by each wholesale distributor as follows: each wholesale distributor selling, shipping or in any way delivering malt beverages and wine to any such retailer shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each retailer on or before the tenth day of the month following.
- (2) Each wholesale dealer shall file a report with the County itemizing for the preceding calendar month the exact quantities of malt beverages, by size and type of container, sold during the month within each municipality or county. Such report shall be filed on or before the tenth of each month following such purchases. The invoices shall show the amount of excise tax paid.
- (3) The County shall have the right to audit, and to require production of records from, each wholesaler supplying retailers in the County and each retailer so supplied.

Section 1102. Additional Provisions; Penalties.

- (1) The excise taxes provided for in this section 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 and wine at retail or wholesale, within the unincorporated limits of the county.

- (2) Failure to make a timely remittance of the taxes imposed in this section shall render a wholesale dealer liable for a penalty equal to twenty-five (25) percent of the total amount due during the first thirty-day period following the date such remittance was due and a further penalty of one (1) percent of the total amount due for each successive thirty-day period or any portion thereof, during which such remittance is not filed. The filing of a false or fraudulent report required by state law shall render the wholesale dealer making such report liable for a penalty equal to fifty (50) percent of the amount of the remittance which would be required under an accurate and truthful report.
- (3) Failure to make a timely report or remittance, or the filing of a false or fraudulent report shall also constitute grounds for the revocation of the business license issued by the County to the wholesale dealer.

Section 1103. Exemptions.

The taxes imposed by this provision shall not be levied with respect to any sales of wine or beer that are exempt from taxation by federal or state law. Malt beverages and wine which contain less than one-half of 1 percent alcohol by volume shall not be subject to any tax levied under this Ordinance.

ARTICLE XII
MISCELLANEOUS PROVISIONS

Section 1200. General Miscellaneous Provisions.

- (1) No person shall knowingly and intentionally act as agent to purchase or acquire any alcoholic beverage for or on behalf of a person who is under the minimum age to purchase alcoholic beverages, as defined by Georgia Law, except for medical purposes upon the written prescription of a duly licensed physician under the laws of the State of Georgia.
- (2) It shall be unlawful for any person who is under the minimum age to purchase alcoholic beverages, as provided by Georgia Law, to falsely misrepresent his or her age in any manner whatsoever in violation of this Ordinance or any other applicable laws.
- (3) It shall be unlawful for any person who is under the minimum age to purchase alcoholic beverages, as provided by Georgia law, to purchase, drink or possess any alcoholic beverage as defined herein in the

unincorporated area of Bartow County.

- (4) It shall not be considered a violation of this Ordinance for a person who is under the minimum age to purchase alcoholic beverages, as provided by Georgia law, to purchase or possess any alcoholic beverage if such person is at the time bona fide acting for and on behalf of law enforcement agencies conducting investigations of license holders and/or their employees.
- (5) Any forms, not otherwise provided, required by this Ordinance shall be printed by Bartow County and furnished to applicants and license holders.
- (6) A copy of this Ordinance shall be furnished to each license holder by the County.
- (7) The use of the singular tense includes the plural tense and the plural tense includes the singular tense. The use of any gender includes all genders.

ARTICLE XIII **VIOLATIONS**

In addition to penalties faced by the license holder including revocation and suspension (see Article X), any firm, person or corporation who shall do anything prohibited by this Ordinance as the same exists or as it may hereafter be amended or which shall fail to do anything required by this Ordinance as the same exists or as it may hereafter be amended shall be guilty of a misdemeanor, amenable to the process of the Magistrate Court of Bartow County and, upon conviction, shall be punished by a fine not to exceed \$1,000.00 or by confinement in the county jail not to exceed sixty (60) days, or both, in the discretion of the Court. In lieu of, or in addition to, any fine or incarceration, community service may be ordered by the court as punishment for a violation of this ordinance. Said community service shall be not less than twenty (20) hours but not more than two hundred fifty (250) hours, which must be performed within one year from the date of conviction for a violation of this ordinance. Any person placed on community service, or otherwise placed on probation, for a violation of this ordinance shall pay such supervisory fees as may be authorized by law. A responsible resident is also subject to any enforcement action for violations by the business.

ARTICLE XIV **REMEDIES**

In the event any provision of this Ordinance has been violated or is being violated, in addition to, or in lieu of, any other remedies under this Ordinance, the County, through the County Attorney or other designated attorney, may institute

injunction, mandamus, or other appropriate action or proceeding to prevent or abate such violation, or to otherwise enforce the purposes and provisions of this Ordinance. Such action may seek the fees and fines available under this Ordinance, and the County shall be entitled to its attorney's fees in the event the action succeeds in obtaining relief. Any violation of this ordinance is declared to be a nuisance. In addition to any other relief provided by this Ordinance, the County Attorney or other designated attorney may apply to a court of competent jurisdiction for any injunction to prohibit the continuation of any violation of this section. The application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

ARTICLE XV
LEGAL STATUS PROVISIONS

Section 1500. Severability.

If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, or if any provision of any part of this Ordinance as applied to any particular situation or set of circumstances be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance or other circumstances not so held to be invalid. It is hereby declared to be the intent of the Commissioner to provide for separable and devisable parts and he does hereby readopt any and all parts hereof as may not be held invalid for any reason.

Section 1501. Repealer.

All Ordinances and Resolutions in conflict in whole or in part herewith are hereby repealed effective upon adoption.

Section 1502. Effective Date.

This Ordinance shall become effective immediately upon adoption.

SO ADOPTED, this 10th day of October, 2007, to be effective immediately, the public health, safety and welfare demanding.

Attest:

BARTOW COUNTY, GEORGIA

by: _____
Kathy Gill, County Clerk

by: _____
Clarence Brown, Commissioner