

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION AGENDA – THURSDAY, MAY 6, 2021
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
TO IMMEDIATELY FOLLOW THE 4:00 PM WORK SESSION**

A. ROLL CALL

B. OPENING PRESENTATIONS

1. Recognition of Rotary Club's Employees of the Year- County Manager David Headley and Rotary Club President Sharon Hall
2. Development Authority of Dawson County (DADC) Quarterly Update- DADC Chairman Tony Passarello

C. INVOCATION

D. PLEDGE OF ALLEGIANCE

E. ANNOUNCEMENTS

F. APPROVAL OF MINUTES

1. Minutes of the Work Session held on April 15, 2021
2. Minutes of the Voting Session held on April 15, 2021

G. APPROVAL OF AGENDA

H. PUBLIC COMMENT

I. PUBLIC HEARINGS

1. Broadband Ready Community Ordinance (*2nd of 2 hearings; 1st hearing was held at the April 15, 2021, Voting Session*)
2. Alcohol Ordinance Update (*2nd of 2 hearings; 1st hearing was held at the April 20, 2021, Planning Commission Meeting*)
3. Vape Ordinance Update (*1st of 1 hearing*)

J. NEW BUSINESS

1. Consideration of Ambulance Billing Ordinance and Policy Change
2. Consideration of FY 2021 Legacy Link Contract Addendum No. 2
3. Consideration of Request to Use Special Purpose Local Option Sales Tax VI Overage Funds
4. Consideration of Annexation #C2100192
5. Consideration of Settlement Agreement Between Dawson County and Dawson Forest Holdings

K. PUBLIC COMMENT

L. ADJOURNMENT

****Executive Session may follow the Voting Session meeting.***

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Development Authority of Dawson County

Work Session:

Prepared By: Betsy McGriff

Voting Session: 05.06.21

Presenter: Tony Passarello, Chairman DADC

Public Hearing: Yes No x

Agenda Item Title: Development Authority of Dawson County Quarterly Update

Background Information:

The IGA between the DADC and the Dawson County Board of Commissioners calls for regular updates to the board on progress toward strategic initiatives of the Authority. As the Authority meets quarterly, updates are scheduled for the BOC's first meeting following a DADC meeting when possible.

Current Information:

Presentation contains all updates including business retention and expansion, business/industry park planning, workforce development, and strategic plan implementation.

Budget Information: Applicable: _____ Not Applicable: x Budgeted: Yes _____ No _____

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: _____

Date: _____

County Manager Authorization: _____

Date: _____

County Attorney Authorization: _____

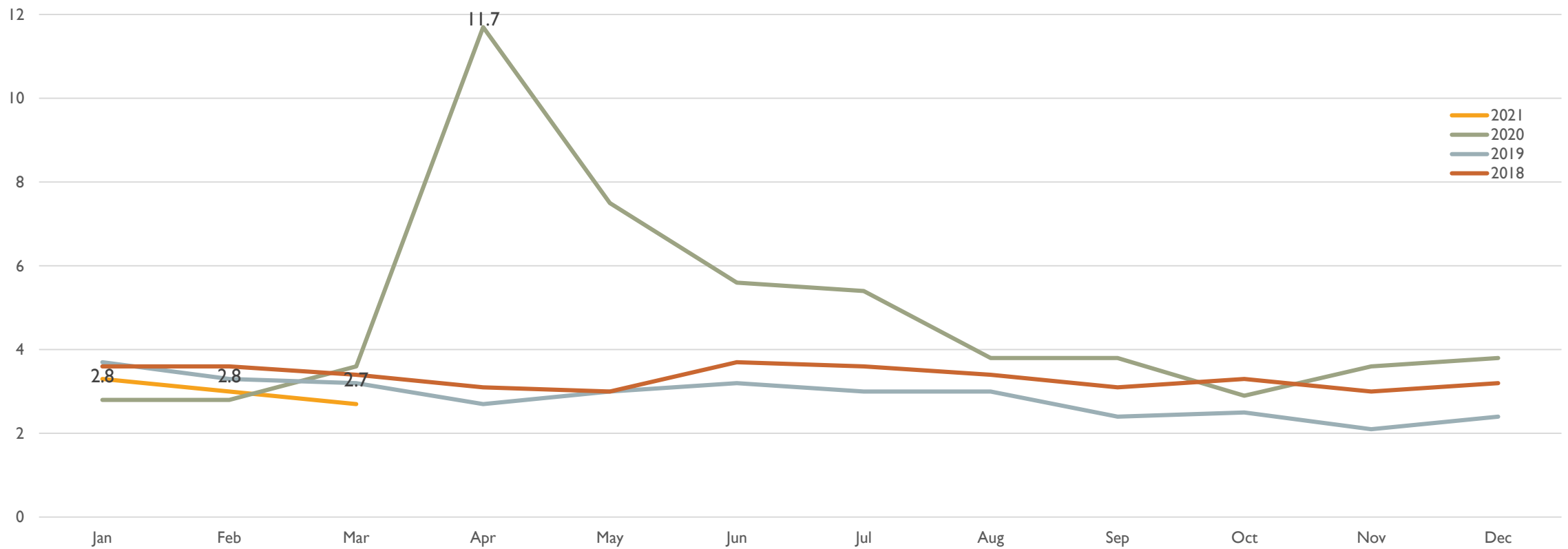
Date: _____

Comments/Attachments:

ECONOMIC DEVELOPMENT UPDATE



Q2 - 2021



DAWSON COUNTY UNEMPLOYMENT TRACKING



KROGER BOND UPDATE

Salaried Associates – 9

Hourly Associates – 278

Full-time – 98

Part-time – 189 (FTE = $189 \times 50\% = 94$)

Wages

Kroger Average Hourly Wage: \$13.33

Dawson County Retail Average: \$9.69*

Dawson County Total Average: \$16.35*

	Commitment	2020 Data	% over
Employment	177	192	108%
Capital Investment	\$23,000,000	\$25,212,220	109%

*Source: American Community Survey 5 Year Estimates 2018

STRATEGIC PLAN IMPLEMENTATION

Workforce Development

- Determine Employer Needs & Develop a Strategy to meet needs
- Vision Workforce of TODAY vs workforce of TOMORROW. Align K-12 and regional higher ed to feed both streams.
- Develop a scorecard to evaluate & track existing programming.

Create A Business-friendly Environment

- Incentives Policy Development
- Publicize wins & programming in progress
- Position as an Internal Business Advocate
 - Survey Developers for Issues
 - Build relationships with private consultants to provide custom solutions
 - Proactively educate developers on new 400 overlay guidelines

STRATEGIC PLAN IMPLEMENTATION

Retain & Expand Existing Businesses

- Flex Office Space (30% office, 70% whse) is a need.
- Utility partnerships to incentivize expansion
- Build relationships with existing business supply chain.

New Business Attraction

- Strategy to leverage regional (Hall/Forsyth) economy. Build partnership (Target Q1 2022) to grow supply chain for existing firms.
- Establish Veteran Friendly Community Designation
 - Good Source of mid-level managers
 - Leverage existing GDOL workforce tax credit for
 - veterans
- Establish Development Roundtables
 - Medical Office Developers
 - Flex Office Developers
 - Obtain options on desirable properties

STRATEGIC PLAN IMPLEMENTATION

Market the Community

- Establish HQ Outreach Program
- Host State Site Selectors Event (Target Q3 2021)
- Promote existing site selection webtool
- Develop an “Open for Business” Campaign for site selectors & commercial developers/brokers

Enhance Quality of Life

- Comprehensive Trail Plan
- Work with developers to fund greenspace and infrastructure with an eye to interparcel connectivity and pedestrian access

BUSINESS DEVELOPMENT

EXISTING BUSINESS EXPANSION

Fort Dearborn Warehousing & Line Expansion

- 50,000 sq ft
- 25 net new jobs
- \$8M investment

BTD Expansion

- 200,000 sq ft
- TBD net new jobs
- TBD investment

Multiple Warehousing Inquiries

NEW BUSINESS PROSPECTS/LOCATIONS

Casework Manufacturer

- 60,000 sq ft
- 15 net new jobs
- \$5-\$6M investment

Light Fighter

- 20,000 sq ft
- 20 net new jobs
- \$8M investment

3rd Party Logistics Provider

- 50,000 sq ft
- 20 net new jobs
- TBD investment



BUSINESS PARK DEVELOPMENT

Hightower Park Expansion

- Negotiation with Seller's Broker
- Continued site design & cost refinement
 - Ingress/Egress Design – GA-53 vs West Hightower
 - Sewer Options

Etowah Bluffs Project

- Reviewing conceptual site design for industrial/office pod
- Parcel re-zoning request in progress
- Gathering development cost information
- Working with developers to determine potential prospect/tenant mix

WEST HIGHTOWER RESURFACING

- Board of Commissioners moving forward with code updates to allow public improvement & acquisition
- Follow up meeting with Dawson County Public Works Director
- Continued status updates to property owners





PEAKS OF DAWSON PROJECT UPDATE

- Federal and State funding secured
- Awaiting permitting and adjacent property permissions
- Construction targeted to begin June 2021

BUSINESS & INNOVATION HUB FEASIBILITY STUDY



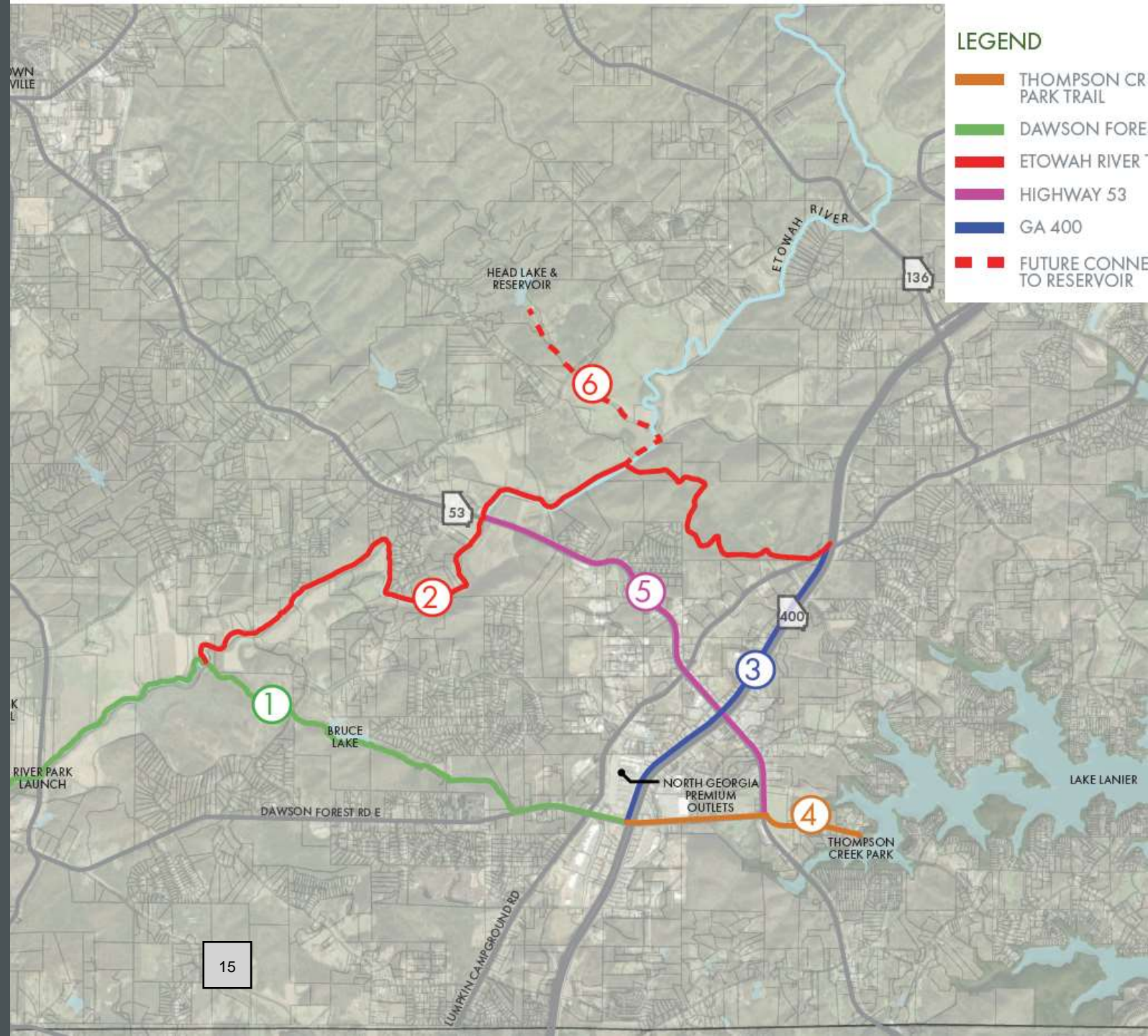
USDA
RURAL BUSINESS
DEVELOPMENT GRANT
SUBMITTED BY GMRC ON
MARCH 31ST



AWAITING AWARD
INFORMATION

TRAIL MASTER PLAN UPDATE

- Final plan subject to approval at June DADC meeting
- Presentation to commissioners & other stakeholders Q3-2021
- Adoption by Board of Commissioners Q4-2021





WORKFORCE INITIATIVES

Pending Activities

- Graduate Pathways for Success (June 1 - 11)
- Dawson Discovery Day Luncheon (TBD)
- StartUP Appalachia (Entrepreneurship Partnership with UNG)

**DAWSON COUNTY BOARD OF COMMISSIONERS
WORK SESSION MINUTES – APRIL 15, 2021
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
4:00 PM**

Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County. District 2 Commissioner Chris Gaines was not present.

NEW BUSINESS

1. Presentation of Ambulance Billing Ordinance and Policy Change- Emergency Services Director Danny Thompson
This item will be placed on the May 6, 2021, Voting Session Agenda.
2. Presentation of Request to Accept FY 2021 Georgia Trauma Commission EMS Trauma Related Equipment Grant- Emergency Services Director Danny Thompson
This item will be added to the April 15, 2021, Voting Session Agenda.
3. Presentation of FY 2021 Legacy Link Contract Addendum No. 2- Senior Services Director Dawn Johnson
This item will be placed on the May 6, 2021, Voting Session Agenda.
4. Presentation of Request to Use Special Purpose Local Option Sales Tax VI Overage Funds- Parks & Recreation Director Matt Payne
This item will be placed on the May 6, 2021, Voting Session Agenda.
5. Presentation of Board Appointment:
 - a. **Library Board**
 - i. David Yenerall- replacing Allen Ferg (Terms: April 2021 through June 2021 and July 2021 through June 2025)
This item will be added to the April 15, 2021, Voting Session Agenda.
6. Discussion of Special Tax Districts- Commissioner Tim Satterfield
This item was for information only, and counsel was instructed to develop a County Service Benefit Unit program.
7. County Manager Report
This item was for information only.
8. County Attorney Report
County Attorney Davis had no information to report and requested an Executive Session.

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk

DRAFT

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – APRIL 15, 2021
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
IMMEDIATELY FOLLOWING THE 4:00 PM WORK SESSION**

ROLL CALL: Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Manager David Headley; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County. District 2 Commissioner Chris Gaines was not present.

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

Chairman Thurmond announced that the next Board of Commissioners meeting would be held on May 6, 2021.

APPROVAL OF MINUTES:

Motion passed 3-0 to approve the Minutes of the Work Session held on April 1, 2021. Fausett/Satterfield

Motion passed 3-0 to approve the Minutes of the Voting Session held on April 1, 2021. Satterfield/Dooley

APPROVAL OF AGENDA:

Motion passed 3-0 to approve the agenda with the following change:

- Addition of item ii. below No. 4 Board Appointments under New Business:
 - David Yenerall- replacing Allen Ferg (Terms: April 2021 through June 2021 and July 2021 through June 2025)
- Addition of No. 5 under New Business:
 - Request to Accept FY 2021 Georgia Trauma Commission EMS Trauma Related Equipment Grant

Fausett/Dooley

PUBLIC COMMENT:

None

PUBLIC HEARING:

Broadband Ready Community Ordinance (1st of 2 hearings; 2nd hearing will be held at the May 6, 2021, Voting Session)

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on the Broadband Ready Community Ordinance and, hearing none, closed the hearing.

ZONINGS:

Chairman Thurmond announced that if anyone contributed more than \$250 to the commissioners or chairman in the past two years and wished to speak they would have to fill out a disclosure form, which would be made available to them. Under normal program, 10 minutes is given to those who wish to speak in favor of or opposition to with some redirect, time permitting.

ZA 21-04 - Kyle Woody requests to rezone 1.5 acres of TMP 097-009 from RA (Residential Agriculture) to RSR (Residential Sub-Rural) for the purpose of subdividing the parcel per RSR guidelines of the parent parcel and building a primary residence.

Planning & Development Director Jameson Kinley said the property is located on Woodbrook Farm Road, directly across the road from Dawson County Middle School on Highway 9 South. He said the applicant wishes to rezone a portion of the 167-acre tract to subdivide out 1.5 acres to build a primary residence for him and his family. The area is designated as Mixed Use Village, according to the county's comprehensive plan. "Rezoning this to RSR would be a much less intensive use," said Kinley. "Surrounding properties in the area also include RSR and RSRMM..." Kinley said the Planning Commission recommended approval of the application.

Applicant Kyle Woody, Dawsonville, Georgia, said he and his family bought a farm about three years ago and it is "zoned RSR on the left side of the driveway and RA on the right side." He said, due to the county's zoning regulations, he must have 1.5 acres in RSR to build a primary residence.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 3-0 to approve ZA 21-04. Dooley/Satterfield

ZA 21-05 - Corey Guthrie requests to rezone 6 acres of TMP 053-015 from RA (Residential Agriculture) to RRE (Residential Rural Estate) for the purpose of subdividing the parcel per RRE guidelines.

Planning & Development Director Jameson Kinley said, "Currently this is a 184-acre tract located off of Sweetwater Juno Road and has two primary residences." Kinley said both homes are near the road and close together. Kinley said the applicant purchased the property earlier this year with the intent to build his forever home. The applicant does not have a need for the two existing homes, according to Kinley, and has someone interested in purchasing the homes. However, "due to financial reasons, these homes must be separated on different parcels," said Kinley, adding that the Planning Commission recommend approval of the application.

Applicant Corey Guthrie, Dawsonville, Georgia, said, "I was fortunate enough to acquire a piece of property that I consider a dream property. My family and I have fallen in love with it. It did come with two houses on this farm tract. It's been in the community for a long time ... The two houses up until this last month were rented out. They let them go a little bit. The person who's looking to acquire the two houses is getting a mortgage." Guthrie added, "...His lender won't give a mortgage with a property that has two houses on it, especially if one of the houses is going to be rented out, for whatever reason. Guthrie said he wishes to rezone "two 3-acre tracts to RRE to allow them to be 3 acres so that the buyer can purchase the two houses. He will live in the red house. He will continue to rent out the gray house. And the rest of the property we'll keep

in RA. It will be subdivided into three overall tracts but it will stay in RA; it will always stay that way,” as Guthrie said he looks to put it in conservation.

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 3-0 to approve ZA 21-05. Fausett/Satterfield

ZA 21-06 - Larry Bishop requests to rezone TMP 104-022 from RA (Residential Agriculture) to RSR (Residential Sub-Rural) for the purpose of subdividing the parcel per RSR guidelines.

Planning & Development Director Jameson Kinley said the applicant and his brother are in the process of closing out their mother’s estate and, to do so, they need to subdivide this parcel in accordance with her last wishes. Kinley said there are two residences on the parcel and no new residences will be added. “This request also falls in line with our comprehensive plan for this area,” said Kinley, adding that the Planning Commission recommend approval of the application.

Katie Moore, Dawsonville, Georgia, representing the applicant, said she is Larry Bishop’s eldest daughter. She said the property is just more than 2 acres. “It’s all in my grandmother’s name right now,” said Moore. “When she passed away, she wanted pretty much half of it to go to my dad and half of it to go to my uncle. I’m going to purchase the property from my uncle, but in order to do that we have to get it separated into my dad’s name and then my uncle’s name because I can’t purchase it the way that it is right now.”

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to speak either for or against the application and, hearing none, closed the hearing.

Motion passed 3-0 to approve ZA 21-06. Satterfield/Dooley

NEW BUSINESS:

Consideration of Paramedic Pay Adjustment and Educational Incentive

Motion passed 3-0 to approve to add \$20,000 to the EMS budget to be used to assist EMTs seeking to become paramedics who have a two-year employee contract in place with Dawson County Emergency Services. Funding will come from the general fund’s fund balance. Satterfield/Dooley

Motion passed 3-0 to approve a 15 percent across-the-board pay increase for paramedics; a \$2 per hour stipend for those paramedics who ride a med unit; and to give the county manager the authority to pay for experience within the pay scale the county establishes. Funding will come from the general fund’s fund balance. Fausett/Dooley

Consideration of Ambulance Purchase Request

Motion passed 3-0 to approve to move forward with issuance of two purchase orders for two ambulances to be funded with impact fees. Satterfield/Fausett

Consideration of Intergovernmental Agreement Between City of Dawsonville and Dawson County Concerning Trail Infrastructure for Pedestrian Access Between Main Street Park and Library

Motion passed 3-0 to table an Intergovernmental Agreement Between City of Dawsonville and Dawson County Concerning Trail Infrastructure for Pedestrian Access Between Main Street Park and Library. Fausett/Dooley

Consideration of Board Appointment:

- Library Board
 - Don Cargill- reappointment (Term: April 2021 through June 2024)
 - David Yenerall- replacing Allen Ferg (Terms: April 2021 through June 2021 and July 2021 through June 2025)

Motion passed 3-0 to approve the reappointment of Don Cargill to the Library Board for a term of April 2021 through June 2024. Fausett/Satterfield

Motion passed 3-0 to approve the appointment of David Yenerall to the Library Board for terms of April 2021 through June 2021 and July 2021 through June 2025. Satterfield/Fausett

Consideration of Request to Accept FY 2021 Georgia Trauma Commission EMS Trauma Related Equipment Grant

Motion passed 3-0 to approve a Request to Accept a FY 2021 Georgia Trauma Commission EMS Trauma Related Equipment Grant. Satterfield/Dooley

PUBLIC COMMENT:

None

ADJOURNMENT:

EXECUTIVE SESSION:

Motion passed 3-0 to enter into Executive Session to discuss litigation and land acquisition. Satterfield/Fausett

Motion passed 3-0 to come out of Executive Session. Satterfield/Fausett

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Public Works

Work Session: 3-4-21

Prepared By: David McKee

Voting Session: 3-18-21

Presenter: David McKee

Public Hearing: Yes X No

Agenda Item Title: Broadband Ready Community Ordinance

Background Information:

In 2018 the state of Georgia started the Georgia Broadband Deployment Initiative (GBDI). This is a program that was implemented for the purpose to assist in deploying broadband to all areas of Georgia by the Department of Community Affairs. The program certifies communities as Broadband Ready. The designation allows for funding through grants under GBDI, USDA and others. Eleven cities and counties in the state have received the designation.

Current Information:

The designation of a Broadband Ready Community applies standards and adopts a policy for permitting broadband infrastructure within the county ROW, and assures that broadband is covered in the Comprehensive Plan. It is understood that the no revisions need to be made to the Comprehensive Plan. Dawson County will need to adopt the model ordinance and comply with the policy standards.

Budget Information: Applicable: Not Applicable: ☒ Budgeted: Yes No ☐

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Staff recommends approval to hold public hearings on the broadband ready community ordinance

Department Head Authorization: David McKee

Date: 2-23-21

Finance Dept. Authorization: Vickie Neikirk

Date: 2/24/21

County Manager Authorization: David Headley

Date: 2/24/2021

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

Model ordinance

The following EXAMPLE, drafted by Georgia Department of Community Affairs, is available to assist City's and County's in drafting their own ordinance or policy. Cities and counties should consult with their legal counsel concerning the appropriate approach for their respective communities to customize as necessary to comply with any local laws, rules, procedures or policies.

AN ORDINANCE FOR A BROADBAND READY COMMUNITY

As used in this ordinance, "broadband network project" means any deployment of broadband services.

As used in this ordinance, "political subdivision" means a county, municipal corporation, consolidated government, or local authority.

As used in this ordinance, "applicant" means a person applying for a permit for a broadband network project.

As used in this ordinance, "permit" means any local permit, license, certificate approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

(1) Single Point of Contact.

(City/County Name), Georgia shall appoint a single point of contact for all matters related to a broadband network project:

- a) The single point of contact documentation shall include;
 - i. Position & Title
 - ii. Name (first, last)
 - iii. Organization (municipality, county, or authority with participating entities involved in the (City/County Name) request designation)
 - iv. Phone Number(s) (work and mobile if applicable)
 - v. Email(s) (preferred email alias that can be directed to point of contact or acceptable official work email)
 - vi. Website URL to Contacts Page (required if applicable/available)
- b) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and
- c) The single point of contact information must be current to maintain designation, by updating with such change in contact information on web pages and associated sources, within 15 calendar days of change.

(2) Application Completeness Review.

- a) (City/County Name) shall determine whether an application is incomplete and notify the applicant, by email, of the determination by (City/County Name) within 10 calendar days of receiving an application.
- b) If (City/County Name) does not respond to the applicant on whether the application is incomplete, within 10 calendar days, the application shall be assumed to be complete on the 11th day.

(3) Notification of Incomplete Application.

- a) If the (City/County Name) determines that an application is not complete, the notification by email to the applicant shall specify all required components of the submitted application that were considered ‘incomplete’;
- b) The (City/County Name)’s response shall include a checklist of sequenced items that resulted in the application being deemed ‘incomplete’ and the review timeline shall be as follows:
 - i. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and
 - ii. If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
- c) If within 10 calendar days the (City/County Name) does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
- d) The (City/County Name) shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

(4) Approval or Denial Notification.

If, on or before the 11th day as described in 2 (b), an application is deemed complete, the (City/County Name) shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and the (City/County Name) is deemed as necessary.

- a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendar days of notification of completion and the joint meeting shall include:
 - i. Where applicant is going to conduct work,
 - ii. When the work will be conducted,
 - iii. What type of work will be done,
 - iv. Who the (City/County Name) can contact for specific details or related questions, and
 - v. Any permit seeking approval under application.
 - vi. Following a joint meeting between the applicant and the (City/County Name), the (City/County Name) shall deny or approve the application within 10 calendar days.
- b) Upon final approval, any required permit permitted shall be deemed issued.

(5) Related Fees.

- a) Any fee imposed by (City/County Name) to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.
- b) Any application fee that exceeds \$100.00 shall be considered unreasonable unless (City/County Name) can provide documentation justifying such fee based on a specific cost.

(6) Other Information.

- a) **Double Fee:** No City or County shall require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the single-point-of-contact at the City or County prior to access of right-of-way within the City or County jurisdiction.
- b) **Application Validity Timeline:** Any approved application shall be valid for six months from the date of approval. Should a provider not commence the service request qualified in the approved application within six months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
- c) **Single Service Drop:** A City or County shall not require a permit for a broadband service provider to perform an installation of broadband service at an individual customer's service address as long as the facility being utilized only transverses a deminimis portion of the public right-of-way to reach the customer's property. The provider must still comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A.

(7) (City/County Name) acknowledges:

- a) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of its application; and
- b) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of (City/County Name)'s Broadband Ready Certification, should the certification be granted.

(8) This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

PASSED AND SO ORDERED, this _____ day of _____, 2019.

(Mayor's Name)

Mayor

(City/County Name)

The following EXAMPLE, drafted by Georgia Department of Community Affairs, is available to assist City's and County's in drafting their own ordinance or policy. Cities and counties should consult with their legal counsel concerning the appropriate approach for their respective communities to customize as necessary to comply with any local laws, rules, procedures or policies.

AN ORDINANCE FOR A BROADBAND READY COMMUNITY

As used in this ordinance, “broadband network project” means any deployment of broadband services.

As used in this ordinance, “political subdivision” means a county, municipal corporation, consolidated government, or local authority.

As used in this ordinance, “applicant” means a person applying for a permit for a broadband network project.

As used in this ordinance, “permit” means any local permit, license, certificate approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

(1) Single Point of Contact.

Dawson County, Georgia shall appoint a single point of contact for all matters related to a broadband network project:

- a) The single point of contact documentation shall include;
 - i. Administrative Assistant
 - ii. Alexa Bruce
 - iii. Dawson County Public Works
 - iv. 706.265.2774
 - v. abruce@dawsoncounty.org
- b) The single point of contact shall be available for matters related to a broadband network project or a related liaison who may direct such inquiry in real time, with general scope and responsibilities to include permitting and right-of-way; and
- c) The single point of contact information must be current to maintain designation, by updating with such change in contact information on web pages and associated sources, within 15 calendar days of change.

(2) Application Completeness Review.

- a) Dawson County shall determine whether an application is incomplete and notify the applicant, by email, of the determination by Dawson County within 10 calendar days of receiving an application.
- b) If Dawson County does not respond to the applicant on whether the application is incomplete, within 10 calendar days, the application shall be assumed to be complete on the 11th day.

(3) Notification of Incomplete Application.

- a) If Dawson County determines that an application is not complete, the notification by email to the applicant shall specify all required components of the submitted application that were considered 'incomplete';
- b) Dawson County's response shall include a checklist of sequenced items that resulted in the application being deemed 'incomplete' and the review timeline shall be as follows:
 - i. The applicant has up to 40 calendar days from the date of notification of incompleteness to respond back with corrections; and
 - ii. If the applicant does not respond back within 40 calendar days, the application is deemed canceled.
- c) If within 10 calendar days Dawson County does not respond to the applicant on whether the corrected application is incomplete, the application shall be assumed to be complete on the 11th day; and
- d) Dawson County shall require a new submission and reset the process and application fees, should an application be deemed incomplete a second time.

(4) Approval or Denial Notification.

If, on or before the 11th day as described in 2 (b), an application is deemed complete, Dawson County shall approve or deny an application within 10 calendar days unless a joint meeting between the applicant and Dawson County is deemed as necessary.

- a) If a joint meeting is deemed necessary, the joint meeting must occur within 15 calendars days of notification of completion and the joint meeting shall include:
 - i. Where applicant is going to conduct work,
 - ii. When the work will be conducted,
 - iii. What type of work will be done?
 - iv. Who Dawson County can contact for specific details or related questions, and
 - v. Any permit seeking approval under application.
 - vi. Following a joint meeting between the applicant and Dawson County, Dawson County shall deny or approve the application within 10 calendar days.
- b) Upon final approval, any required permit permitted shall be deemed issued.

(5) Related Fees.

- a) Any fee imposed by Dawson County to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable, cost based, and nondiscriminatory to all applicants.
- b) Any application fee that exceeds \$100.00 shall be considered unreasonable unless Dawson County can provide documentation justifying such fee based on a specific cost.

(6) Other Information.

- a) **Double Fee:** No City or County shall require an application or permit(s) when already approved by an authorized state or federal jurisdiction. Provider shall notify and provide a copy of the approved permit to the single-point-of-contact at the City or County prior to access of right-of-way within the City or County jurisdiction.
- b) **Application Validity Timeline:** Any approved application shall be valid for six months from the date of approval. Should a provider not commence the service request qualified in the approved application within six months, the application shall expire, and it shall require a new permit approval and any associated fees, as applicable.
- c) **Single Service Drop:** A City or County shall not require a permit for a broadband service provider to perform an installation of broadband service at an individual customer's service address as long as the facility being utilized only transverses a demonyms portion of the public right-of-way to reach the customer's property. The provider must still comply with the provisions of Chapter 9 of Title 25 of the O.C.G.A.

(7) Dawson County acknowledges:

- a) A Georgia Certified Broadband Ready Community has an affirmative duty to notify the Georgia Department of Community Affairs of any changes to the information submitted as part of its application; and
- b) Failure to notify Georgia Department of Community Affairs of changes may result in revocation of Dawson County's Broadband Ready Certification, should the certification be granted.

(8) This ordinance shall take effect immediately upon adoption by the governing body upon final reading.

PASSED AND SO ORDERED, this ____ day of _____, 2021.

Billy Thurmond, Chairman
Dawson County Board of Commissioners
Dawson County, Georgia



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 3/4/2021

Prepared By: Harmony Gee

Voting Session 3/18/21

Presenter: Jameson Kinley

Public Hearing: Yes x No

Agenda Item Title: Presentation of Alcohol Ordinance Update

Background Information:

In June 2020 the Planning director presented the Board of Commissioners an update to the alcohol ordinance that would allow alcohol to be served within Residential Agriculture zoning districts at wedding and event venues. When the ordinance was voted upon in July it was asked of the Planning department to review the ordinance for any other updates that may need to be made.

Current Information:

Planning staff has worked at length on an update to the ordinance, looking at surrounding jurisdictions and consulting with legal along the way. Updates to the ordinance will not only allow wedding and event venues within the county to come into compliance if criteria are met, which has been an ongoing issue, but also includes several state-regulated updates.

Budget Information: Applicable: _____ Not Applicable: x Budgeted: Yes _____ No _____

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date:

Finance Dept. Authorization: Vickie Neikirk

Date: 2/24/21

County Manager Authorization: David Headley

Date: 2/24/2021

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

Chapter 6 - ALCOHOLIC BEVERAGES

Article I General

Article II Malt Beverages and Wines

Article III Distilled Spirits

Article IV Private Clubs

Article V Special Event Permits

Article VI Hotel In-Room Service

Article VII Farm Wineries

Article VIII Catering

Article ~~IX~~^{VIII} Agribusiness Sale of Malt Beverages & Wine by the Drink

Article ~~IX~~^X Excise Tax

Article XI Enforcement

Article XII Prohibited Sales, Purchases, and Possession

Article XIII Social Hosting and Consumption of Alcoholic Beverages by Minors

Article ~~XIV~~^{IV} Variances

Article ~~XIV~~^{IV} Definitions

ARTICLE I. - GENERAL

Sec. 6-1. - Title.

This chapter shall be known as and may be referred to as the Dawson County Alcohol Ordinance or Dawson County Alcoholic Beverage Code.

Sec. 6-2. - Purpose.

The purposes of this chapter include, but are not limited to, the following:

- (1) Compliance with state law.
- (2) Guarding against monopoly and concentration of the retail sales of alcoholic beverages in one group.
- (3) Prevention and control of the sale of alcoholic beverages by unfit persons.
- (4) Promotion of appropriate land use planning and zoning in accordance with the county's comprehensive zoning policies.
- (5) Protection of schools, homes, churches, parks, and other institutions.
- (6) Protection of public health, safety, and general welfare.

Sec. 6-3. – Licenses generally.

- (a) Alcoholic beverages may be sold in the unincorporated area of the county only after issuance of a license for such and only in the manner permitted by said license, upon the terms and conditions provided in this chapter. Sales are permitted only by licensees who comply with the rules of this chapter and with the licensing, revenue and regulatory requirements of the State of Georgia.
- (b) All licenses issued pursuant to 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 chapter and state law. Licenses may be abandoned by the licensee, may be suspended or placed under restrictive conditions by the board of commissioners, and are subject to being revoked by the Board of Commissioners. Renewal is subject to the discretion of the Board of Commissioners.
- (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 that may be enacted."
- (d) Any holder of a license issued in accord with this chapter is required to apply for and obtain all applicable alcoholic beverage licenses from the state before any sales or service commence. Additionally, county licensees and permit holders are required to abide by all applicable State regulations and laws.
- (e) All licenses issued under this chapter shall:
 - (1) Permit the licensee to sell or distribute the beverage for which the license is issued and for the purpose authorized, within Dawson County, Georgia, but outside municipalities in Dawson County, Georgia, pursuant to the terms of this chapter and not inconsistent with the laws of the State of Georgia and of the United States;

- (2) Expire on December 31 of each year. Application for renewal shall be made annually on or before November 30th. Any licensee making proper application, with supporting documents and required fees, for a license to operate during the following calendar year and having filed such application prior to November 30, shall be permitted to continue to operate pending final action (approval or disapproval) of such licensee's application for the following year if final approval or disapproval is not done prior to January 1;
 - (3) Not be transferred from one person to another or from one location to another without the prior approval of the county commission upon written application; and
 - (4) Be subject to all terms and conditions imposed or provided for by future provisions or amendments to this alcoholic beverage ordinance.
- (f) Any license or permit under this chapter which is issued by administrative error, or due to mistake, or in reliance upon any misrepresentation by the applicant or anyone providing information on behalf of the applicant shall be null and void and shall be subject to seizure by the sheriff or other official charged with enforcement of this chapter. When notified of the invalidity by Dawson County personnel, the licensee or permittee shall immediately cease operation and surrender the license or permit to the county. The licensee/permittee shall be given written notice of the invalidity of the license or permit and the reasons therefor, and shall be advised of the right to appeal the decision to the board of commissioners, which shall consider the asserted grounds for invalidity and the licensee's arguments and/or evidence contesting the assertion of invalidity. Once the licensee has been given notice and an opportunity to be heard the board shall determine the issue and cause written notice of its decision to be provided to the licensee.
- (g) There shall be a separate application, license fee, application fee and license required for each proposed location of a proposed licensee and for each category of operation as provided for herein.

Sec. 6-4. - Types of licenses and permits issued.

- (a) Only the following licenses and/or permits shall be issued under this chapter:

- (1) Malt beverages and Wine, wholesale.
- (2) Malt beverages and Wine, retail package.
- (3) Malt beverages and Wine, by the drink for consumption on the premises.
- ~~(47)~~ Distilled spirits, wholesale.
- ~~(58)~~ Distilled spirits, retail package.
- ~~(69)~~ Distilled spirits, by the drink for consumption on the premises.
- ~~(710)~~ Caterer License.
- ~~(811)~~ Farm Winery.
- ~~(912)~~ Special Event Permitss.
- (10) Event Catering Permit
- ~~(113)~~ Employee Permit.
- ~~(124)~~ Hotel-motel in-room service permit.
- ~~(15) —Brewpub/microbrewery~~

(136) Agribusiness.

- (b) Licenses relating to wine shall also include mead (honey mead or honey wine). Licenses relating to malt beverages shall also include hard cider.

Sec. 6-5. - Fees.

- (a) There is an annual license fee for each type of license. In addition, there are administrative fees to offset administrative and investigative costs which are charged with the initial, renewal, transfer and reinstatement applications for licenses and permits. The fees applicable to all such licenses, permits, and applications shall be set forth in the Dawson County Alcohol Schedule of Fees. Said fee schedule may be modified by the commission periodically as it deems needed and any changes shall be put in written form. An ordinance or ordinance amendment shall not be necessary to change the fee schedule. The fee schedule shall set forth the amount to be paid as a license (annual) fee and the amount of any administrative fee, investigatory fee or other fee as to each type of license. The administrative, investigatory and other fees may be combined in the schedule. There shall be no waiver of fees or parts of fees except in accordance with written policy approved by the county commission. The director shall be responsible to determine fees and shall have authority to decide upon any dispute, question or objection as to the amount payable as fees with an application in order for the application to be considered complete, subject to review by the board of commissioners.
- (b) Each type of license to be issued requires a separate application. Each application for a license shall be accompanied by a certified check in the full amount of the license fee and additional fees, ~~together with a separate certified check in the amount of the total of administrative fees (application, investigative and any other alcohol fees under this chapter) to defray investigative and administrative costs.~~ In the event a license application is denied, withdrawn or abandoned, the license fee will be refunded, but the administrative fees are nonrefundable. License fee and administrative fee checks shall be delivered to the director or other designee of the board of commissioners with the application and no application shall be deemed complete until all required fees are paid.
- (c) Licenses are valid for not more than one year from date of issue. The normal termination of every license shall be midnight on December 31. If a license is issued prior to July 1 of the year, the full annual license fee shall be payable. If the license is issued July 1 or thereafter, only 50 percent of the license fee shall be payable; the license shall still expire on December 31. All administrative fees are payable regardless of the time of year the application is filed.
- (d) All licenses granted under this chapter shall expire on December 31 of each year unless revoked, surrendered, abandoned or otherwise terminated prior to that normal termination date. Licensees who desire to renew the license shall file applications, with the requisite fee enumerated in the fee schedule, with the designee of the county commission 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 license and administrative fees, a late charge of 20 percent of the total license and administrative fees otherwise payable. If the license renewal application is received after December 31, the late charge/penalty payable shall be increased from 20 percent to 50 percent. ~~and such application shall be treated as an initial application; 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, including criminal background checks. If the license was valid for the existing location on December 31, then it shall not be necessary for a renewal application filed between December 31 and March 31 to meet the~~

~~location requirements as to churches and other buildings which may have commenced operation subsequent to the date the location was originally licensed for sale of alcoholic beverages.~~

- (e) In the event a license is issued and thereafter abandoned, forfeited, surrendered, revoked, suspended or transferred, no portion of the license fee or administrative fees shall be refunded.
- (f) In the event an application is withdrawn before the license is issued, any sums deposited for license fees will be refunded. Administrative fees will not be refunded.

Sec. 6-6. – Applications and procedures

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the director, which shall include a diagram illustrating distances to the closest example of each type/class of property for which a minimum distance is prescribed in this chapter, and a diagram/site plan illustrating which portions of the parcel (on which the proposed licensed premise is to be located) shall be usable for sale and/or consumption of alcoholic beverages, such as interior areas, decks, patios, exterior fenced areas, etc. The diagram for on premise consumption licensees shall show the location of each bar, identifying whether it is fixed or mobile, and whether it may include counter service. If the applicant is or will be doing business under a trade name, the application shall include the trade name though the license will be issued to the individual, partnership, Limited Liability Company or corporation in accordance with the provisions of this article.
- (b) If the applicant is an individual, then the application for license shall be in the name of the individual and the license, if issued, shall be issued in that name.
- (c) If the applicant is a partnership or limited partnership, then the application shall be made in the name of the entity; and if a license is issued, then the license shall be issued in the name of the entity or in accord with section 6-9 hereof if section 6-9 applies.
- (d) If the applicant is a limited liability company or a corporation, then the application shall be made in the name of the said limited liability company or corporation; and if a license is issued, then the license shall be issued in the name of the said limited liability company or corporation or in accord with section 6-10 hereof if section 6-10 applies.
- (e) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the county commission or its designee to insure compliance with the provisions of this chapter. The refusal or failure to furnish data, fingerprints, records or information pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (f) The fingerprints provided shall be forwarded to the Sheriff's office and/or the Georgia Bureau of Investigation, as well as the Federal Bureau of Investigation, to search for any instance of criminal activity during the two years immediately preceding the date of the application.
- (g) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (h) A notice of each initial application to sell distilled spirits (whether for package sales or for consumption on the premises) shall be advertised in the official legal organ of the county once during each of two weeks during the 30 days preceding consideration of the application. In the event it is determined at or before the time of consideration that there has been a failure as to publication of the required notice, then the appropriate action will be to delay consideration of the application until proper publication is done. The notice shall contain the name of the applicant, the

type of license sought, and the location of the proposed licensed premises, as well as the expected date for consideration (including a statement that such date is subject to change).

- (i) An applicant for any type of license under this chapter, including an employee permit, must resolve any pending alcohol related criminal charges before his or her application will be considered.
- (j) If an applicant is notified of a date, time and place to appear before the county commission or its designee in connection with consideration of an initial application, or a renewal application, or a reinstatement request, or a possible disciplinary action such as suspension, probation or revocation, and the applicant fails to so appear, and if the failure to appear is not excused by the county commission or its designee, then the commission or its designee may deny the application, or may consider the proposed disciplinary action unopposed, or may delay further proceedings as the commission or its designee determines to be appropriate.
- (k)
 - (1) Consideration of all initial applications and transfer of location applications under section 6-10 of this Code, shall be done by the county commission at an open meeting of the commission unless the commission by written policy, resolution or amendment to this ordinance designates the director or another person or entity to consider and decide such categories of possible actions.
 - (2) The county commission shall consider and decide all proposed suspensions, revocations, or other potential disciplinary matters as to any license in an open meeting of the commission, with the exception of emergency suspensions done on a temporary basis, which may be done by the county manager, fire chief, building official or sheriff for public safety reasons under section 6-~~10270~~ of this Code, until the commission is able to schedule a hearing on the matter for its consideration of the suspension.
 - (3) All applicants/licensees shall appear before the commission at the time of its consideration of any of the foregoing matters, either in person, or by the presence of a registered agent who is suitable to answer all questions which may arise concerning the action under consideration. Such appearance by someone other than the agent must be approved in advance by county staff. Failure to appear may result in such action as the county commission or its designee deems appropriate, including delay to allow re-scheduling, or denial of an application or change, or imposition of the proposed disciplinary action.
 - (4) Applications for license renewals; special event alcohol permits; transfer of ownership; issuance or disciplinary action as to employee permits; whether a license has been abandoned due to non-use under section 6-11 below; and all other administrative decisions not specifically committed to the discretion of the commission, shall be determined by the director or his or her designee, subject to right of the applicant or licensee or permit holder to appeal an adverse decision to the board of commissioners by filing a notice of appeal stating the grounds for appeal and relevant supporting facts. Notice of appeal must be filed with the director and must be received in the county's planning office within ten business days of the date of the director/designee decision from which complaint/appeal is made. In the event this chapter requires the director to issue a written notice of decision, then the appeal time shall commence on the date when the director's notice is received by the licensee/permittee.
 - (5) Notices of all kinds from the director/designee or the commission may be forwarded to licensee/permittee's address of record by hand delivery; or by certified or registered mail, return receipt requested; or by private express delivery with proof of delivery. Notices will be deemed to be received when actually received by licensee/permittee as evidenced by the return receipt signed by licensee/permittee or other person on behalf of licensee/permittee. If

hand delivered, the delivery or refusal may be evidenced by the signed statement of the person who delivered or attempted to deliver the notice. If the notice is returned un-delivered because licensee/permittee refused to accept delivery, or failed to pick up a notice despite notice from the U.S. Postal Service or private express carrier as referred to above, or is returned marked "addressee unknown" or "forwarding order expired" then that will be deemed to constitute delivery to the addressee if the notice was addressed to the most current address of record. Refusal to accept shall be deemed delivery of the notice as of the date of refusal, and failure to pick up shall be deemed delivery as of the date of notice of attempted delivery (or the date of final notice if more than one notice of attempted delivery or notice to pick up is given by the U.S.P.S. or private carrier).

- (l) The commission or its designee may table or delay further consideration of an application, disciplinary action, or other matter in order to obtain further information or for other reason if it or its designee deems such tabling or a delay appropriate.

Sec. 6-7. - Granting applications; provisional licenses; special terms and conditions.

- (a) When licenses in accord with the terms hereof are initially issued, if more than one applicant seeks to obtain a license within an area where only one license can be issued, then the board of commissioners shall determine to whom the license shall be issued and may consider the following provisions in addition to the provisions set forth in section 6-9 hereof:
 - (1) Whether the applicant owns the property where the licensed business will be located;
 - (2) The experience of the applicant operating retail package stores; and
 - (3) The distance from the proposed location to any church building, school building, day care facility or alcohol treatment facility with those locations being a greater distance from a church building, a school building, a day care facility or an alcohol treatment facility being given preference if the commission determines such preference to be appropriate.
- (b) In deciding whether or not an application will be granted or denied, the commission may consider the qualifications of the applicant, the location of the business and its proximity to other enterprises. The commission may also consider:
 - (1) The effect that the establishment would have on the neighborhood surrounding the establishment in terms of traffic congestion and the general character of the neighborhood, as well as the effect the establishment would have on the value of properties surrounding the site; and
 - (2) The number of alcoholic beverage licenses already granted in the neighborhood.
- (c) Approval of an application for a license, renewal of a license, reinstatement of a license, or allowance to continue operation under a license in conjunction with adverse action such as suspension or probation, or in lieu of immediate revocation of proposed or imposed, may be conditioned upon the licensee's agreement to and compliance with conditions provided for by the commission, which may be modified during the course of the term of the license as the commission deems appropriate. Such conditions may include, but are not limited to: substitution of a different licensee, manager or agent; non-participation of a named individual in the ownership, operation or management of the licensed business; restriction of days or hours of operation; modification of the licensed premises or of the portion of the property upon which alcoholic beverages may be sold, served or consumed; changes as to staffing; posting of a bond with adequate security to guarantee compliance with state law and the provisions of this chapter as well as any conditions placed upon

any license; conditions as to reporting or record keeping; conditions requiring licensee to clean up trash in the vicinity of the licensed premises on a regular basis; or other reasonable conditions, requirements or restrictions as may be prescribed by the commission.

- (d) Approval of a license may be provisional, that is, temporary and based upon conditions requiring or related to carrying out construction, renovation, alteration or improvement of the proposed licensed premises. Terms and conditions which are hereby imposed automatically on a provisional license are as follows: submittal of plans as required by the director, the building official, the fire department, the health department and any other such official or authority; obtaining all appropriate inspections; payment of all required fees; and securing of all necessary certifications and approvals. Any of the foregoing authorities may impose further reasonable conditions. The licensee may not keep or store alcoholic beverages on site, and may not commence operations, until all such conditions are met.

Sec. 6-8. - Denial of an application.

- (a) The county commission shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.
- (b) In all instances in which an initial application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the date of such denial.

Sec. 6-9. - Qualifications of applicants, licensees and resident agents.

- (a) *Wholesale.* Wholesale licenses shall be issued only to those persons who are licensed by the State of Georgia to sell and distribute malt beverages, wines, or distilled spirits at wholesale.
- (b) *Retail package sales and consumption by the drink on the premises.* In order to qualify for the issuance of a retail license, the following provisions shall apply:
 - (1) 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. The applicant must submit all electronic and other verification forms and identification determined by the director to be applicable. The applicant must not be less than 21 years of age. Applicants may choose to employ or designate a qualified registered agent for the administration of the license, but the agent is not permitted to make the application in place of the proposed licensee. ~~All individual applicants who do not reside in Dawson County, and all partnerships, limited partnerships, limited liability companies, and corporate applicants must designate a qualified registered agent, residing in Dawson County.~~
 - (2) If the applicant is a partnership, limited partnership, limited liability company, or corporation, then the provisions of this section shall apply to all its partners, members, 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. If the majority stockholder is not an individual, then 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 20 percent of the partnership; or if no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership shall be licensed. In the case of a limited partnership the license shall be issued in the name of the general partner(s). In the case of a limited liability company the

license shall be issued jointly in the name of the LLC and its managing member(s), or if there are no managing members, then jointly in the name of the LLC and the individual designated as manager by the LLC in current filings with the Secretary of State.

- (3) If the applicant is an unincorporated nonprofit club, then the managing agent may be an officer of the organization rather than a full-time employee if such managing agent is qualified in accord with this section.
- (4) No person shall be granted any alcoholic beverage license if, during the two years immediately preceding the application, the person has either been convicted of, pled guilty to, pled nolo contendere to, or been released from parole or probation for any of the following offences: any crime involving moral turpitude; illegal gambling; illegal possession or sale of controlled substances; illegal possession or sale of alcoholic beverages, including the sale or transfer of alcohol to minors in a manner contrary to law; keeping a place of prostitution; pandering; pimping; public indecency; prostitution; solicitation or sodomy; or any sexually related crime. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant nor any of the owners of the establishment has been so convicted or released in the two years preceding the application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor, or a violation of a county ordinance shall not, alone, make an applicant ineligible for a license. If, after a license has been issued, any applicant, partner or officer used in the sale or dispensing of any alcoholic beverage, is convicted or pleads guilty or nolo contendere to any of the offenses enumerated herein, then the license shall be immediately revoked and cancelled.
- (5) 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 two years prior to the filing of application for such license.
- (6) It shall be unlawful for any county 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 county.
- (7) 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 county previously revoked within two years prior to the filing of the application.
- (8) The county commission 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.
- (9) Any registered agent under this chapter must be an individual who resides in Dawson County and qualifies under the same terms as would an individual applicant for license (that is, all qualifications as to character, criminal and other personal history matters); must consent in writing to serve as resident agent; and must be approved as such by the director. In the event a registered agent ceases to qualify under the terms of this chapter, or the agency is revoked by the licensee, or the agent resigns or declines to continue to serve as agent, the licensee shall notify the director promptly in writing that the individual who has been serving will no longer be agent and shall name another qualified individual residing in Dawson County to serve, subject to the director's approval. As to any proposed initial or replacement agent the applicant/licensee shall be responsible for providing all information, records or data requested by the director for consideration in the approval process.

- (10) 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.
- (11) A license application may be denied to any applicant for any alcoholic beverage license if the applicant lacks adequate financial participation in the proposed business to direct and manage its affairs, or if the application is intended to serve as a surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (12) The county commission may, in its discretion, consider any extenuating circumstances that may reflect favorably or unfavorably on the applicant, application, agent or the proposed location of the business. If circumstances are such that granting of the license would not be in the best interest of the public health, safety, welfare, and morals, then such circumstances may be grounds for denying the application.
- (13) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which the defendant was allowed to avail himself or herself of the Georgia First Offender Act (O.C.G.A. § 42-8-60 et seq.), as amended. Except, however, that any such offense shall not be ignored if the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt.

Sec. 6-10. - Transferability of license/change in ownership.

- (a) *Individuals.* In the event of a change of ownership of a business for which an individual has been issued a license, the new owner, if desiring a license, must meet the qualifications specified in section 6-9 and must file an application as provided in section 6-6 and tender with the application the investigative and administrative fee as provided in section 6-5 and any license fee that may be due.
- (b) *Partnerships or corporations.* In the event of a change of any ownership interest in a business which is owned or operated by a partnership, limited partnership, limited liability company, or corporation and for which a license has been issued, the licensee shall report such change to the county commission in writing within five days. "The term "change of ownership interest" as used herein includes, but is not limited to, any change in:
 - (1) Division of profits and/or losses;
 - (2) Division of net gross or sales;
 - (3) Method of paying or amount of rent paid;
 - (4) Ownership of leased premises, or buildings or land used in the business;
 - (5) Members of a partnership;
 - (6) Stockholders of corporate stock; and
 - (7) Management.
- (c) If, as a result of any change of ownership interest, the licensee would not qualify under other provisions of this chapter for the issuance of a license, then the license issued to the licensee shall be subject to revocation and shall not be subject to renewal.
- (d) All applications for transfer of a license to a new licensee or new location shall be accompanied by the transfer fee, together with an investigative and administrative fee. If the transfer is not

approved, then the transfer fee will be refunded, but the investigative and administrative fee will not be refunded. Ownership changes will be decided by the director, subject to right of appeal to the commission by a dissatisfied applicant, and changes of location shall be decided by the commission.

- (e) Upon the death of a licensee, the executor or administrator of the licensee's estate may continue to operate under the license for the balance of the calendar year without payment of any additional fee or may delegate the operation of the business to another person if the person operating under the license, whether the executor, administrator, or delegate, would otherwise be qualified as a licensee under the provisions of this chapter.
- (f) Any proposed change of location must be approved by the county commission after submission of all required transfer fees, administrative fees and investigative fees, and all information and data required by the director, which shall include, but not be limited to, all location data that would be required on an initial application under this chapter, such as the certified survey showing distances to specified properties, and the floor plan showing the areas designated for storage, preparation, service, display, sales and consumption of alcohol and the location of any bars. The director may also require full current information on the applicant and other persons as for an initial application. The transfer application shall be treated and considered in the same manner as an initial application except there shall be a renewal fee and not a new license fee if the change is to take effect after December 31 of the year the change application is submitted. There will be a transfer fee and no additional license fee if the change is to be effective during the current year. The normal renewal application and fees associated with renewal shall be due notwithstanding pendency of any transfer application under this article. The commission is authorized to consider any factors that might be considered in approving or disapproving an initial application. If the application is for sale of distilled spirits, any notice publication requirements as for new applications shall apply.

Sec. 6-11. - License forfeiture for nonuse.

- (a) A license issued pursuant to this chapter shall be valid only so long as the licensee is actually engaged in the permitted sale of alcoholic beverages. Any holder of any license under this chapter who shall for a period of 30 days after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the 30-day period, automatically forfeit the license without the necessity of any further action by the county. The director shall cause a notice of forfeiture to be mailed or delivered to the address of record of the licensee, which shall notify the licensee of its right to appeal the decision of the director to the board of commissioners by submitting a notice of appeal. The notice of appeal shall be delivered so as to be received by the director within ten business days of the date of the licensee's receipt of the notice of forfeiture. The notice of appeal shall set forth the grounds of appeal including any relevant facts in support of the appeal.
- (b) A license may be conditionally or provisionally issued for a location upon which the licensee intends to build an appropriate building or renovate an existing structure, and due to the construction or renovation, does not anticipate commencing operations within 90 days of issuance of the license. In the event a license is issued subject to such a condition, the licensee will be determined to have ceased doing business and thus forfeited the license if necessary permits are not obtained and substantial work completed within six months after the date the license is approved. If the licensee has not completed building/renovation, and obtained all required inspections and permits for occupancy, and obtained a business license, and commenced operation of the licensed business within one year following the date of issuance of the license, then the

licensee will be deemed to have abandoned the license, which is then forfeited automatically by operation of this section. Provided, however, the holder of any license currently issued and existing as of the adoption of this amendment to the alcohol ordinance, but for which no operations under the license have been commenced, shall have a period of two years from the adoption of the amendment prior to such forfeiture in which to commence operations. ~~A renewal license shall not be granted for a premises that are not currently in operation pursuant to the license other than subject to the terms of this section. Forfeitures under this subsection shall be subject to a right of notice from the director and of appeal to the commission in the same manner and with the same time limitation as set forth in the preceding subsection. Any existing package sales license holder whose license has been renewed prior to adoption of this amended ordinance, but which has not commenced operations as of the adoption of this amendment shall not be considered for purposes of the one mile minimum distance of separation rule set forth in~~ **section 6-108(b).**

Sec. 6-12. – Licensee requirements.

- (a) Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter upon 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 the licensee's employees selling alcoholic beverages shall at all times be familiar with the terms of this chapter. The licensee is responsible for assuring such familiarity and is responsible for any violations committed by any employee or manager due to ignorance of the terms of this chapter or of State law.
- (b) The regulations in this section as to employees and managers shall apply to all establishments seeking and holding a license under this chapter unless specifically provided otherwise:
 - (1) No person shall be employed in an establishment holding a license issued under this chapter unless said person meets the following minimum age requirements for issuance of an employee permit:
 - a. For employment in an establishment serving alcoholic beverages by the drink for consumption on-premises, a person must be at least 18 years of age.
 - b. For employment in an establishment licensed for sale of distilled spirits by the package for off-premises consumption, a person must be at least 21 years of age. This requirement shall not apply to persons employed solely as a busboy, cook, dishwasher or janitor.
 - c. For employment in an establishment licensed for sale of beer, wine or beer and wine by the package for off-premise consumption, a person must be at least 18 years of age. This requirement shall not apply to employees of a grocery store or drug store.
 - (2) No person shall be employed in any capacity at an establishment holding a license issued under this chapter until such person has been issued a permit by the director indicating that the person is eligible for such employment.
 - (3) No permit shall be issued by the director to any person until such time as a signed application has been filed by such person with the director, and the appropriate fees have been paid, and a search of the criminal record of the applicant is completed. The application shall include, but not be limited to, the name, date of birth, address, citizenship status and prior arrest record of the person, though the fact of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for

public inspection without a court order. Applications must be accompanied by a valid government issued I.D. card (for example, a driver's license or state-issued I.D. card).

- (4) The director shall have the search made relative to any criminal record of the person. If there is no record of a disqualifying conviction or of a violation of this chapter, the director shall issue a permit to the person stating that the person is eligible for employment. If it is found that the person is not eligible for employment, the director shall notify the person in writing that the person is not eligible for employment, the cause for such denial, and that such individual has the right to appeal such decision to the board of commissioners.
- (5) No person shall be granted a permit unless it appears to the satisfaction of the director that such person has 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, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, solicitation of sodomy or any sexually related crime within a period of two years of the date of application and has been released from parole or probation. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not by itself make a person ineligible for a permit required by this chapter. No person shall be granted a permit required by this chapter who has been convicted, pled guilty or entered a plea of nolo contendere to any federal, state or local law for any felony within two years preceding, or any time subsequent to, the date of application and has not been released from parole or probation prior to the filing for application for such permit. For purposes of this chapter, a conviction or plea of guilt or nolo contendere shall be ignored as to any offense where the conviction or plea was entered pursuant to the Georgia First Offender Act (O.C.G.A. § 42-8-60 et seq.), as amended, so long as the first offender status has not been revoked.
- (6) The permit required by this chapter shall be issued for a period of one calendar year from the date of the original application. Employee permits are issued for work for the specific type of licensed establishment as indicated on the employee permit application and may not be used at another category of licensed establishment. The permit must be either on the premises or in the possession of the individual to whom it is issued while that individual is working at the licensed establishment. This permit must be available for inspection by members of the sheriff's office, the director's office or the county code enforcement staff.
- (7) No person shall be issued a permit if it is determined that the person falsified, concealed or covered up any material fact by any device, trick or scheme while making application to the marshal's office for the permit required by this chapter. If it is determined that a person is in violation of this subsection and a permit is denied for this reason, then 30 calendar days must elapse from the date of notification per certified mailing before a new application and fee may be resubmitted.
- (8) All permits issued through administrative error can be terminated and seized by the marshal, his designee or by the county commission or its designee.
- (9) Replacement permits may be issued within 30 days of original date upon paying one-half of the fee charged for the original permit. After 30 days of the original application date, a new application and fee must be submitted.

- (10) All permits issued under this chapter remain the property of Dawson County and shall be produced for inspection upon the demand of any deputy or designee of the sheriff's office or employee of the marshal's office, or the county commission's staff.
- (11) No licensee shall allow any person required to hold an employee permit to work on the premises unless that person's current, valid permit is on the premises or the person has it in his or her possession. For new hires, a receipt issued by the Director 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 hold an employee permit by this chapter has a valid current permit at all times while on the premises of the licensed establishment.
- (12) It shall be the duty of all persons holding any license to sell distilled spirits, wine, malt beverage or any other alcoholic beverage as defined by this chapter to file with the marshal or his designee the name of the establishment, the license number and a list of all its employees, with their home addresses and home telephone numbers, twice annually during the months of June and December to be delivered to the marshal or his designee not later than the last day of each such month.
- (13) Any person or entity convicted of any violation of this section shall receive a minimum fine of \$500.00 per violation.

Sec. 6-13. - Display of license.

A copy of the The county alcoholic beverage license, together with a copy of the business license, shall at all times be kept plainly exposed to view to the public at the front of the place of the business of the licensee. The certificate evidencing issuance of a license pursuant to this chapter shall remain the property of Dawson County and shall be surrendered by licensee upon demand by the sheriff or other county official charged with enforcement of this chapter.

Sec. 6-14. - Advertising.

- (a) Licensees may use window signs to advertise products for sale within the store, so long as said signs comply with the Dawson County Sign Ordinance.
- (b) Notwithstanding subsection (a) of this section, the licensee may display on the licensed premises one sign not to exceed 24 square feet in size, advertising distilled spirits, malt beverages, or wine. Such sign may be lighted, but in no event will it have any moving parts or flashing lights. The design and location of any such sign must comply with the Dawson County Sign Ordinance.
- (c) Licensees may advertise, including products and prices, in newspapers and on the radio and on the internet.

Secs. 6-15. - Locations and minimum distances.

- (a) No license shall be issued under this chapter for the retail sale of distilled spirits, malt beverages or wine for use at a location which is within 600 feet of a church building, day care, licensed alcohol treatment facility, school, educational building or college. The distance shall be measured in a straight line from the front door of the proposed licensed premise to the front door of the church, day care, or treatment facility, and from the front door of the proposed licensed premise to the nearest property line of the real property used for school, college or educational purposes.

- (b) No license shall be issued for sale of distilled spirits by the package at a location within one mile of any other business licensed to sell packaged liquor (distilled spirits) at retail. This distance shall be measured in a straight line from the front door of the proposed licensed facility to the front door of the other package liquor store. This restriction shall not apply to any location for which a new license is sought if the current licensee has not completed construction of a building or renovation of the licensed premises and is not open for business.
- (c) The minimum distance restrictions set forth in this chapter shall not apply if the retail sale of the same kind of beverage (that is, beer, wine and/or distilled spirits) in the same manner (by the package for off-premises consumption, or by the drink for on-premises consumption) was lawful at any time during the 12 months immediately preceding such application.
- (d) As to any location licensed under this chapter, if the distance requirements in this chapter are or were met at the time of issuance of any license, the subsequent opening and operation of a church building, school building, day care facility, alcohol treatment facility or housing authority property within the minimum distance prescribed in this chapter 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.
- (e) Nothing in this chapter shall authorize the sale of alcoholic beverages within 250 feet of a polling place during any election at such time as the polls are open.
- (f) No license for the sale of alcoholic beverages shall be issued under this chapter unless the proposed location is on a parcel zoned for commercial use in accordance with the Dawson County Land Use Resolution. A [§](#)Special event alcohol permit is subject to the terms of section 6-~~66~~49 as to approval of permit applications for commercial and non-commercial locations.
- (g) For purposes of this section of the chapter, notwithstanding any provision in this section to the contrary, minimum distance measurements shall be done in accordance with the method prescribed by Georgia law, and "straight line" measurement shall have the same meaning as provided for by state regulations, currently located at Department of Revenue Regulations for Alcohol and Tobacco, Rule 560-2-2-.12; provided, that renewal applications shall use the same measurements as required in the initial application.

[Sec. 6-16. – Other General Provisions.](#)

[Alcohol may be sold at retail only in conformance with applicable zoning codes.](#)

ARTICLE II. - MALT BEVERAGES AND WINES

Sec. 6-~~2017~~. – General

- (a) Licenses are permitted only for locations which are zoned commercial and in any agricultural district where the specific use and the sale and service of alcohol is expressly permitted in accord with the Land Use Resolution of Dawson County.
- (b) Licensees for package sales of malt beverages or wine may not sell alcoholic beverages for on-premises consumption at the same establishment except for ~~brewpubs and~~ farm wineries validly licensed to allow such on-premise consumption sales.
- ~~(c) Curbside delivery of malt beverages and wine as described in Rule 560-2-3-.3 of the Georgia Department of Revenue Alcohol and Tax Unit Rules, is not permitted in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said rule.~~
- ~~(ce)~~ The hours of operation of retail licenses for the sale of malt beverages and wines by the package shall be between the hours of:

~~9:00 a.m.—11:45~~12:00 p.m. — Monday – Saturday; and

12:30 p.m. — 11:30 p.m. on Sunday.

The hours of operation of retail licenses for the sale of malt beverages and wines by the drink shall be between the hours of:

10:00 a.m. — 12:00 midnight — Monday—Thursday; ~~and~~

Friday 10:00 a.m. — 1:00 a.m. on Saturday ~~through Sunday;~~

Saturday 10:00 a.m. through 1:00 a.m. on Sunday; and

12:30 p.m.—12:00 midnight on Sunday.

The hours of operation of wholesale licensees for the distribution of malt beverages and wines in Dawson County shall be between the hours of:

8:00 a.m.—8:00 p.m. — Monday—Saturday; and

12:30 p.m.—8:00 p.m. — Sunday.

- ~~(de)~~ The wholesale and retail sale of wine and malt 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 at such time as the polls are open.
- ~~(ef)~~ No licensee shall allow or require a person in his employment who is under the age of 18 years to dispense, serve, sell or take orders for any malt beverages or wines. This restriction does not apply

to persons under the age of 18 years employed in grocery stores or drugstores who are selling said beverages.

Sec. 6-~~218~~. - Type of retail establishment where permitted.

No beer or wine shall be sold for consumption on the premises [pursuant to a malt beverage/wine license](#) ~~where sold~~ except in sites in areas zoned commercial and which are being used as one of the following:

- (a) Are 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 health and fire departments. Such eating establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of the establishment's total annual gross sales from food;
- (b) Are indoor commercial recreation 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 health and fire departments. Such establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of its total annual gross revenue from the sale of prepared meals or food and recreation activities;
- (c) Are an indoor publicly owned civic and cultural center capable of 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 health and fire departments. The center must be prepared to serve food every hour they are open and derive at least 50 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels or motels, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure; or
- (d) At a golf course that derives at least 50 percent of its annual gross revenue from the sale of prepared meals or food and recreation activities (i.e., golf). These eating establishments must be located in a zoning district which permits restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.
- (e) Are a brewpub as that term is defined in Article ~~XIV~~^{HV} hereinabove subject to the following provisions:
 - (1) A brewpub must be an eating establishment as defined in O.C.G.A. § 3-1-2(3) including compliance with the rule requiring 50 percent of its annual revenue to come from prepared meals or food;
 - (2) A brewpub licensee may sell beer and wine for on-premise consumption according to the rules set forth in O.C.G.A. § 3-5-36;
 - (3) A brewpub licensee may also, by qualifying, paying the appropriate fees and upon approval by the commission, obtain a retail consumption dealer's license for sale of distilled liquor for on-premises consumption, or a retailer license for sale of beer, wine or distilled spirits for off-premises consumption;

- (4) A brewpub licensee may, if holding a State license for offering free tastings of its draft beer pursuant to O.C.G.A. § 3-5-38, permit free tastings of malt beverages produced by it on site, without any additional tasting license from the county.

Sec. 6-~~22~~19. - Employment of underage persons as entertainers prohibited; exceptions.

It is unlawful for any person under 18 years of age to work as an entertainer in any establishment licensed under this chapter without the consent of the person's legal guardian.

Sec. 6-230. - Open area and patio sales.

- (a) Alcoholic beverage sales can 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 county commission.
- (b) The requirement for approval is that the patio/open area be enclosed by a fence, wall, or some other 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. A parking lot shall not qualify as such an open area.
- (c) The height of such structure shall be a minimum of three and one-half feet above the patio floor, but the structure does not have to be solid or restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the county's building inspection department and the county's fire department as required by governing regulations or codes.
- (d) The only exit from this 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 should 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 at an existing licensed structure, plans will be reviewed and approved on an individual basis by the director with a right of appeal to the commission in the event of a denial. Interior type patio/open sales areas must also meet the requirements of the county's 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. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

Sec. 6-241. - No consumption outside premises.

- (a) It is prohibited for customers to leave the approved portion of the premises with open alcoholic beverages except as expressly permitted ~~pursuant to sections 6-23 and 6-24 of~~ this chapter, 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 prohibit the carrying out of wine or malt beverages for consumption on a golf course or the sale of wine or malt beverages outside on a golf course to golfers. Customers may not consume alcoholic beverages, or carry open alcoholic beverage containers, in parking lots of the licensed premises.

- (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.

Sec. 6-2~~52~~. - Partially consumed bottles of wine purchased with a meal.

- (a) Any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises.
- (b) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises.
- (c) The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.
- (d) If transporting in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Sec. 6-2~~63~~. — ~~Bring your own bottle.~~Brown bagging.

Brown-bagging is generally prohibited except as expressly permitted under Section 6-112.

- ~~(a) Licensed establishments may elect to allow patrons to bring in their own bottles ("brown bagging") of wine. Brown bagging of malt beverages and distilled spirits shall be prohibited. All regulations as to prohibited sales as defined in section 6-102 of this chapter shall apply to this section. Brown bagging shall not be permitted at any eating establishment which is not licensed for on-premises consumption sales. No alcoholic beverage of any kind may be sold or served on any licensed premises during any period of suspension and brown bagging is likewise prohibited during any suspension. Brown bagging is prohibited at any restaurant or other commercial establishment or business not licensed for on-premises alcohol sales under this chapter.~~
- ~~(b) Licensed establishments may charge a "corking" fee for bottles brought in by patrons. Fee amounts shall be the discretion of the establishment.~~

Sec. 6-2~~74~~. - Specification of premises.

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 county, regulations of the state revenue commissioner, and the state. The proposed building shall also be subject to final inspection and approval when completed by the building and fire inspectors. 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 and staff therein.

~~Sec. 6-27. Solicitation prohibited.~~

~~No retail consumption dealers licensed under this chapter shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for herself/himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the beverage; nor shall any licensee pay a commission or any other compensation to any person frequenting the establishment or to an agent or employee or manager to solicit for herself/himself or for the others, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage, or money with which to purchase the beverage.~~

Sec. 6-285. - Prohibited noise from establishments.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the county and that is audible to a person of normal hearing ability from the nearest property line of the business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise, audible as described in this section, be made by an establishment licensed under this chapter after the hours of 10:00 p.m.

Sec. 6-296. - Audits of licenses.

- (a) The director may conduct an audit of the records and books of any licensee under this chapter, after notice to the licensee of the date, time and place of the audit. The licensee shall cooperate with the audit, or, in lieu thereof, shall forfeit any license(s) issued under this chapter.
- (b) All licensed establishments shall maintain the following records for a three-year period and make such records 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) Federal income tax return with all Form 1099s.
- (c) The county commission may waive all or some of the requirements of subsection (b) of this section upon a determination that no such records exist and that the licensee cannot practically maintain such records based on the net income of the licensed establishment.

Sec. 6-3027. - 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.

Sec. 6-~~3128~~. - Poured alcohol to be transported only by employees.

Poured alcoholic beverages shall be transported from point of dispensing to the customer by permitted employees only. Permitted employees are those who have applied for and received an employee pouring license authorizing such employees to take orders and transport alcoholic beverages to customers.

Sec. 6-~~320~~ - Types of entertainment, attire and conduct prohibited.

(a) *Preamble and purpose.*

- (1) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the board of commissioners believe are relevant to the problems faced by the county and based upon the evidence and testimony of the citizens and experts who have appeared before such bodies, as well as the testimony of citizens and experts received by this commission, the board of commissioners takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.
- (2) Moreover, it is the finding of the board of commissioners that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments that serve alcohol and also allow and/or encourage nudity or semi-nudity.

(b) *Prohibited activities.* Any establishment licensed under the provisions of this chapter is prohibited from permitting or engaging in the following activities:

- (1) The employment or use of any person in any capacity in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;

- (2) Live entertainment that provides or features nude or semi-nude or erotic dancing or the performance of obscene acts that simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - c. The display of the pubic hair, anus, vulva or genitals;
 - (3) The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (b)(2) of this section which are obscene under state law; or
 - (4) The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct.
- (c) *Mainstream activity excluded.* Notwithstanding the prohibitions in subsection (b) of this section, nothing in this article shall be or is intended to apply to theatrical or motion picture performance houses, museums, or to restaurants or places set apart for traditional naturism where the consumption or service of alcohol is not a primary purpose or the mainstream activity of such establishment. The phrase "places set apart for traditional naturism" means places provided or set apart for traditional naturism including nudist parks, clubs, and resorts affiliated with the American Association for Nude Recreation, the Naturists Society or other naturist organization, and has been in operation as a naturist facility for at least 24 months prior to application for a license.

~~Sec. 6-207. — Happy hour 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 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 (0.947 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; or~~

- ~~(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 sheriff's office or marshal's office 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 alcoholic 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 \$1,000.00 and/or by imprisonment not to exceed 30 days in the common jail of the county. Licensees may further be subject to revocation proceedings.~~

Sec. 6-33. – Delivery and Online Curbside Pickup of Malt Beverages and Wine.

- (a) “Online Curbside Pickup” of malt beverages and wine as described in Rule 560-2-3-.3(2) of the Georgia Department of Revenue Alcohol and Tax Unit Rules, is prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said rule.
- (b) Off-premises delivery of malt beverages and wine as described by O.C.G.A. § 3-3-10 is prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said statute.

Sec. 6-290. – Exceptions.

~~For events where alcoholic beverages are furnished without charge by the host, which are not open to the public and at which no admittance fee, door charge, cover charge, cup fee, bracelet or stamp fee, or by the drink fee is required, the event holder shall be exempt from the requirements of this chapter. However, if alcoholic beverages are to be provided at such an event by a licensed alcoholic beverage caterer, then the requirements of this chapter must be met.~~

ARTICLE ~~IIIV~~. - DISTILLED SPIRITS

~~Sec. 6-35. - General.~~

- ~~(a) Allowed where zoning districts are permitted No license shall be issued under this chapter unless the applicant's place of business is located upon a tract or parcel within unincorporated Dawson County which is zoned Highway Business Commercial (C-HB) or Commercial Planned Comprehensive Development (CPCD).~~
- ~~(b) Sec. 6-36. - Posting of license number.~~
- ~~(c) Every licensee shall have legibly posted a copy of the license on the front of the licensed premises the name of the licensee together with the following inscription: "County Retail Package Sales of Distilled Spirits License No. _____." business license.~~

~~Sec. 6-37. - Listing of prices.~~

~~Licensees for sale of distilled spirits shall indicate plainly by tag or labels on the bottles or containers or on the shelf immediately below where the bottles or containers are placed the prices of all distilled spirits exposed for sale.~~

Sec. 6-~~4136~~. - Distilled spirits by the package

- (a) Distilled spirits by the package may be sold at retail only in the following outlets:
 - (1) Outlets duly licensed to sell distilled spirits by the package; and
 - (2) Outlets that are devoted exclusively to the retail sale of distilled spirits, malt beverages and/or wine by the package with ingress and egress provided directly to and only to the exterior of the building and not to any other enclosed part of the building or adjoining building; and establishments such as microbreweries licensed for such sale in accordance with state law and this chapter.
- (b) Other items which may be sold at said outlets are:
 - (1) Mixers and other beverages which do not contain alcohol which are commonly used in the preparation and serving of distilled spirits.
 - (2) Tobacco products, lighters and matches, chewing gum and breath mints, single serve snacks, ice chests, cozies, packaged ice, gift bags for wine and lottery tickets issued by the Georgia Lottery Commission.
 - (3) Bar supplies, limited to corkscrews, openers, straws, swizzle stirrers, and bar-related containers and wares made of glass, plastic, metal or ceramic materials; cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for preparation of alcohol beverage drinks; and alcohol drink recipe books, bar guides, and consumer-oriented beverage alcohol publications.
 - (4) Outlets may also provide check cashing and ATM service.

- (5) The intention of this section is to allow the retail sale of distilled spirits by the package only in outlets devoted exclusively to the sale of distilled spirits, malt beverages and/or wine and to prohibit such sales in outlets that sell groceries, food, gasoline and other similar products.

Sec. 6-~~423~~7. – Distilled Spirits by the Drink.

No distilled spirits may be sold by ~~the~~ drink for consumption on the premises where sold except in sites zoned commercial and that:

- (a) Are 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 health and fire departments. Such eating establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of the establishment's total annual gross sales from food;
- (b) Are indoor commercial recreation 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 health and fire departments. Such establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of its total annual gross revenue from the sale of prepared meals or food and recreation activities; or
- (c) Are an indoor publicly owned civic and cultural center capable of 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 health and fire departments. The center must be prepared to serve food every hour they are open and derive at least 50 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels or motels, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.

Sec. 6-~~43~~8. - Hours of sale.

- a) The sale of distilled spirits by the package shall occur only between the hours of: 9:00 a.m.— 11:45 p.m. — Monday—Saturday; and 12:30 p.m.: Sunday — 11:30 p.m.: Sunday.
- b) No sale of distilled spirits by the package shall occur on Christmas Day. The sale of distilled spirits by the package is permitted on election days if the outlet is not located within 250 feet of a polling place.
- c) Distilled spirits shall not be sold for consumption on the premises except between the hours of: 10:00 a.m.—midnight Monday—Thursday; 10:00 a.m. Friday — 1:00 a.m. Saturday; 10:00 a.m. — midnight Saturday; and 12:30 p.m. — midnight Sunday.
- d) 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.

Sec. 6-~~44~~39. - Prohibited.

- a) Except as expressly permitted by state law, it shall be unlawful for any person to ~~consume~~:

- i. Consume any alcoholic beverage on the premises licensed for the sale of distilled spirits by the package, and it shall be unlawful for any licensee authorized to sell distilled spirits by the package to open or break the package for a purchaser and/or permit the consumption of alcoholic beverages on such premises. To the extent permitted by state law and this chapter, farm wineries, brewpubs and distilleries may hold licenses for both on-premises and off-premises consumption at the same location;~~;~~
- ii. Sell or offer to sell any distilled spirits, malt beverages, wine and/or any other alcoholic beverage 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;
- iii. Sell any distilled spirits, malt beverages, wine and/or any other alcoholic beverages upon the licensed premises or permit distilled spirits, malt beverages, wine and/or any other alcoholic beverages to be sold thereon on any day at any time when the sale is prohibited by law; ~~or~~
- iv. Sell any distilled spirits, malt beverages, wine or any other beverage through a drive-through window or door;~~;~~
- v. Sell or deliver any distilled spirits at any place other than inside the licensed premises; ~~or~~
- vi. Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell or distribute any distilled spirit by the package or bottle.

~~Sec. 6-450. — Other Restrictions~~~~Bring your own bottle. Brown bagging.~~

~~The provisions of Sections 6-112.~~

~~Sec. 22 through 6-46. — Delivery and Online Curbside Pickup of Distilled Spirits.~~

~~(a) — “Online Curbside Pickup” shall apply to sales of distilled spirits as described in Rule 560-2-3-3(2) of, and any references therein to malt beverages or wine shall be replaced with the Georgia Department of Revenue Alcohol and Tax Unit Rules, is prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said rule.~~

~~(b) — Off-premises delivery of term distilled spirits as described by O.C.G.A. § 3-3-10 is prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said statute for purposes of this article.~~

~~Secs. 6-46—6-55. - Reserved.~~

~~Sec. 6-290. — Exceptions.~~

~~For events where alcoholic beverages are furnished without charge by the host, which are not open to the public and at which no admittance fee, door charge, cover charge, cup fee, bracelet or stamp fee, or by the drink fee is required, the event holder shall be exempt from the requirements of this chapter. However, if alcoholic beverages are to be provided at such an event by a licensed alcoholic beverage caterer, then the requirements of this chapter must be met.~~

ARTICLE ~~XIV~~. - PRIVATE CLUBS

Sec. 6-~~5645~~. - Definitions.

As used in this article:

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.

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. A suitable kitchen and dining room space and equipment; and
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guest;
- (4) 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.

Sports club means an association or corporation organized and existing under the laws of the State of Georgia, 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 county at least two years prior to an application for license hereunder; provided, however, 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 or sell alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

Sec. 6-~~5746~~. - Regulation or sale of alcoholic beverages.

A private club may seek a license for retail sales of alcoholic beverages for consumption on the premises in accord with this chapter. Licensed private clubs may sell and dispense alcoholic beverages by the drink for consumption on the premises upon compliance with all applicable ordinances and regulations of the county 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 county. A licensed private club must have a kitchen as required under this article but shall not be subject to the requirement that 50 percent of its annual sales come from the sale of food and non-alcoholic beverages. A sports club is not subject to a kitchen or food sales requirement.

Sec. 6-~~5847~~. - Certain organizations exempt from food establishment requirements.

Veteran's organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia 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.

Sec. 6-~~5948~~. - Hours and days of sale.

No alcoholic beverages shall be sold by a private club or sports club for consumption on the premises except between the hours of:

10:00 a.m.—midnight Monday—Thursday;

10:00 a.m. Friday — 1:00 a.m. Saturday;

10:00 a.m.—midnight Saturday; and

12:30 p.m.—midnight Sunday.

Sec. 6-60. – Other Restrictions.

The provisions of Sections 6-22 through 6-33 shall apply to sales in private clubs of malt beverages, wine, and distilled spirits, and any references therein to malt beverages or wine shall also include distilled spirits for purposes of this Article.

Secs. 6-61—6-65. - Reserved.

ARTICLE ~~VXII~~. - SPECIAL EVENT PERMITS

Sec. 6-~~6649~~. - Eligibility for a temporary special event alcohol permit.

- (a) A temporary special event alcohol permit may be issued to any person, firm or corporation for an approved special event. The person, firm or corporation must make application and pay the fee that may be required by this article and shall be required to comply with all the general provisions of this chapter and the licensing and regulations for consumption on the premises establishment with the exception of the full service kitchen requirement.
- (b) The special event must meet the following criteria before the issuance of a permit to sell or distribute alcoholic beverages:
 - (1) The special event must receive approval from the Dawson County Sheriff's Office on crowd control and security measures.
 - (2) The special event must receive approval from the Dawson County Sheriff's Office on traffic control measures.
 - (3) The premises at which the special event is to take place must be within a commercial zone and approved by the director; if the proposed location is not within a commercial zone, the approval must be obtained from the board of commissioners.

- (4) The premises where the special event shall occur shall meet the distance from certain uses requirements of this chapter.
- (c) Any employee or volunteer of the special event permit holder working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to obtain an employee permit for the special event. Employees or volunteers dispensing, selling, serving, taking orders or mixing alcoholic beverages must be 18 years of age or older. Employees of caterers must comply with the regulations established in this article of this chapter and must be 21 years of age or older as pursuant to O.C.G.A. § 3-11-4.
- (d) The sheriff or fire chief, director or code enforcement official may immediately revoke any temporary permit for a special event if continued alcohol sales may endanger the health, welfare or safety of the public.
- (e) As a condition on the issuance of a temporary special event permit, the permit holder shall agree in writing to indemnify and hold Dawson County harmless from any claim, demand or cause of action that may arise from activities associated with the special event.
- (f) The director shall issue the temporary special event permit to the applicant upon compliance with the terms hereof.
- (g) In the event that a special event alcohol permit is denied by the director, the applicant may appeal the decision to the county commission.

Sec. 6-~~6750~~. - Bona fide nonprofit civic organizations.

- (a) A bona fide nonprofit civic organization is one which is exempt from federal income tax pursuant to the provisions subsection (c), (d) or (e) of 26 USC section 501.
- (b) Upon the filing of an application and the payment of a special temporary event permit application fee, a bona fide nonprofit civic organization may obtain a permit authorizing the organization to sell or distribute alcoholic beverages for consumption on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed three days, subject to any law regulating the time for selling such beverages.
- (c) No more than 12 permits may be issued to such an organization in any one calendar year.
- (d) Permits are valid only for the location specified in the permit. No permit may be issued unless the sale of alcoholic beverages is lawful in the place for which the permit is issued. Said permit is subject to the restrictions set forth in section 6-~~6649~~.

~~Secs~~Sec. 6-68—. – Other Restrictions.

The provisions of Sections 6-22 through 6-33 shall apply to sales at special events of malt beverages, wine, and distilled spirits, and any references therein to malt beverages or wine shall also include distilled spirits for purposes of this Article.

Sec. 6-69. - Reserved.

ARTICLE ~~VXIII~~. - HOTEL IN-ROOM SERVICE

Sec. 6-~~7051~~. - License.

- (a) In-room service means the provision of a cabinet or other facility located in a hotel-motel guestroom that 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 must also obtain a consumption on the premises license and shall meet 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 set forth in the Dawson County Alcohol Fees Schedule shall be imposed to provide only beer and/or wine by "in-room service." A license under this article shall not authorize delivery of alcoholic beverages (neither in package nor by the drink) by "room service" style delivery to the room.
- (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 chapter.

[Secs. 6-71—6-72. - Reserved.](#)

ARTICLE ~~XIV~~II. - FARM WINERIES

Sec. 6-~~73~~52. - Definitions.

Farm winery means a domestic winery located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or domestic winery that:

- (1) Makes at least 40 percent of its annual production from agricultural produce grown in this state;
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the Georgia agricultural produce used in its annual production, and for this purpose, such production of a substantial portion of such Georgia agricultural produce shall be determined by the commissioner of Agriculture of the State of Georgia; and
- (3) Produces less than 100,000 gallons per year.

Tasting room means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine may be given complimentary or for a fee.

Sec. 6-~~74~~53. - Permitted sales.

A farm winery may sell its wine and the wine of any other Georgia farm winery licensee at retail in a tasting room or other facility on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other Georgia farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location within Dawson County that is one of the five additional locations in the State of Georgia authorized by O.C.G.A. § 3-6-21.1(b).

Sec. 6-~~75~~4. - Licensee qualifications.

The qualifications for the license for sale by farm winery tasting room shall be the same as set forth in section 6-~~7956~~.

Sec. 6-~~7655~~. - Applicable provisions.

The following provisions of this chapter regarding qualifications of the licensee and other matters shall apply to the issuance of the license for sale by a farm winery tasting room and the operation thereof:

Articles ~~I, II, V, VIII, X through XVV.~~~~V, general sions; all licenses.~~

~~Article II, malt beverages and wines.~~

~~Article XII, definitions.~~

Sec. 6-~~7756~~. - License fees.

The applicant for a retail license for the sale of wine and operation of a farm winery tasting room shall pay the license fee as set forth in the fee schedule.

Sec. 6-~~7857~~. - Licensing limitations.

The license created in accord with this article shall be limited to farm winery tasting rooms licensed by the State of Georgia in accord with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accord with such statutes. No license is hereby created authorizing any other use.

Sec. 6-~~5879~~. - Sunday sales.

This article shall not be construed so as to authorize a farm winery to sell wine on Sunday on premises that are not located on the property where such farm wine is produced. A farm winery located on the premises where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility within Dawson County for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accord with the terms hereof to sell its wine on Sundays from 12:30 p.m. until 12:00 midnight in the tasting room or other licensed farm winery facility to the same extent as any other license issued in accord with the terms hereof would otherwise permit.

Sec. 6-~~8059~~. - Hours of sale.

Wine may be sold or distributed in a tasting room or other licensed farm winery facility between the hours of 10:00 a.m. and 12:00 midnight Monday through Thursday; Friday 10:00 a.m. through 1:00 a.m. on Saturday and on Sundays ~~in accord with section 6-59 herein.~~

~~Secs~~~~Sec. 6-81—.~~ – Other Restrictions.

The provisions of Sections 6-22 through 6-33 shall apply to sales of alcohol at farm wineries.

Sec. 6-82. - Reserved.

ARTICLE VIII – CATERING

Sec. 6-83. – Catering License Requirements.

Requirements for a "licensed alcoholic beverage caterer" license:

- (1) The applicant shall hold a valid state license to sell malt beverages, wine, distilled spirits or some combination thereof by the drink or by the package.
- (2) The applicant shall hold a valid local county license to sell malt beverages, wine, distilled spirits, or some combination thereof by the drink or by the package.
- (3) The applicant must be a licensed alcoholic beverage caterer pursuant to O.C.G.A. § 3-11-1(2).
- (4) The applicant must hold all required food service permits required by the county environmental health office.

Sec. 6-84. – Catering License Application.

- (a) An applicant for a licensed alcoholic beverage caterer license must:
 - (1) Submit a completed application provided by the county.
 - (2) Pay the required application and license fees.
- (b) Alcoholic beverage caterer licenses are valid for up to one calendar year, expiring at midnight on December 31 of each year. They are issued and must be renewed in the same manner as their corresponding retail licenses.

Sec. 6-85. - Catering Permitted activities.

Only a licensed alcoholic beverage caterer is authorized to sell alcoholic beverages off premises. Licensed alcoholic beverage caterers are authorized to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises under the following conditions:

- (a) An event catering permit is obtained by the licensed caterer from the County in accordance with Section 6-86.
- (b) The distribution of alcoholic beverages is in connection with an authorized special event for which a special event alcohol permit has been granted to the sponsor of the event authorizing said event. The requirements for special event alcohol permits are detailed in Article V of this chapter.
- (c) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage authorized by the caterer's local alcoholic beverage license.
- (d) The licensed alcoholic beverage caterer shall not employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages in accordance with O.C.G.A. § 3-11-4 et seq.
- (e) If the licensed alcoholic beverage caterer desires to provide alcohol on a Sunday, it distributes only those beverages which may be sold on Sundays in the county, at the times when Sunday sales by the drink are permitted.
- (f) The licensed alcoholic beverage caterer complies with the requirements of O.C.G.A. § 3-11-1 et seq.

Sec. 6-86. – Event Catering Permits.

- (a) It shall be prohibited for any licensed caterer to sell alcoholic beverages in connection with a catered event or function without first having obtained an event catering permit as provided herein.
- (b) A licensed alcoholic beverage caterer shall file an application for an event catering permit with County. The application shall include the application fee (if any), the name of the caterer, the name, date, address and time of the event, the caterer's state and local license numbers and expiration dates, the quantity and type of alcoholic beverages to be transported and any other information the County deems necessary to review a request for such approval.

Sec. 6-87. - Restaurants.

Eating establishments which hold an alcohol by the drink license may cater events within the unincorporated areas of Dawson County so long as said establishments comply with this article.

Secs. 6-88-89. - Reserved.

ARTICLE ~~IX~~^{XVIII} – AGRIBUSINESS SALES OF MALT BEVERAGES AND WINE BY THE DRINK

Sec. 6-~~90~~⁶⁰. - Type of Agribusiness establishment where permitted.

- (a) Description: An agribusiness alcohol sales license allows an agribusiness to sell malt beverages and wine for consumption by the drink on the premises. A facility with such a license does not need to obtain a separate consumption on the premises license.
- (b) ~~No beer or wine shall be sold or distributed for consumption on the premises where sold or consumed except in areas specifically designated and approved.~~ Definition: For purposes of this article, an "agribusiness" that may qualify for an agribusiness alcohol license is any holder of a Dawson County Business License that:
 - (1) Is in an area zoned within the R-A zoning class; and
 - (2) Is a venue that is held out to the public for social, celebratory or entertainment purposes; and
 - (a) May be rented for a fee for such social, celebratory, or entertainment purposes; or
 - (b) Ordinarily engages in agricultural activity and sells agricultural products during such social, celebratory, or entertainment activity.

Sec. 6-91. - Restrictions on Sale of Alcohol

- (a) Except as expressly stated in this article, Agribusiness licensees shall be subject to all of the general restrictions that apply to holders of licenses for sales by the drink for consumption on the premises of the alcohol type (malt beverages, wine, distilled spirits) that is proposed to be sold, (other than the minimum qualifications for applying for such licenses).
- ~~(b) Agribusiness licensees shall be e~~
- ~~(c) (a) Exempt from any requirement to derive at least 50 percent of the establishment's total annual gross sales from food.~~
- (b)

- (c) All buildings are subject to Building and Fire Department inspections and requirements. Additional site plans or a designated areas map may be required by either the County Planning Department or Fire Department
 - (d) "Brown Bag" events are allowed in accordance with Section 6-112.
 - (e) All Caterers must hold a Dawson County Caterers License and Event Catering Permit as defined in this chapter.
 - (f) Poured alcoholic beverages shall be transported from point of dispensing to the consumer by permitted employees only. Permitted employees are those who have applied for and received an employee pouring license authorizing such employees to take orders and transport alcoholic beverages to customers.
 - (g) Any event outside of the normal business location defined on business license for that location must obtain separate special event permit.
 - ~~(b) All kitchen or food service requirements are to be approved by Health Department;~~
 - ~~(c) All buildings subject to Building and Fire Department inspections and requirements: Additional site plan or designated areas map may be required by either Planning or Fire Department~~
 - ~~(d) "Brown Bag" events allowed as defined here in, but to include beer.~~
 - ~~(e) All Caterers must hold a Dawson County Caterers License as defined in this ordinance.~~
 - ~~(f) Poured alcoholic beverages shall be transported from point of dispensing to the consumer by permitted employees only. Permitted employees are those who have applied for and received an employee pouring license authorizing such employees to take orders and transport alcoholic beverages to customers.~~
 - ~~(g) Any event outside of normal business defined on business license for that location must obtain separate permit for alcohol~~
- Sec. 6-9161. - Hours and days of sale.
- (a) Beer and/or wine shall not be sold or distributed for consumption on the premises except between the hours of 10:00 a.m.—12:00 midnight Monday through Thursday; Friday 10:00 a.m. through 1:00 a.m. on Saturday; and Saturday 10:00 a.m. through 1:00 a.m. on Sunday; and Sunday 12:30 p.m. until 12:00 midnight.
 - (b) No beer and/or wine shall 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) Sunday sales. The sale or distribution of beer and/or wine for consumption on the premises is permitted on Sundays from 12:30 p.m. until 12:00 midnight in any licensed establishment.~~

ARTICLE ~~H~~X. - EXCISE TAX

Sec. 6-~~9460~~. - Wholesale.

- (a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter that shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to retailers in Dawson County. Such tax shall be paid to the director by the wholesale distributors on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in Dawson County 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 the delivery. Excise taxes received after the 20th day of the month shall be charged a ten percent penalty. The \$0.22 per liter shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful and a violation of this chapter 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 chapter 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 percent of the amount of taxes collected as reimbursement for collection of said tax.
- (b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in Dawson County at the rate of \$0.22 per liter and \$6.00 for each container of tap or draft beer or malt beverage of 15½ 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 (15½ 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 percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

Sec. 6-~~9561~~. - Distilled spirits by the drink.

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee licensed under this chapter, and such licensee shall remit the same to the director on or before the tenth 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 director 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 alcohol licensing department after the 20th day of the month shall be charged a ten percent penalty.
- (c) If the director 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, and the license of such location may be suspended or revoked.

Sec. 6-~~9662~~. - Farm wineries.

Farm winery licensees shall pay an excise tax at a rate of \$0.22 per liter according to the process detailed in section 6-~~94(a)~~~~56~~ (wine and distilled spirits).

[Secs. 6-97—6-98. - Reserved.](#)

ARTICLE ~~XIII~~. - ENFORCEMENT

Sec. 6-99. - Inspections.

Sworn officers of the sheriff's office, or staff of the fire department, or the building official, or employees of the director's office shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the county 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 county officer to conduct inspections authorized by other provisions of this chapter or by state law.

Sec. 6-~~100~~64. - Penalties for violation of chapter.

Any person who violates any provision of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20.

Sec. 6-~~101~~69. - Progressive discipline; acceptance of discipline; final action.

- (a) In addition to the penalties set forth in Section 6-100, there is available to the director and commission a range of potential disciplinary options concerning actions, misconduct, violations of this chapter or other laws, and failures to take required action on the part of licensees, their agents and employees, and permit holders. The range is generally as follows:
- (1) Written reprimand.
 - (2) Probation, or posting a monetary bond, subject to specified conditions.
 - (3) Suspension for period of days.
 - (4) Suspension for period of weeks.
 - (5) Suspension for period of months.
 - (6) Suspension for indefinite period until specified conditions are met.
 - (7) Suspension for remainder of current term of license/permit.
 - (8) Revocation or non-renewal of license or permit.
- (b) The steps outlined above exemplify the steps which may be taken as disciplinary action but the commission retains the authority to vary the severity of the disciplinary action and thus may skip from a lighter discipline to a more severe level as may appear appropriate given the circumstances. The same applies to disciplinary actions which may be taken by the director as to employee permit holders. Factors which may be considered as to licensees or employee permit holders include any factors set forth in this chapter as to mitigating or aggravating violations of this chapter or any other rules, regulations or laws, including, but not limited to, the following: number and severity of offenses, whether there have been other offenses of a similar nature, whether there have been other offenses of any kind within the preceding three years, whether the problem, condition or violation has been remedied or corrected, whether the licensee took appropriate steps prior to the violation to assure that staff and employees were aware of the requirements of the law, whether the violation was committed by the licensee or manager as opposed to by a non-managerial employee, whether the licensee or permit holder recognizes and acknowledges his or her

misconduct or actions leading to disciplinary action, and whether a greater or lesser severity of discipline is likely to prevent future violations.

- (c) A licensee or permit holder under this chapter who is notified of proposed disciplinary action may accept the discipline as proposed by executing a written acceptance which waives any right the licensee/permit holder might otherwise have to a hearing.
- (d) Disciplinary action shall be deemed final under this chapter when a written acceptance and waiver is executed as provided for in this section, or, if none is executed, at the time a written notice of decision is mailed to or hand delivered to the disciplined licensee or permit holder.

Sec. 6-~~10270~~ - Suspension of license.

- (a) The following shall be grounds, in addition to any other grounds set forth in the preceding section, for the suspension of a license issued under this chapter for such period of time as the board of commissioners shall, in its sole discretion, determine appropriate:
 - (1) A violation, as demonstrated by evidence or by any adjudication of guilt as described in subsection 6-~~10368~~(b)(3) ~~above~~ by the licensee (or any officer, owner, manager, agent or employee of licensee) of any state or federal law or regulation, or any provision of this chapter or the regulations promulgated under its authority;
 - (2) The failure of the licensee and employees or agents of the licensee to promptly report to the sheriff's office any violation of law/breach of peace, disturbance, or altercation occurring on or near the licensee's premises;
 - (3) The violation of any law, regulation or ordinance pertaining to alcoholic beverages, distilled spirits, malt beverages and wines, by any employee or agent of the licensee in connection with the operation of the business of the licensee;
 - (4) Operation of the business of the licensee in such a manner as to create a public nuisance, or in a manner contrary to public welfare, safety, health or morals;
 - (5) Failure to furnish the board of commissioners on request any information or records that would be necessary for use in determining the licensee's compliance and qualifications under this chapter;
 - (6) To knowingly sell malt beverages, wines or distilled spirits to any person while such person is in an intoxicated condition; or
 - (7) To knowingly sell or offer to sell malt beverages or wines or distilled spirits to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain an alcoholic beverage is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said malt beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.

- (8) Violation of any provision of the Dawson County Code of Ordinances which deal with non-traditional tobacco paraphernalia, e-cigarettes, and alternative nicotine products.
- (b) Whenever this chapter permits the commission 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 shall be considered on any suspension as set out above:
- a. Consistency of penalties mandated by this chapter and those set by the county commission.
 - 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.
 - f. The licensee's history of compliance or noncompliance with applicable alcohol related laws and regulations.
 - g. Whether the licensee established practices and procedures to prevent the violation from occurring and established procedures to properly train and supervise employees to prevent the violation from occurring.
 - h. The board, or director in circumstances where the director may have authority to impose adverse action on a license, permit, licensee or permit holder, may do so upon a progressive discipline basis, such that, for example, first, second and third violations result in successively more severe action. The board or director shall be authorized to utilize a more severe adverse action without intervening violations or intervening steps dependent upon the factors which may otherwise be considered under this section, as provided for in section 6-~~10169~~ herein.
- (c) Any license suspension for greater than 30 days shall require the licensee to remove all alcoholic beverages from the licensed premises. For any suspension of 30 days or less the board may in its discretion require removal of all alcohol from the premises; in the absence of such condition being mandated, the licensee shall secure with lock and chain all refrigeration units containing alcoholic beverages, and remove non-refrigerated alcoholic beverages to an on-premise locked storage area out of view of the public. No sales or service of alcoholic beverages (neither for on-premises nor off-premises consumption) is allowed upon any licensed premises during any period of suspension, nor is "bring your own bottle" practice or brown bagging permitted during suspension.
- (d) Whenever this chapter permits the board of commissioners to suspend or revoke a license, then the Sheriff of Dawson County, or the fire chief, the building official or the county manager may, on a temporary emergency basis suspend the license and order the licensee to cease operations until the matter may be scheduled for hearing before the board of commissioners. This may be done only upon a finding by the said official that temporary suspension as in the best interest of the public for safety, health and/or public welfare reasons. If any of the said officials shall exercise this suspension authority the decision to do so, the reasons for the emergency suspension, and the anticipated duration of the suspension, shall be provided to the licensee or its agent in written form

as promptly as practicable. The duration of any such emergency suspension shall not exceed a period of ten days, although the board of commissioners may extend the period of emergency suspension at an open meeting after giving the licensee an opportunity to be heard as to the emergency temporary suspension. The county manager, sheriff, building official, fire chief or board of commissioners may lift an emergency temporary suspension at any time.

- (e) Whenever a period of suspension is imposed under this chapter, the commission may determine in its discretion that at the end of the suspension the licensee may only renew operations in accordance with reasonable conditions imposed by the commission either permanently or during a probationary period set by the commission.
- (f) Whenever the commission would be authorized in its discretion to revoke or suspend a license, then it may instead impose a period of probation during which the licensee must operate under such conditions, limitations or restrictions, and subject to such monitoring, as the commission deems appropriate.

Sec. 6-103. - Revocation or nonrenewal of license.

- (a) The county commission shall revoke the license or permit of any licensee or permit holder:
 - (1) Whose license or permit has been suspended three or more times in any consecutive 12-month period (which suspensions may take place over two separate calendar years; the date of the decision to suspend is the date which counts in determining whether the suspensions have occurred within a consecutive 12-month period);
 - (2) For any premises where alcoholic beverages have been sold or distributed during a period of suspension;
 - (3) Who is convicted of a felony or any crime involving moral turpitude.
- (b) The county commission may revoke, suspend or otherwise discipline any license or permit issued under this chapter, or refuse to issue or renew the same, if the licensee, or applicant for renewal or any owner, operator, manager, or other agent or employee of the licensee/applicant:
 - (1) Makes any false statement of a material fact on the application for license or renewal thereof, or on any document required to be filed with the director or county;
 - (2) Fails to timely give written notice of any change of ownership interest as required in section 6-10;
 - (3) Violates, as demonstrated by evidence at a hearing before the commission or by conviction or guilty plea entered in court, or by other adjudication of guilt, any provisions of this chapter or any rules or regulations promulgated by the commission under this chapter, of which the licensee has reasonable notice (licensees are directed to and agree, as a condition of all licenses issued pursuant to this chapter, to be familiar with this chapter and to stay current in their familiarity with any future amendments to this chapter, and thus will be deemed to be familiar with all amendments and changes which are adopted by the commission in a public meeting);
 - (4) Becomes disqualified under this chapter to hold a license;
 - (5) 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 county;

- (6) Has received a license conditioned upon the construction or renovation of the facility and has not obtained necessary permits and completed construction within the periods specified in this article following the date said license was approved;
 - (7) Violates, as demonstrated by evidence or by any adjudication of guilt in the manner described in subsection (b)(3), above, any state law or regulation related to the sale of beer, wine, or distilled spirits, including but not limited to sales to underage persons or sales to visibly intoxicated persons; or
 - (8) Operates the licensed premises in such a manner as to constitute a public nuisance.
 - (9) Has its vape shop license for the premises revoked or suspended for cause.
- (c) The factors the commission may consider in deciding whether to suspend or revoke a license include, but are not limited to, the nature and severity of the offense, whether the violation has been remediated/corrected, whether there have been other offenses, who committed the violation (an owner, licensee, manager, or lower level employee) and whether imposition of probation, special conditions or restrictions, and/or posting of a monetary bond is sufficient to assure future compliance by the licensee, and any other circumstances or factors listed in this article. The commission may also consider any additional factors that ~~are be~~ set forth ~~ins~~ subsection 6-~~1027~~ ~~above-below~~.

Sec. 6-~~10471~~. - Hearings

- (a) No adverse action other than an emergency suspension pursuant to the provisions of section 6-~~10270~~, above, shall be taken against a license or licensee without affording the licensee the opportunity for a hearing as provided in this section.
- (b) The county commission shall provide written notice to the applicant or licensee that it is considering adverse action as to the licensee. Such written notification shall be hand delivered or sent by certified mail to the licensee at the address shown on the application (or updated address of record as provided to the director), and the licensee shall be directed to show cause, if any there be, why the proposed action should not be taken by the county commission. The notice shall:
 - (1) Advise of the time and place specified for the hearing, which hearing shall be held not less than five days (if the notice is mailed) or three days (if the notice is hand delivered), but not more than 30 days from the date of the service of the notice;
 - (2) Set forth in reasonable detail the grounds for such action and the factual basis supporting those grounds;
 - (3) Advise the licensee of the right to present evidence, witnesses or arguments and to be represented by counsel at the hearing; and
 - (4) Advise the licensee that failure to appear at the scheduled hearing will result in the intended action being taken by the county commission.
- (c) After the hearing, a written decision shall be entered and provided to the licensee. In the event disciplinary action is taken action against the licensee, notice of the fact that such action was taken shall be transmitted by the director to the state in such a manner as is required by state statutes or administrative regulations; such notification shall be given within 45 days of the action becoming final.

[Secs. 6-105—6-111. - Reserved.](#)

ARTICLE XII. – PROHIBITED SALES, PURCHASES, AND POSSESSION

Sec. 6-112. – Brown Bagging

(a) Brown bagging as defined in this chapter means possession of an open glass bottle, can, or other container containing an alcoholic beverage, or consumption of an alcoholic beverage:

1. On premises for which a county business license has been issued; and

2. Which occurs at a location different from where said alcoholic beverage was purchased.

(b) Subject to the exception contained in subsections c of this Section, it shall be unlawful for any owner or person in possession of any business establishment for which a Dawson County Business License has been issued to permit any person to engage in brown bagging on the premises.

(c) The prohibitions and restrictions in subsection b shall not apply to private functions in which attendance is by invitation only and during which alcohol is served if all the following provisions apply:

1.) All alcoholic beverages served at the private function shall be provided by the person renting the venue or otherwise having the right of temporary possession of the venue;

2.) The cost of the alcoholic beverages served at the private function shall be paid by the person renting the venue or otherwise having the right of temporary possession of the venue;

3.) No merchandise shall be bought or sold on the premises during the private function;

4.) There shall be no cost to attend the private function either by donations or any other means;
and

5.) Where distilled spirits are being dispensed or consumed, t~~he~~he person renting the venue or otherwise having the right ~~of~~to temporary possession of the venue shall employ a bartender with appropriate training and experience to ensure the safety of all persons attending the private function.

Sec. 6-113. - Prohibited sales.

(a) 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:

- (1) Knowingly sell or offer to sell distilled spirits, malt beverages or wines to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain distilled spirits, malt beverages or wines is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said alcoholic beverages to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's

photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a State issued identification card.

- (2) 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.
 - (3) 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.
 - (4) Sell any alcoholic beverage to an adult with knowledge or reason to know that the adult is purchasing the alcoholic beverage for a minor.
- (b) Individual employees who violate this section shall be subject to the penalties set forth in section 6-100 as well as to loss of their employee license/permit. Penalties for license holders shall be determined by the county commission in accordance with the provisions of this chapter, including, in addition to any criminal penalties, possible suspension, probation, revocation or non-renewal of the license or imposition or conditions to or restrictions upon operations.
- (c) As to the penalties in subsection (b) of this section, 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.

[Sec. 6-114.](#) - Sale or possession for sale of alcoholic beverages without license or beyond boundaries of premises covered by license; penalties.

It shall be unlawful for any person to sell, distribute, or possess for the purpose of sale any alcoholic beverage if the person does not have a license granted by the county to sell, distribute, or possess for sale the alcoholic beverages. It shall be unlawful for any licensee, manager or employee to sell or to make deliveries of any alcoholic beverage beyond the boundaries of the premises covered by the license. It shall be unlawful for any licensee, manager or employee of an on premise consumption license to knowingly permit any customer to take any alcoholic beverage away from the licensed portion of the premises.

[Sec. 6-115.](#) - Failure to require and properly check identification.

In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain alcoholic beverages is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said alcoholic beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.

[Sec. 6-116.](#) - Purchase or possession of alcoholic beverages by underage persons.

- (a) No person under 21 years of age shall purchase or possess any alcoholic beverage, personally or through a surrogate.
- (b) No person under 21 years of age shall attempt to purchase any alcoholic beverage personally or through a surrogate, nor misrepresent his/her age in any manner whatever for the purpose of obtaining alcoholic beverages.
- (c) No person shall purchase any alcoholic beverage for a minor or otherwise assist a minor in the purchase of any alcoholic beverage.

[Secs. 6-117—6-118. - Reserved.](#)

ARTICLE XIII. – SOCIAL HOSTING AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS

Definitions.

~~(a) — An "alcoholic beverage" means alcohol, distilled spirits, liquor, beer, malt beverage, wine and fortified wine.~~

~~(b) — A "gathering" is defined as the assembly of five or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.~~

~~(c) — A "social host" is a person who:~~

~~(1) — Knows or reasonably should know that a gathering will occur on property owned or controlled by that person;~~

~~(2) — Knows or reasonably should know that alcoholic beverages will be at the gathering; and~~

~~(3) — Knows or reasonably should know that one or more underage person will be present at the gathering.~~

~~(d) — An "underage person" is any person under the age of 21 years.~~

-Sec. 6-119. - Prohibited activities and duties of social host.

- (a) No social host shall allow a gathering to occur or continue if an underage person at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know that an underage person has obtained, possesses, or is consuming alcoholic beverages at the gathering.
- (b) Every social host shall take reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to (i) controlling access to alcoholic beverages, (ii) prohibiting and preventing access to alcoholic beverages by any underage person, (iii) verifying the age of persons at the gathering, (iv) supervising the activities of underage persons at the event, and (v) remaining on the property during the gathering.
- (c) If a social host determines or has reason to believe that an underage person has consumed an alcoholic beverage before or during the gathering, then the social host shall make reasonable efforts to terminate the gathering including, but not limited to, contacting law enforcement to report the suspected underage consumption.

Sec. 6-120. - Penalties.

- (a) Any person who violates this ~~article~~chapter shall be punished by a fine of up to \$1,000.00 and shall be required to perform not less than 24 hours of community service for the first offense.
- (b) Any person who violates this ~~article~~chapter a second time within one year shall be punished by a fine of at least \$500.00 and up to \$1,000.00 and shall be required to perform not less than 48 hours of community service.

- (c) Any person who violates this ~~article~~^{chapter} a third or subsequent time within two years shall be punished by a fine of \$1,000.00 and shall be required to perform not less than 100 hours of community service.

Sec. 6-121. - Exceptions.

- (a) This article shall not apply to conduct solely between an underage person and his or her parent while present in the parent's household.
- (b) This article shall not apply to any situation for which state or federal law establishes an exception or exemption.

Secs. 6-122—6-125. - Reserved.

ARTICLE ~~XIV~~ VARIANCES

Sec. ~~6-126.72~~. – Purpose

The purpose of a variance is to provide relief when a strict application of the requirements would impose unusual practical difficulties or unnecessary ~~physical~~ hardships on the applicant, and the benefits of allowing the variance would outweigh the negative impact on the community.

~~Sec. 6-127.73~~ Criteria for Granting Variances

- (a) Variances may be granted for the following categories of ~~to~~ standards and requirements of this Ordinance:-

(1) Minimum distance requirements.

(2) Requirements relating to the use of licensed servers to dispense and provide alcohol.

(3) Requirements relating to the service of food in conjunction with the service of alcohol, or any minimum amounts of revenue produced by food sales as a prerequisite for a license.

- (b) No variance will be granted that is in conflict with state or federal law. No variance from the license fees or taxes provided by Ordinance will be granted unless specifically provided for by state law.

(c) Variances may be granted in the sole discretion of the Board of Commissioners.

(d) Criteria that will be considered as part of granting a variance:

(1) Whether a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship that outweighs the benefit from allowing alcohol sales at variance with the standard or requirement; and

(2) Whether there are exceptional or extraordinary circumstances or conditions applicable to the business involved that do not apply generally to other businesses selling alcohol; and

(3) Whether the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to the community, giving consideration to surrounding land uses; and

(4) Whether there is a concern that the granting of the variance would violate any state laws or requirements.

Sec. 6-12874 Variance Procedures

- (a) The applicant shall prepare and submit an application setting forth the basis for its requested specific variance sought and the reasons, with supporting data, why variance should be granted, along with any County-adopted fee specified for such submittal. The Planning Department, in consultation with the County Attorney's Office, shall review the application and make a recommendation for approval or denial, along with any recommended conditions.
- (b) A public hearing shall be held to consider the variance at a regularly scheduled meeting of the Board of Commissioners. The Planning Department may require the applicant to provide notice of the hearing to any properties potentially impacted by the variance.
- (c) The Board of Commissioners shall review the application and the recommendations of the Planning Department at the public hearing.
- (d) A decision on the variance request shall be the responsibility of the Board of Commissioners, shall be made at the public hearing, and the decision shall be final.
- (e) Variances may be granted with conditions. The variance shall not be effective if fewer than all such conditions are met by the applicant.
- (f) If a variance is granted, the Planning Department shall record the exact nature of the variance and the conditions (if any) attached, which variance and conditions shall be included as a written addendum to the applicable license.

Secs. 6-129—6-130. - Reserved.

ARTICLE ~~XIV~~ - 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:

Abandon means to voluntarily give up a license or permit hereunder, or to automatically forfeit a license, permit or application under the terms of this chapter as, for example, by non-use.

Address of record means the address provided by an applicant or licensee or permit holder to the planning department for purposes of administration of this chapter. The applicant, licensee or permittee shall at all times be responsible for keeping the planning department notified in writing of the current address for sending notices or other communications, and delivery or mailing via U.S. Postal Service or private express delivery carrier shall be deemed to be properly addressed if it is sent to the most current address of record.

Administrative fee or application fee means the non-refundable fee which is required by the county to accompany an application for a license, permit, or change under this chapter. Such fees may include administrative, investigative, advertising or other components, which may be, but are not required by this chapter to be broken out separately.

Adverse action means disciplinary, regulatory or administrative action taken or proposed with respect to a license, permit, licensee or permit holder due to violation of this chapter or other law or regulation, or due to any other event that would disqualify a licensee or permit holder, or due to other change in status or circumstances that might make such action appropriate in the discretion of the commission. Adverse action as used herein is action under this chapter which is apart from and may be in addition to any applicable criminal penalties. Adverse action encompasses, but is not limited to, disciplinary action.

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcohol treatment facility means any alcoholic treatment center owned and operated by the state or the county government.

Alcoholic beverage means and includes all forms of alcohol that can be used for beverage purposes, including distilled spirits, beer, malt beverages, wine or fortified wine.

Alcoholic beverage caterer means ~~an eating establishment or a~~ licensed caterer pursuant to this ordinance. ~~indoor commercial recreation establishment which holds an alcohol by the drink license issued pursuant to articles VII and VIII, VII and IX, or VII, VIII and IX of this Code, holds valid food service permits from the Dawson County Health Department, and holds an alcoholic beverage catering license issued pursuant to article X of this Code.~~

Applicant means a person who has completed and submitted an application form, together with all required documents, and information, along with all required fees, seeking a license or permit under this chapter, or a renewal, transfer or modification thereof.

Bar means the station designated for mixing, pouring and dispensing alcoholic beverages within an establishment licensed for by-the-drink consumption on premises. It may have or not have a seating area for counter service to customers. The seating capacity for counter service may not exceed ten percent of the total seating capacity for the entire licensed premises. The licensee must obtain approval for each bar within the establishment and each must be shown on the site plan/floor plan of the

premises at the time of any application, renewal or change. The diagram shall indicate whether the bar is intended to allow counter service. Any bar which is on wheels or similarly equipped so as to render it mobile must be so designated in the application and diagram/floor plan.

Beer (or "*malt beverage*") means any alcoholic beverage obtained by the 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 14 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 percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine. Hard cider, as defined herein, shall be treated as a malt beverage under this chapter.

Beverage ticket means a printed ticket sold to be used for the purpose of exchanging the ticket or tickets for an alcoholic beverage (even if it may also be used for acquiring other beverages or food rather than alcoholic beverages).

Bona fide non-profit civic organization means an organization which is exempt from federal income taxation pursuant to the provisions of 26 USC § 501(c) or (d) or (e).

Bracelet fee means any charge for a bracelet, pass, ink stamp, badge, armband, receipt or other indication that the bearer may be served alcoholic beverages at a venue, event or licensed premises.

Brewpub means an eating establishment within the meaning of that term as defined in O.C.G.A. § 3-1-2 in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation and other limitations prescribed in O.C.G.A. § 3-5-36 as amended for retail consumption on the premises. May be referred to as a "micro-brewery." A brewpub must have Dawson County licenses for sale of the type of beverages it offers and for the manner of sale (for on the premises or off the premises consumption or both).

~~*Brown-bag* means the act or practice of bringing an alcoholic beverage to a licensed premises or other business establishment for consumption, or the act of consuming such alcoholic beverage on the licensed, or non-licensed, premises, when the said beverage is not purchased at that premises or location. The term refers to any form of "bring-your-own-bottle" kind of activity, regardless of whether the business or licensee charges for allowing the beverage to be brought in, and regardless of whether the business or licensee charges for some other service or goods, such as providing mixers, other beverages or food, or entertainment. Brown bagging is prohibited in licensed premises during any period of suspension.~~

Building official means the person designated as such by the director of planning and development, by the county manager or by the board of commissioners, or other person authorized by the county to exercise the powers and duties of building plan review, building inspection, building code enforcement or related duties. The term may include, but is not limited to, the director, county marshal, building inspector, or other acting in any of the foregoing capacities on an interim, acting or temporary basis.

By-the-drink means sales of alcoholic beverages for consumption on-the-premises, sold and served by the individual drink, either poured or in an opened container.

Chapter means this alcoholic beverage code, that is, the Dawson County Alcoholic Beverage Ordinance, which is Chapter 6 of the Dawson County Code of Ordinances.

Church building means the main structure used by any religious organization as a permanent place for worship.

Code means the Dawson County Alcoholic Beverage Code (Chapter 6 of the Dawson County Code of Ordinances), unless the context makes other usage appropriate.

Code enforcement official means any person authorized by law or designated by the county, the director, or the county manager to exercise licensing, inspection, permitting, taxing, enforcement, regulatory or other powers related in any way to this chapter, or to any related ordinances and regulations of the county, state or federal governments, including, but not limited to, staff of the planning and development, fire, building, sheriff, health, finance and other departments and offices of Dawson County.

Convenience store means a business carrying on retail sales of groceries, household supplies, over-the-counter medications, soft drinks, tobacco products, packaged or prepared foods, magazines, newspapers, gasoline and other consumer goods. The term convenience store shall not include any business for which an adult entertainment license has been issued or for which one is required.

County means Dawson County, Georgia, or as the context may indicate, its governing authority or designated staff.

County commission means the Board of Commissioners of Dawson County, Georgia, or such person as it may designate from time to time to exercise its authority or otherwise act on its behalf under this chapter. May also be referred to as "board," "board of commissioners," "county," "commission" or "governing authority."

County manager means the County Manager of Dawson County, Georgia, or such person as he or she may designate from time to time to exercise authority or act on his/her behalf under this chapter.

Day care means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, children under 18 years of age, and is not accredited as a public or private school (except that centers offering state funded pre-K programs are still considered day cares).

Director (may be referred to as "*administrator*") means the county staff member named to administer the rules set forth in this alcoholic beverage ordinance and to develop forms, regulations and policies as may be appropriate to implement and enforce the provisions of this chapter or as the commission may otherwise direct. The director of planning and development shall serve as administrator/director. The staff member to serve as director may be changed by the board of commissioners from time to time by vote in open meeting. The administrator/director may designate another staff member or members to manage the general affairs of alcoholic beverage licensing to the extent the director determines appropriate and is authorized to direct the activities of staff responsible for enforcing the terms of this chapter.

Disciplinary action means adverse action taken or proposed action by the county against a license, permit, licensee or permit holder due to failure to comply with terms or requirements imposed by or pursuant to this chapter, state law or federal law, or for other reasons set forth in this chapter. Examples are suspension, revocation, imposition of special conditions or restrictions (regardless of whether or not termed as a period of probation), posting of bond, denial of renewal or transfer request or other sanctions as imposed by the county.

Distance refers to the minimum distance allowed between an establishment licensed under this ordinance and another licensed premise, or between a proposed licensed premise and some other facility or use, such as a church, a school, a daycare facility, a college, or an alcohol treatment facility. Unless otherwise provided, distance shall be measured as provided for by O.C.G.A. § 3-3-21(c) and Georgia Department of Revenue Regulations [currently found at 560-2-2-.12(1)(b)].

Distilled spirits or liquor means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

Distiller means a manufacturer of distilled spirits. A distiller may engage in on-premises or off-premises sales if qualified and licensed as required by applicable State statutes and regulations provided that such distiller must qualify for and obtain licenses from Dawson County for such sales in the same manner and according to the same terms as required for other licensees for sale of distilled spirits under this chapter.

Drug store means any store which sells primarily health care products and which has a pharmacy that supplies prescription medications.

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 shall consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health and fire departments. An eating establishment shall be prepared to serve food every hour the establishment is open and shall derive at least 50 percent of the gross receipts annually from the sale of prepared meals or food.

Establishment means a business or place of business. It may refer to the business entity, its operations or the location thereof as the context makes appropriate.

Employee permit means an authorization granted by the county to employees of a licensed retail consumption dealer to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer, and to employees of a retail package dealer (liquor store, package store, convenience store) to sell alcoholic beverages in that establishment. An employee permit is not required for employees of licensed grocery stores or drug stores, nor for licensees to work in their own business. An employee permit is also required of any employee or volunteer working at a special event in a capacity described in section 6-~~6649340(d)~~ of this Code. A single employee permit shall authorize the employee to sell, serve or dispense alcoholic beverages at retail licensees for on-premises consumption, or at retail package dealer licensees, or at licensed special events or a combination of the foregoing, as may be designated on the permit.

Fee means a charge payable to the county in relation to obtaining, renewing, reinstating, transferring or changing a license or permit under this chapter as well as any other fees and charges, such as occupational, inspection, or zoning fees, which are payable but not a part of the fees charged under this chapter. The fees which are charged under the terms of this chapter shall be as set forth in the alcoholic beverage licensing fee schedule. They may include, but are not limited to, license fees, renewal fees, application fees, investigatory fees, criminal background check fees, advertising/publication fees, license modification fees, and transfer fees.

Fortified wine means any alcoholic beverage containing more than 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.

Front door means the primary doorway used by the public (that is, by customers in the case of a business, students in the case of a school or college, members in the case of a church, club or civic organization, or other similar users, and not merely by employees) as an entrance to a structure or building as determined by the director.

Gathering means the assembly of five or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.

Governing authority means the Board of Commissioners of Dawson County, Georgia, or its designee.

Grocery store means a store which sells primarily food, and which has a produce department and a meat department; sometimes referred to as a "supermarket."

Growler means a glass, ceramic, or stainless steel jug or container with a capacity of 32 to 64 fluid ounces having a screw-on or hinged cap which can be sealed, and which is used for purchasing and transporting malt beverages.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six per cent alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this chapter, hard cider shall be deemed a malt beverage.

Hotel means any building or other structure providing sleeping accommodations for hire to the general public transient, permanent or residential. Such businesses shall 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.

Housing authority means any property containing 300 housing units or fewer owned or operated by a housing authority created under the State housing authorities' law.

Individual means a natural person.

Indoor commercial recreational establishment means and is limited to an establishment that:

- (1) Regularly serves prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments) prepared to serve food every hour the establishment is open and deriving at least 50 percent of its total annual gross sales from the sale of prepared meals or food 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 that 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. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted in an outdoor commercial recreational establishment. Bingo parlors, dancehalls, nightclubs, taverns, billiard parlors, video arcades, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments.

Investigative fee means the fee established to defray the costs of investigating and examining the qualifications and background of applicants for licenses and permits under this ordinance and for review of the proposed location of any licensed premises. This fee may be included in the administrative fee or charged separately. In addition to the fees for the applicant, there may be charged a separate fee for criminal history checks on individuals such as officers, agents, partners, managers and other employees.

License means any license or permit applied for, required or issued pursuant to this chapter. It may also refer to the document which evidences such license or permit, as the context indicates.

License fee means the initial license fee and the fee for any renewal or reinstatement of a license as may be determined from time to time by the county commission as a prerequisite to the privilege of holding an alcohol license under this chapter. May be referred to as the "annual fee." In the event an application for issuance, renewal or reinstatement is denied, the license fee is refundable but the application fee is not to be refunded.

Licensed alcoholic beverage caterer means any holder of a license issued under this chapter for the retail sale of beer, wine, and/or distilled spirits by the drink, who is a licensed caterer, who is otherwise qualified under the provisions of O.C.G.A. § 3-11-1 et seq., and who obtains a license pursuant to this ordinance to sell alcoholic beverages at authorized special events.

Licensed premises means the area within a parcel of real property where a licensee under this chapter is authorized to operate the licensed business, that is, the portion of the premises where alcoholic beverages may be stored, displayed, sold and, in the case of on-premises consumption licenses, served and consumed. In the case of a special event alcohol permit, the specific area approved for service and consumption of alcoholic beverages.

Licensee means the person to whom a license for the sale or distribution of distilled spirits, malt beverages, or wine is issued under this chapter. In the case of a partnership or corporation, all partners, officers, and directors of the partnership or corporation are licensees. In the case of a limited partnership the managing partner is a licensee, and in the case of a limited liability company the manager and the chief executive officer are licensees. The term may be used to refer to a person to whom a license has been issued and whose license is suspended, revoked, abandoned, or declared void and when so used shall not confer or imply that such person holds or is entitled to a valid license.

Mead, honey mead or mead wine means a fermented alcoholic beverage made from honey that may not contain an alcoholic content of more than 14 percent by volume or total solids content that exceeds 35 degrees Brix. For purposes of this chapter the sale, manufacture, distribution and transport of mead shall be treated in the same manner as wine.

O.C.G.A. means the Official Code of Georgia Annotated.

Off-premises sales refers to sale of alcoholic beverages in sealed containers, for consumption off the licensed premises only. This type of operation may sometimes be referred to as package sales.

On-premises sales refers to sale of alcoholic for consumption only on the licensed premises, in unsealed containers or in the form of poured individual drinks, or, in the case of malt beverages, by the pitcher as may be otherwise allowed under this chapter. This type of operation may sometimes be referred to as "by-the-drink" sales.

Ordinance means this alcoholic beverage ordinance, chapter 6 of the Dawson County Code of Ordinances, unless the context clearly refers to a different or additional ordinance or ordinances.

Package means a bottle, can, keg, barrel, growler, or other original consumer container, including a wine "box" type container for consumer use.

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.

Premises means the parcel of real property upon which a licensee under this chapter operates the licensed business. It includes both the area authorized for preparation, display, sales, storage, service, possession or consumption of alcoholic beverages ("licensed premises") and the area on the same parcel

where such beverages may not be stored, displayed, served, prepared, consumed or possessed. The area outside the designated licensed premises, but on the same parcel, may be referred to in this ordinance as "approaches," which may include parking areas, walkways and any other areas which have not been specifically designated as licensed premises. Use of an address on a license or application is not an indication that the entire parcel or property at such address is approved as licensed premises.

Private club means any club which fits the definition of a private club under the articles ~~s-XI~~ of this Code.

Probation means a period during which a licensee may be monitored for compliance with laws, ordinances and, in addition, any conditions specified by the commission, and during which infraction may lead to immediate disciplinary action against the license up to and including suspension or revocation. It may follow or be imposed in addition to or in lieu of a period of suspension or in lieu of revocation. The length/duration or other terms of a probationary period may be extended or modified by the commission.

Provisional approval or conditional approval means approval of a license application subject to financing, zoning status, or other plans or requirement that the licensee construct, renovate, or remodel the licensed premises prior to commencing licensed operations. Such conditional/provisional approval is temporary and not subject to renewal unless the licensee complies with the terms of section 6-~~791~~ and section 6-~~1195~~ of this chapter and all conditions which may be placed upon the license. A provisional license is issued to allow an applicant to ascertain whether a license may be had, subject to the requirements, conditions and qualifications which may apply, but does not allow operations to commence until such conditions are met, including issuance of any necessary state license.

Registered agent or agent means a qualified individual residing in Dawson County who has been named as, and has qualified and consented to be, the local registered agent of a licensee pursuant to this chapter.

Retail consumption dealer means a person or entity licensed under this chapter to sell alcoholic beverages by the drink for consumption on the licensed premises. May be licensed for sale of beer/malt beverages, or distilled spirits, or wine, or a combination of the foregoing.

Retail dealer means persons other than wholesale dealers who sell distilled spirits, malt beverages, or wines irrespective of the quantities sold. It is specifically intended to refer to establishments licensed to sell alcoholic beverages directly to the retail consumer and not for resale.

Retail package dealer means a person or entity licensed under this chapter to sell alcoholic beverages in packaged form at retail for consumption other than on the licensed premises. May be licensed for sale of distilled spirits, or beer/malt beverages, or wine, or a combination of the foregoing.

Revocation means the termination, forfeiture or withdrawal by the county of the privileges afforded by this chapter to a licensee or holder of a permit issued under this chapter.

Sale of alcohol means provision of alcohol beverages in exchange for monetary value in the form of cash, credit card, debit card, check or other form of monetary exchange, or in return for all or part of an admission fee, ticket of any kind, cover charge, door charge, token, coin, per drink fee, or other medium of exchange.

School building or school grounds shall apply only to state, county, city or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this State and which are public schools or private schools.

Social host means a person who: (1) Knows or reasonably should know that a gathering will occur on property owned or controlled by that person; (2) Knows or reasonably should know that alcoholic beverages will be at the gathering; and (3) Knows or reasonably should know that one or more underage person will be present at the gathering.

Special event alcohol permit means a temporary permit issued pursuant to articles ~~XII~~ s of this Code.

Suspension means the temporary (either for a definite or indefinite period) prohibition of operation under an alcoholic beverage license or permit issued by the county pursuant to this chapter.

Underage person means any person under the age of 21 years.

Wholesale dealer means persons other than brewers who sell malt beverages, wines or distilled spirits to retail dealers for purposes of resale only.

Wine means any alcoholic beverage containing not more than 21 percent alcohol made from fruits, berries, grapes, or honey (mead wine is subject to the alcohol content and solids content limits set forth elsewhere in this chapter) 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, honey mead wine 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.

Chapter 6 - ALCOHOLIC BEVERAGES

Article I General

Article II Malt Beverages and Wines

Article III Distilled Spirits

Article IV Private Clubs

Article V Special Event Permits

Article VI Hotel In-Room Service

Article VII Farm Wineries

Article VIII Catering

Article IX Agribusiness Sale of Malt Beverages & Wine by the Drink

Article X Excise Tax

Article XI Enforcement

Article XII Prohibited Sales, Purchases, and Possession

Article XIII Social Hosting and Consumption of Alcoholic Beverages by Minors

Article XIV Variances

Article XV Definitions

ARTICLE I. - GENERAL

Sec. 6-1. - Title.

This chapter shall be known as and may be referred to as the Dawson County Alcohol Ordinance or Dawson County Alcoholic Beverage Code.

Sec. 6-2. - Purpose.

The purposes of this chapter include, but are not limited to, the following:

- (1) Compliance with state law.
- (2) Guarding against monopoly and concentration of the retail sales of alcoholic beverages in one group.
- (3) Prevention and control of the sale of alcoholic beverages by unfit persons.
- (4) Promotion of appropriate land use planning and zoning in accordance with the county's comprehensive zoning policies.
- (5) Protection of schools, homes, churches, parks, and other institutions.
- (6) Protection of public health, safety, and general welfare.

Sec. 6-3. – Licenses generally.

- (a) Alcoholic beverages may be sold in the unincorporated area of the county only after issuance of a license for such and only in the manner permitted by said license, upon the terms and conditions provided in this chapter. Sales are permitted only by licensees who comply with the rules of this chapter and with the licensing, revenue and regulatory requirements of the State of Georgia.
- (b) All licenses issued pursuant to 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 chapter and state law. Licenses may be abandoned by the licensee, may be suspended or placed under restrictive conditions by the board of commissioners, and are subject to being revoked by the Board of Commissioners. Renewal is subject to the discretion of the Board of Commissioners.
- (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 that may be enacted."
- (d) Any holder of a license issued in accord with this chapter is required to apply for and obtain all applicable alcoholic beverage licenses from the state before any sales or service commence. Additionally, county licensees and permit holders are required to abide by all applicable State regulations and laws.
- (e) All licenses issued under this chapter shall:
 - (1) Permit the licensee to sell or distribute the beverage for which the license is issued and for the purpose authorized, within Dawson County, Georgia, but outside municipalities in Dawson County, Georgia, pursuant to the terms of this chapter and not inconsistent with the laws of the State of Georgia and of the United States;
 - (2) Expire on December 31 of each year. Application for renewal shall be made annually on or before November 30th. Any licensee making proper application, with supporting documents

and required fees, for a license to operate during the following calendar year and having filed such application prior to November 30, shall be permitted to continue to operate pending final action (approval or disapproval) of such licensee's application for the following year if final approval or disapproval is not done prior to January 1;

- (3) Not be transferred from one person to another or from one location to another without the prior approval of the county commission upon written application; and
 - (4) Be subject to all terms and conditions imposed or provided for by future provisions or amendments to this alcoholic beverage ordinance.
- (f) Any license or permit under this chapter which is issued by administrative error, or due to mistake, or in reliance upon any misrepresentation by the applicant or anyone providing information on behalf of the applicant shall be null and void and shall be subject to seizure by the sheriff or other official charged with enforcement of this chapter. When notified of the invalidity by Dawson County personnel, the licensee or permittee shall immediately cease operation and surrender the license or permit to the county. The licensee/permittee shall be given written notice of the invalidity of the license or permit and the reasons therefor, and shall be advised of the right to appeal the decision to the board of commissioners, which shall consider the asserted grounds for invalidity and the licensee's arguments and/or evidence contesting the assertion of invalidity. Once the licensee has been given notice and an opportunity to be heard the board shall determine the issue and cause written notice of its decision to be provided to the licensee.
- (g) There shall be a separate application, license fee, application fee and license required for each proposed location of a proposed licensee and for each category of operation as provided for herein.

Sec. 6-4. - Types of licenses and permits issued.

- (a) Only the following licenses and/or permits shall be issued under this chapter:
- (1) Malt beverages and Wine, wholesale.
 - (2) Malt beverages and Wine, retail package.
 - (3) Malt beverages and Wine, by the drink for consumption on the premises.
 - (4) Distilled spirits, wholesale.
 - (5) Distilled spirits, retail package.
 - (6) Distilled spirits, by the drink for consumption on the premises.
 - (7) Caterer License.
 - (8) Farm Winery.
 - (9) Special Event Permits.
 - (10) Event Catering Permit
 - (11) Employee Permit.
 - (12) Hotel-motel in-room service permit.
 - (13) Agribusiness.
- (b) Licenses relating to wine shall also include mead (honey mead or honey wine). Licenses relating to malt beverages shall also include hard cider.

Sec. 6-5. - Fees.

- (a) There is an annual license fee for each type of license. In addition, there are administrative fees to offset administrative and investigative costs which are charged with the initial, renewal, transfer and reinstatement applications for licenses and permits. The fees applicable to all such licenses, permits, and applications shall be set forth in the Dawson County Alcohol Schedule of Fees. Said fee schedule may be modified by the commission periodically as it deems needed and any changes shall be put in written form. An ordinance or ordinance amendment shall not be necessary to change the fee schedule. The fee schedule shall set forth the amount to be paid as a license (annual) fee and the amount of any administrative fee, investigatory fee or other fee as to each type of license. The administrative, investigatory and other fees may be combined in the schedule. There shall be no waiver of fees or parts of fees except in accordance with written policy approved by the county commission. The director shall be responsible to determine fees and shall have authority to decide upon any dispute, question or objection as to the amount payable as fees with an application in order for the application to be considered complete, subject to review by the board of commissioners.
- (b) Each type of license to be issued requires a separate application. Each application for a license shall be accompanied by a certified check in the full amount of the license fee and additional fees. In the event a license application is denied, withdrawn or abandoned, the license fee will be refunded, but the administrative fees are nonrefundable. License fee and administrative fee check shall be delivered to the director or other designee of the board of commissioners with the application and no application shall be deemed complete until all required fees are paid.
- (c) Licenses are valid for not more than one year from date of issue. The normal termination of every license shall be midnight on December 31. If a license is issued prior to July 1 of the year, the full annual license fee shall be payable. If the license is issued July 1 or thereafter, only 50 percent of the license fee shall be payable; the license shall still expire on December 31. All administrative fees are payable regardless of the time of year the application is filed.
- (d) All licenses granted under this chapter shall expire on December 31 of each year unless revoked, surrendered, abandoned or otherwise terminated prior to that normal termination date. Licensees who desire to renew the license shall file applications, with the requisite fee enumerated in the fee schedule, with the designee of the county commission 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 license and administrative fees, a late charge of 20 percent of the total license and administrative fees otherwise payable. If the license renewal application is received after December 31, the late charge/penalty payable shall be increased from 20 percent to 50 percent..
- (e) In the event a license is issued and thereafter abandoned, forfeited, surrendered, revoked, suspended or transferred, no portion of the license fee or administrative fees shall be refunded.
- (f) In the event an application is withdrawn before the license is issued, any sums deposited for license fees will be refunded. Administrative fees will not be refunded.

Sec. 6-6. – Applications and procedures

- (a) All persons desiring to sell alcoholic beverages shall make application on the form prescribed by the director, which shall include a diagram illustrating distances to the closest example of each type/class of property for which a minimum distance is prescribed in this chapter, and a diagram/site plan illustrating which portions of the parcel (on which the proposed licensed premise

is to be located) shall be usable for sale and/or consumption of alcoholic beverages, such as interior areas, decks, patios, exterior fenced areas, etc. The diagram for on premise consumption licensees shall show the location of each bar, identifying whether it is fixed or mobile, and whether it may include counter service. If the applicant is or will be doing business under a trade name, the application shall include the trade name though the license will be issued to the individual, partnership, Limited Liability Company or corporation in accordance with the provisions of this article.

- (b) If the applicant is an individual, then the application for license shall be in the name of the individual and the license, if issued, shall be issued in that name.
- (c) If the applicant is a partnership or limited partnership, then the application shall be made in the name of the entity; and if a license is issued, then the license shall be issued in the name of the entity or in accord with section 6-9 hereof if section 6-9 applies.
- (d) If the applicant is a limited liability company or a corporation, then the application shall be made in the name of the said limited liability company or corporation; and if a license is issued, then the license shall be issued in the name of the said limited liability company or corporation or in accord with section 6-10 hereof if section 6-10 applies.
- (e) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the county commission or its designee to insure compliance with the provisions of this chapter. The refusal or failure to furnish data, fingerprints, records or information pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (f) The fingerprints provided shall be forwarded to the Sheriff's office and/or the Georgia Bureau of Investigation, as well as the Federal Bureau of Investigation, to search for any instance of criminal activity during the two years immediately preceding the date of the application.
- (g) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (h) A notice of each initial application to sell distilled spirits (whether for package sales or for consumption on the premises) shall be advertised in the official legal organ of the county once during each of two weeks during the 30 days preceding consideration of the application. In the event it is determined at or before the time of consideration that there has been a failure as to publication of the required notice, then the appropriate action will be to delay consideration of the application until proper publication is done. The notice shall contain the name of the applicant, the type of license sought, and the location of the proposed licensed premises, as well as the expected date for consideration (including a statement that such date is subject to change).
- (i) An applicant for any type of license under this chapter, including an employee permit, must resolve any pending alcohol related criminal charges before his or her application will be considered.
- (j) If an applicant is notified of a date, time and place to appear before the county commission or its designee in connection with consideration of an initial application, or a renewal application, or a reinstatement request, or a possible disciplinary action such as suspension, probation or revocation, and the applicant fails to so appear, and if the failure to appear is not excused by the county commission or its designee, then the commission or its designee may deny the application, or may consider the proposed disciplinary action unopposed, or may delay further proceedings as the commission or its designee determines to be appropriate.

- (k) (1) Consideration of all initial applications and transfer of location applications under section 6-10 of this Code, shall be done by the county commission at an open meeting of the commission unless the commission by written policy, resolution or amendment to this ordinance designates the director or another person or entity to consider and decide such categories of possible actions.
- (2) The county commission shall consider and decide all proposed suspensions, revocations, or other potential disciplinary matters as to any license in an open meeting of the commission, with the exception of emergency suspensions done on a temporary basis, which may be done by the county manager, fire chief, building official or sheriff for public safety reasons under section 6-102 of this Code, until the commission is able to schedule a hearing on the matter for its consideration of the suspension.
- (3) All applicants/licensees shall appear before the commission at the time of its consideration of any of the foregoing matters, either in person, or by the presence of a registered agent who is suitable to answer all questions which may arise concerning the action under consideration. Such appearance by someone other than the agent must be approved in advance by county staff. Failure to appear may result in such action as the county commission or its designee deems appropriate, including delay to allow re-scheduling, or denial of an application or change, or imposition of the proposed disciplinary action.
- (4) Applications for license renewals; special event alcohol permits; transfer of ownership; issuance or disciplinary action as to employee permits; whether a license has been abandoned due to non-use under section 6-11 below; and all other administrative decisions not specifically committed to the discretion of the commission, shall be determined by the director or his or her designee, subject to right of the applicant or licensee or permit holder to appeal an adverse decision to the board of commissioners by filing a notice of appeal stating the grounds for appeal and relevant supporting facts. Notice of appeal must be filed with the director and must be received in the county's planning office within ten business days of the date of the director/designee decision from which complaint/appeal is made. In the event this chapter requires the director to issue a written notice of decision, then the appeal time shall commence on the date when the director's notice is received by the licensee/permittee.
- (5) Notices of all kinds from the director/designee or the commission may be forwarded to licensee/permittee's address of record by hand delivery; or by certified or registered mail, return receipt requested; or by private express delivery with proof of delivery. Notices will be deemed to be received when actually received by licensee/permittee as evidenced by the return receipt signed by licensee/permittee or other person on behalf of licensee/permittee. If hand delivered, the delivery or refusal may be evidenced by the signed statement of the person who delivered or attempted to deliver the notice. If the notice is returned un-delivered because licensee/permittee refused to accept delivery, or failed to pick up a notice despite notice from the U.S. Postal Service or private express carrier as referred to above, or is returned marked "addressee unknown" or "forwarding order expired" then that will be deemed to constitute delivery to the addressee if the notice was addressed to the most current address of record. Refusal to accept shall be deemed delivery of the notice as of the date of refusal, and failure to pick up shall be deemed delivery as of the date of notice of attempted delivery (or the date of final notice if more than one notice of attempted delivery or notice to pick up is given by the U.S.P.S. or private carrier).

- (l) The commission or its designee may table or delay further consideration of an application, disciplinary action, or other matter in order to obtain further information or for other reason if it or its designee deems such tabling or a delay appropriate.

Sec. 6-7. - Granting applications; provisional licenses; special terms and conditions.

- (a) When licenses in accord with the terms hereof are initially issued, if more than one applicant seeks to obtain a license within an area where only one license can be issued, then the board of commissioners shall determine to whom the license shall be issued and may consider the following provisions in addition to the provisions set forth in section 6-9 hereof:
 - (1) Whether the applicant owns the property where the licensed business will be located;
 - (2) The experience of the applicant operating retail package stores; and
 - (3) The distance from the proposed location to any church building, school building, day care facility or alcohol treatment facility with those locations being a greater distance from a church building, a school building, a day care facility or an alcohol treatment facility being given preference if the commission determines such preference to be appropriate.
- (b) In deciding whether or not an application will be granted or denied, the commission may consider the qualifications of the applicant, the location of the business and its proximity to other enterprises. The commission may also consider:
 - (1) The effect that the establishment would have on the neighborhood surrounding the establishment in terms of traffic congestion and the general character of the neighborhood, as well as the effect the establishment would have on the value of properties surrounding the site; and
 - (2) The number of alcoholic beverage licenses already granted in the neighborhood.
- (c) Approval of an application for a license, renewal of a license, reinstatement of a license, or allowance to continue operation under a license in conjunction with adverse action such as suspension or probation, or in lieu of immediate revocation of proposed or imposed, may be conditioned upon the licensee's agreement to and compliance with conditions provided for by the commission, which may be modified during the course of the term of the license as the commission deems appropriate. Such conditions may include, but are not limited to: substitution of a different licensee, manager or agent; non-participation of a named individual in the ownership, operation or management of the licensed business; restriction of days or hours of operation; modification of the licensed premises or of the portion of the property upon which alcoholic beverages may be sold, served or consumed; changes as to staffing; posting of a bond with adequate security to guarantee compliance with state law and the provisions of this chapter as well as any conditions placed upon any license; conditions as to reporting or record keeping; conditions requiring licensee to clean up trash in the vicinity of the licensed premises on a regular basis; or other reasonable conditions, requirements or restrictions as may be prescribed by the commission.
- (d) Approval of a license may be provisional, that is, temporary and based upon conditions requiring or related to carrying out construction, renovation, alteration or improvement of the proposed licensed premises. Terms and conditions which are hereby imposed automatically on a provisional license are as follows: submittal of plans as required by the director, the building official, the fire department, the health department and any other such official or authority; obtaining all appropriate inspections; payment of all required fees; and securing of all necessary certifications and approvals. Any of the foregoing authorities may impose further reasonable conditions. The

licensee may not keep or store alcoholic beverages on site, and may not commence operations, until all such conditions are met.

Sec. 6-8. - Denial of an application.

- (a) The county commission shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.
- (b) In all instances in which an initial application is denied under the provisions of this chapter, the applicant may not reapply for a license for at least one year from the date of such denial.

Sec. 6-9. - Qualifications of applicants, licensees and resident agents.

- (a) *Wholesale.* Wholesale licenses shall be issued only to those persons who are licensed by the State of Georgia to sell and distribute malt beverages, wines, or distilled spirits at wholesale.
- (b) *Retail package sales and consumption by the drink on the premises.* In order to qualify for the issuance of a retail license, the following provisions shall apply:
 - (1) 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. The applicant must submit all electronic and other verification forms and identification determined by the director to be applicable. The applicant must not be less than 21 years of age. Applicants may choose to employ or designate a qualified registered agent for the administration of the license, but the agent is not permitted to make the application in place of the proposed licensee.
 - (2) If the applicant is a partnership, limited partnership, limited liability company, or corporation, then the provisions of this section shall apply to all its partners, members, 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. If the majority stockholder is not an individual, then 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 20 percent of the partnership; or if no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership shall be licensed. In the case of a limited partnership the license shall be issued in the name of the general partner(s). In the case of a limited liability company the license shall be issued jointly in the name of the LLC and its managing member(s), or if there are no managing members, then jointly in the name of the LLC and the individual designated as manager by the LLC in current filings with the Secretary of State.
 - (3) If the applicant is an unincorporated nonprofit club, then the managing agent may be an officer of the organization rather than a full-time employee if such managing agent is qualified in accord with this section.
 - (4) No person shall be granted any alcoholic beverage license if, during the two years immediately preceding the application, the person has either been convicted of, pled guilty to, pled nolo contendere to, or been released from parole or probation for any of the following offences: any crime involving moral turpitude; illegal gambling; illegal possession or sale of controlled substances; illegal possession or sale of alcoholic beverages, including the sale or

transfer of alcohol to minors in a manner contrary to law; keeping a place of prostitution; pandering; pimping; public indecency; prostitution; solicitation or sodomy; or any sexually related crime. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant nor any of the owners of the establishment has been so convicted or released in the two years preceding the application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor, or a violation of a county ordinance shall not, alone, make an applicant ineligible for a license. If, after a license has been issued, any applicant, partner or officer used in the sale or dispensing of any alcoholic beverage, is convicted or pleads guilty or nolo contendere to any of the offenses enumerated herein, then the license shall be immediately revoked and cancelled.

- (5) 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 two years prior to the filing of application for such license.
- (6) It shall be unlawful for any county 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 county.
- (7) 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 county previously revoked within two years prior to the filing of the application.
- (8) The county commission 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.
- (9) Any registered agent under this chapter must be an individual who resides in Dawson County and qualifies under the same terms as would an individual applicant for license (that is, all qualifications as to character, criminal and other personal history matters); must consent in writing to serve as resident agent; and must be approved as such by the director. In the event a registered agent ceases to qualify under the terms of this chapter, or the agency is revoked by the licensee, or the agent resigns or declines to continue to serve as agent, the licensee shall notify the director promptly in writing that the individual who has been serving will no longer be agent and shall name another qualified individual residing in Dawson County to serve, subject to the director's approval. As to any proposed initial or replacement agent the applicant/licensee shall be responsible for providing all information, records or data requested by the director for consideration in the approval process.
- (10) 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.
- (11) A license application may be denied to any applicant for any alcoholic beverage license if the applicant lacks adequate financial participation in the proposed business to direct and manage its affairs, or if the application is intended to serve as a surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (12) The county commission may, in its discretion, consider any extenuating circumstances that may reflect favorably or unfavorably on the applicant, application, agent or the proposed location of the business. If circumstances are such that granting of the license would not be in

the best interest of the public health, safety, welfare, and morals, then such circumstances may be grounds for denying the application.

- (13) For purposes of this chapter, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which the defendant was allowed to avail himself or herself of the Georgia First Offender Act (O.C.G.A. § 42-8-60 et seq.), as amended. Except, however, that any such offense shall not be ignored if the defendant violated any term of probation imposed by the court granting first offender treatment or committed another crime and the sentencing court entered an adjudication of guilt.

Sec. 6-10. - Transferability of license/change in ownership.

- (a) *Individuals.* In the event of a change of ownership of a business for which an individual has been issued a license, the new owner, if desiring a license, must meet the qualifications specified in section 6-9 and must file an application as provided in section 6-6 and tender with the application the investigative and administrative fee as provided in section 6-5 and any license fee that may be due.
- (b) *Partnerships or corporations.* In the event of a change of any ownership interest in a business which is owned or operated by a partnership, limited partnership, limited liability company, or corporation and for which a license has been issued, the licensee shall report such change to the county commission in writing within five days. "The term "change of ownership interest" as used herein includes, but is not limited to, any change in:
- (1) Division of profits and/or losses;
 - (2) Division of net gross or sales;
 - (3) Method of paying or amount of rent paid;
 - (4) Ownership of leased premises, or buildings or land used in the business;
 - (5) Members of a partnership;
 - (6) Stockholders of corporate stock; and
 - (7) Management.
- (c) If, as a result of any change of ownership interest, the licensee would not qualify under other provisions of this chapter for the issuance of a license, then the license issued to the licensee shall be subject to revocation and shall not be subject to renewal.
- (d) All applications for transfer of a license to a new licensee or new location shall be accompanied by the transfer fee, together with an investigative and administrative fee. If the transfer is not approved, then the transfer fee will be refunded, but the investigative and administrative fee will not be refunded. Ownership changes will be decided by the director, subject to right of appeal to the commission by a dissatisfied applicant, and changes of location shall be decided by the commission.
- (e) Upon the death of a licensee, the executor or administrator of the licensee's estate may continue to operate under the license for the balance of the calendar year without payment of any additional fee or may delegate the operation of the business to another person if the person operating under the license, whether the executor, administrator, or delegate, would otherwise be qualified as a licensee under the provisions of this chapter.

- (f) Any proposed change of location must be approved by the county commission after submission of all required transfer fees, administrative fees and investigative fees, and all information and data required by the director, which shall include, but not be limited to, all location data that would be required on an initial application under this chapter, such as the certified survey showing distances to specified properties, and the floor plan showing the areas designated for storage, preparation, service, display, sales and consumption of alcohol and the location of any bars. The director may also require full current information on the applicant and other persons as for an initial application. The transfer application shall be treated and considered in the same manner as an initial application except there shall be a renewal fee and not a new license fee if the change is to take effect after December 31 of the year the change application is submitted. There will be a transfer fee and no additional license fee if the change is to be effective during the current year. The normal renewal application and fees associated with renewal shall be due notwithstanding pendency of any transfer application under this article. The commission is authorized to consider any factors that might be considered in approving or disapproving an initial application. If the application is for sale of distilled spirits, any notice publication requirements as for new applications shall apply.

Sec. 6-11. - License forfeiture for nonuse.

- (a) A license issued pursuant to this chapter shall be valid only so long as the licensee is actually engaged in the permitted sale of alcoholic beverages. Any holder of any license under this chapter who shall for a period of 30 days after the license has been issued cease to operate the business and sale of the product or products authorized shall, after the 30-day period, automatically forfeit the license without the necessity of any further action by the county. The director shall cause a notice of forfeiture to be mailed or delivered to the address of record of the licensee, which shall notify the licensee of its right to appeal the decision of the director to the board of commissioners by submitting a notice of appeal. The notice of appeal shall be delivered so as to be received by the director within ten business days of the date of the licensee's receipt of the notice of forfeiture. The notice of appeal shall set forth the grounds of appeal including any relevant facts in support of the appeal.
- (b) A license may be conditionally or provisionally issued for a location upon which the licensee intends to build an appropriate building or renovate an existing structure, and due to the construction or renovation, does not anticipate commencing operations within 90 days of issuance of the license. In the event a license is issued subject to such a condition, the licensee will be determined to have ceased doing business and thus forfeited the license if necessary permits are not obtained and substantial work completed within six months after the date the license is approved. If the licensee has not completed building/renovation, and obtained all required inspections and permits for occupancy, and obtained a business license, and commenced operation of the licensed business within one year following the date of issuance of the license, then the licensee will be deemed to have abandoned the license, which is then forfeited automatically by operation of this section. Provided, however, the holder of any license currently issued and existing as of the adoption of this amendment to the alcohol ordinance, but for which no operations under the license have been commenced, shall have a period of two years from the adoption of the amendment prior to such forfeiture in which to commence operations.

Sec. 6-12. – Licensee requirements.

- (a) Each alcoholic beverage dealer licensed under this chapter shall keep a copy of this chapter upon 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 the licensee's employees selling alcoholic

beverages shall at all times be familiar with the terms of this chapter. The licensee is responsible for assuring such familiarity and is responsible for any violations committed by any employee or manager due to ignorance of the terms of this chapter or of State law.

- (b) The regulations in this section as to employees and managers shall apply to all establishments seeking and holding a license under this chapter unless specifically provided otherwise:
 - (1) No person shall be employed in an establishment holding a license issued under this chapter unless said person meets the following minimum age requirements for issuance of an employee permit:
 - a. For employment in an establishment serving alcoholic beverages by the drink for consumption on-premises, a person must be at least 18 years of age.
 - b. For employment in an establishment licensed for sale of distilled spirits by the package for off-premises consumption, a person must be at least 21 years of age. This requirement shall not apply to persons employed solely as a busboy, cook, dishwasher or janitor.
 - c. For employment in an establishment licensed for sale of beer, wine or beer and wine by the package for off-premise consumption, a person must be at least 18 years of age. This requirement shall not apply to employees of a grocery store or drug store.
 - (2) No person shall be employed in any capacity at an establishment holding a license issued under this chapter until such person has been issued a permit by the director indicating that the person is eligible for such employment.
 - (3) No permit shall be issued by the director to any person until such time as a signed application has been filed by such person with the director, and the appropriate fees have been paid, and a search of the criminal record of the applicant is completed. The application shall include, but not be limited to, the name, date of birth, address, citizenship status and prior arrest record of the person, though the fact of an arrest record shall be used for investigative purposes only and shall give rise to no presumption or inference of guilt. Due to the inclusion of arrest information, these applications shall be regarded as confidential and shall not be produced for public inspection without a court order. Applications must be accompanied by a valid government issued I.D. card (for example, a driver's license or state-issued I.D. card).
 - (4) The director shall have the search made relative to any criminal record of the person. If there is no record of a disqualifying conviction or of a violation of this chapter, the director shall issue a permit to the person stating that the person is eligible for employment. If it is found that the person is not eligible for employment, the director shall notify the person in writing that the person is not eligible for employment, the cause for such denial, and that such individual has the right to appeal such decision to the board of commissioners.
 - (5) No person shall be granted a permit unless it appears to the satisfaction of the director that such person has 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, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, solicitation of sodomy or any sexually related crime within a period of two years of the date of application and has been released from parole or probation. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a county ordinance shall not by itself make a person ineligible for a permit required by this chapter. No person shall be granted a permit required by this chapter who has been convicted, pled guilty

or entered a plea of nolo contendere to any federal, state or local law for any felony within two years preceding, or any time subsequent to, the date of application and has not been released from parole or probation prior to the filing for application for such permit. For purposes of this chapter, a conviction or plea of guilt or nolo contendere shall be ignored as to any offense where the conviction or plea was entered pursuant to the Georgia First Offender Act (O.C.G.A. § 42-8-60 et seq.), as amended, so long as the first offender status has not been revoked.

- (6) The permit required by this chapter shall be issued for a period of one calendar year from the date of the original application. Employee permits are issued for work for the specific type of licensed establishment as indicated on the employee permit application and may not be used at another category of licensed establishment. The permit must be either on the premises or in the possession of the individual to whom it is issued while that individual is working at the licensed establishment. This permit must be available for inspection by members of the sheriff's office, the director's office or the county code enforcement staff.
- (7) No person shall be issued a permit if it is determined that the person falsified, concealed or covered up any material fact by any device, trick or scheme while making application to the marshal's office for the permit required by this chapter. If it is determined that a person is in violation of this subsection and a permit is denied for this reason, then 30 calendar days must elapse from the date of notification per certified mailing before a new application and fee may be resubmitted.
- (8) All permits issued through administrative error can be terminated and seized by the marshal, his designee or by the county commission or its designee.
- (9) Replacement permits may be issued within 30 days of original date upon paying one-half of the fee charged for the original permit. After 30 days of the original application date, a new application and fee must be submitted.
- (10) All permits issued under this chapter remain the property of Dawson County and shall be produced for inspection upon the demand of any deputy or designee of the sheriff's office or employee of the marshal's office, or the county commission's staff.
- (11) No licensee shall allow any person required to hold an employee permit to work on the premises unless that person's current, valid permit is on the premises or the person has it in his or her possession. For new hires, a receipt issued by the Director 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 hold an employee permit by this chapter has a valid current permit at all times while on the premises of the licensed establishment.
- (12) It shall be the duty of all persons holding any license to sell distilled spirits, wine, malt beverage or any other alcoholic beverage as defined by this chapter to file with the marshal or his designee the name of the establishment, the license number and a list of all its employees, with their home addresses and home telephone numbers, twice annually during the months of June and December to be delivered to the marshal or his designee not later than the last day of each such month.
- (13) Any person or entity convicted of any violation of this section shall receive a minimum fine of \$500.00 per violation.

Sec. 6-13. - Display of license.

A copy of the county alcoholic beverage license, together with a copy of the business license, shall at all times be kept plainly exposed to view to the public at the front of the place of the business of the licensee. The certificate evidencing issuance of a license pursuant to this chapter shall remain the property of Dawson County and shall be surrendered by licensee upon demand by the sheriff or other county official charged with enforcement of this chapter.

Sec. 6-14. - Advertising.

- (a) Licensees may use window signs to advertise products for sale within the store, so long as said signs comply with the Dawson County Sign Ordinance.
- (b) Notwithstanding subsection (a) of this section, the licensee may display on the licensed premises one sign not to exceed 24 square feet in size, advertising distilled spirits, malt beverages, or wine. Such sign may be lighted, but in no event will it have any moving parts or flashing lights. The design and location of any such sign must comply with the Dawson County Sign Ordinance.
- (c) Licensees may advertise, including products and prices, in newspapers and on the radio and on the internet.

Secs. 6-15. - Locations and minimum distances.

- (a) No license shall be issued under this chapter for the retail sale of distilled spirits, malt beverages or wine for use at a location which is within 600 feet of a church building, day care, licensed alcohol treatment facility, school, educational building or college. The distance shall be measured in a straight line from the front door of the proposed licensed premise to the front door of the church, day care, or treatment facility, and from the front door of the proposed licensed premise to the nearest property line of the real property used for school, college or educational purposes.
- (b) No license shall be issued for sale of distilled spirits by the package at a location within one mile of any other business licensed to sell packaged liquor (distilled spirits) at retail. This distance shall be measured in a straight line from the front door of the proposed licensed facility to the front door of the other package liquor store. This restriction shall not apply to any location for which a new license is sought if the current licensee has not completed construction of a building or renovation of the licensed premises and is not open for business.
- (c) The minimum distance restrictions set forth in this chapter shall not apply if the retail sale of the same kind of beverage (that is, beer, wine and/or distilled spirits) in the same manner (by the package for off-premises consumption, or by the drink for on-premises consumption) was lawful at any time during the 12 months immediately preceding such application.
- (d) As to any location licensed under this chapter, if the distance requirements in this chapter are or were met at the time of issuance of any license, the subsequent opening and operation of a church building, school building, day care facility, alcohol treatment facility or housing authority property within the minimum distance prescribed in this chapter 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.
- (e) Nothing in this chapter shall authorize the sale of alcoholic beverages within 250 feet of a polling place during any election at such time as the polls are open.
- (f) No license for the sale of alcoholic beverages shall be issued under this chapter unless the proposed location is on a parcel zoned for commercial use in accordance with the Dawson County

Land Use Resolution. A special event alcohol permit is subject to the terms of section 6-66 as to approval of permit applications for commercial and non-commercial locations.

- (g) For purposes of this section of the chapter, notwithstanding any provision in this section to the contrary, minimum distance measurements shall be done in accordance with the method prescribed by Georgia law, and "straight line" measurement shall have the same meaning as provided for by state regulations, currently located at Department of Revenue Regulations for Alcohol and Tobacco, Rule 560-2-2-.12; provided, that renewal applications shall use the same measurements as required in the initial application.

Sec. 6-16. – Other General Provisions.

Alcohol may be sold at retail only in conformance with applicable zoning codes.

Secs. 6-17—6-19. - Reserved.

ARTICLE II. - MALT BEVERAGES AND WINES

Sec. 6-20. – General

- (a) Licenses are permitted only for locations which are zoned commercial and in any agricultural district where the specific use and the sale and service of alcohol is expressly permitted in accord with the Land Use Resolution of Dawson County.
- (b) Licensees for package sales of malt beverages or wine may not sell alcoholic beverages for on-premises consumption at the same establishment except for farm wineries validly licensed to allow such on-premise consumption sales.
- (c) The hours of operation of retail licenses for the sale of malt beverages and wines by the package shall be between the hours of:

9:00 a.m.—11:45 p.m. – Monday – Saturday; and

12:30 p.m. – 11:30 p.m. on Sunday.

The hours of operation of retail licenses for the sale of malt beverages and wines by the drink shall be between the hours of:

10:00 a.m. – 12:00 midnight — Monday—Thursday;

Friday 10:00 a.m. – 1:00 a.m. on Saturday;

Saturday 10:00 a.m. through 1:00 a.m. on Sunday; and

12:30 p.m.—12:00 midnight on Sunday.

The hours of operation of wholesale licensees for the distribution of malt beverages and wines in Dawson County shall be between the hours of:

8:00 a.m.—8:00 p.m. — Monday—Saturday; and

12:30 p.m.—8:00 p.m. — Sunday.

- (d) The wholesale and retail sale of wine and malt 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 at such time as the polls are open.
- (e) No licensee shall allow or require a person in his employment who is under the age of 18 years to dispense, serve, sell or take orders for any malt beverages or wines. This restriction does not apply to persons under the age of 18 years employed in grocery stores or drugstores who are selling said beverages.

Sec. 6-21. - Type of retail establishment where permitted.

No beer or wine shall be sold for consumption on the premises pursuant to a malt beverage/wine license except in sites in areas zoned commercial and which are being used as one of the following:

- (a) Are 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 health and fire departments. Such eating establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of the establishment's total annual gross sales from food;
- (b) Are indoor commercial recreation 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 health and fire departments. Such establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of its total annual gross revenue from the sale of prepared meals or food and recreation activities;
- (c) Are an indoor publicly owned civic and cultural center capable of 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 health and fire departments. The center must be prepared to serve food every hour they are open and derive at least 50 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels or motels, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure; or
- (d) At a golf course that derives at least 50 percent of its annual gross revenue from the sale of prepared meals or food and recreation activities (i.e., golf). These eating establishments must be located in a zoning district which permits restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.
- (e) Are a brewpub as that term is defined in Article XV hereinabove subject to the following provisions:
 - (1) A brewpub must be an eating establishment as defined in O.C.G.A. § 3-1-2(3) including compliance with the rule requiring 50 percent of its annual revenue to come from prepared meals or food;

- (2) A brewpub licensee may sell beer and wine for on-premise consumption according to the rules set forth in O.C.G.A. § 3-5-36;
- (3) A brewpub licensee may also, by qualifying, paying the appropriate fees and upon approval by the commission, obtain a retail consumption dealer's license for sale of distilled liquor for on-premises consumption, or a retailer license for sale of beer, wine or distilled spirits for off-premises consumption;
- (4) A brewpub licensee may, if holding a State license for offering free tastings of its draft beer pursuant to O.C.G.A. § 3-5-38, permit free tastings of malt beverages produced by it on site, without any additional tasting license from the county.

Sec. 6-22. - Employment of underage persons as entertainers prohibited; exceptions.

It is unlawful for any person under 18 years of age to work as an entertainer in any establishment licensed under this chapter without the consent of the person's legal guardian.

Sec. 6-23. - Open area and patio sales.

- (a) Alcoholic beverage sales can 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 county commission.
- (b) The requirement for approval is that the patio/open area be enclosed by a fence, wall, or some other 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. A parking lot shall not qualify as such an open area.
- (c) The height of such structure shall be a minimum of three and one-half feet above the patio floor, but the structure does not have to be solid or restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the county's building inspection department and the county's fire department as required by governing regulations or codes.
- (d) The only exit from this 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 should 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 at an existing licensed structure, plans will be reviewed and approved on an individual basis by the director with a right of appeal to the commission in the event of a denial. Interior type patio/open sales areas must also meet the requirements of the county's 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. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

Sec. 6-24. - No consumption outside premises.

- (a) It is prohibited for customers to leave the approved portion of the premises with open alcoholic beverages except as expressly permitted in this chapter, 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 prohibit the carrying out of wine or malt beverages for consumption on a golf course or the sale of wine or malt beverages outside on a golf course to golfers. Customers may not consume alcoholic beverages, or carry open alcoholic beverage containers, in parking lots of the licensed premises.
- (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.

Sec. 6-25. - Partially consumed bottles of wine purchased with a meal.

- (a) Any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises.
- (b) A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises.
- (c) The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container.
- (d) If transporting in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

Sec. 6-26. – Brown bagging.

Brown-bagging is generally prohibited except as expressly permitted under Section 6-112.

Sec. 6-27 - Specification of premises.

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 county, regulations of the state revenue commissioner, and the state. The proposed building shall also be subject to final inspection and approval when completed by the building and fire inspectors. 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 and staff therein.

Sec. 6-28. - Prohibited noise from establishments.

It shall be unlawful for any establishment licensed under this chapter to make or cause to be made any loud, unnecessary or unusual sound or noise that unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others in the county and that is audible to a person of normal hearing ability from the nearest property line of the business in question. In no event, however, shall any such loud, unnecessary or unusual sound or noise, audible as described in this section, be made by an establishment licensed under this chapter after the hours of 10:00 p.m.

Sec. 6-29. - Audits of licenses.

- (a) The director may conduct an audit of the records and books of any licensee under this chapter, after notice to the licensee of the date, time and place of the audit. The licensee shall cooperate with the audit, or, in lieu thereof, shall forfeit any license(s) issued under this chapter.
- (b) All licensed establishments shall maintain the following records for a three-year period and make such records 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) Federal income tax return with all Form 1099s.
- (c) The county commission may waive all or some of the requirements of subsection (b) of this section upon a determination that no such records exist and that the licensee cannot practically maintain such records based on the net income of the licensed establishment.

Sec. 6-30. - 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.

Sec. 6-31. - Poured alcohol to be transported only by employees.

Poured alcoholic beverages shall be transported from point of dispensing to the customer by permitted employees only. Permitted employees are those who have applied for and received an employee pouring license authorizing such employees to take orders and transport alcoholic beverages to customers.

Sec. 6-32 - Types of entertainment, attire and conduct prohibited.

- (a) *Preamble and purpose.*

- (1) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the board of commissioners believe are relevant to the problems faced by the county and based upon the evidence and testimony of the citizens and experts who have appeared before such bodies, as well as the testimony of citizens and experts received by this commission, the board of commissioners takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.
 - (2) Moreover, it is the finding of the board of commissioners that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment," begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments that serve alcohol and also allow and/or encourage nudity or semi-nudity.
- (b) *Prohibited activities.* Any establishment licensed under the provisions of this chapter is prohibited from permitting or engaging in the following activities:
- (1) The employment or use of any person in any capacity in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
 - (2) Live entertainment that provides or features nude or semi-nude or erotic dancing or the performance of obscene acts that simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts that are prohibited by law;
 - b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
 - c. The display of the pubic hair, anus, vulva or genitals;
 - (3) The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (b)(2) of this section which are obscene under state law; or
 - (4) The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct.

- (c) *Mainstream activity excluded.* Notwithstanding the prohibitions in subsection (b) of this section, nothing in this article shall be or is intended to apply to theatrical or motion picture performance houses, museums, or to restaurants or places set apart for traditional naturism where the consumption or service of alcohol is not a primary purpose or the mainstream activity of such establishment. The phrase "places set apart for traditional naturism" means places provided or set apart for traditional naturism including nudist parks, clubs, and resorts affiliated with the American Association for Nude Recreation, the Naturists Society or other naturist organization, and has been in operation as a naturist facility for at least 24 months prior to application for a license.

Sec. 6-33. – Delivery and Online Curbside Pickup of Malt Beverages and Wine.

- (a) "Online Curbside Pickup" of malt beverages and wine as described in Rule 560-2-3-.3(2) of the Georgia Department of Revenue Alcohol and Tax Unit Rules, is prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said rule.
- (b) Off-premises delivery of malt beverages and wine as described by O.C.G.A. § 3-3-10 is prohibited in Dawson County. The commission has determined in its discretion that the practice is hereby disallowed by this chapter, an option provided for by said statute.

Secs. 6-34—6-40. - Reserved.

ARTICLE III. - DISTILLED SPIRITS

Sec. 6-41. - Distilled spirits by the package

- (a) Distilled spirits by the package may be sold at retail only in the following outlets:
- (1) Outlets duly licensed to sell distilled spirits by the package; and
 - (2) Outlets that are devoted exclusively to the retail sale of distilled spirits, malt beverages and/or wine by the package with ingress and egress provided directly to and only to the exterior of the building and not to any other enclosed part of the building or adjoining building; and establishments such as microbreweries licensed for such sale in accordance with state law and this chapter.
- (b) Other items which may be sold at said outlets are:
- (1) Mixers and other beverages which do not contain alcohol which are commonly used in the preparation and serving of distilled spirits.
 - (2) Tobacco products, lighters and matches, chewing gum and breath mints, single serve snacks, ice chests, cozies, packaged ice, gift bags for wine and lottery tickets issued by the Georgia Lottery Commission.
 - (3) Bar supplies, limited to corkscrews, openers, straws, swizzle stirrers, and bar-related containers and wares made of glass, plastic, metal or ceramic materials; cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for preparation of alcohol beverage drinks; and alcohol drink recipe books, bar guides, and consumer-oriented beverage alcohol publications.
 - (4) Outlets may also provide check cashing and ATM service.

- (5) The intention of this section is to allow the retail sale of distilled spirits by the package only in outlets devoted exclusively to the sale of distilled spirits, malt beverages and/or wine and to prohibit such sales in outlets that sell groceries, food, gasoline and other similar products.

Sec. 6-42. – Distilled Spirits by the Drink.

No distilled spirits may be sold by the drink for consumption on the premises where sold except in sites zoned commercial and that:

- (a) Are 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 health and fire departments. Such eating establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of the establishment's total annual gross sales from food;
- (b) Are indoor commercial recreation 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 health and fire departments. Such establishment will regularly serve food every hour the eating establishment is open and shall derive at least 50 percent of its total annual gross revenue from the sale of prepared meals or food and recreation activities; or
- (c) Are an indoor publicly owned civic and cultural center capable of 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 health and fire departments. The center must be prepared to serve food every hour they are open and derive at least 50 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities. When eating establishments are located in hotels or motels, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.

Sec. 6-43. - Hours of sale.

- a) The sale of distilled spirits by the package shall occur only between the hours of: 9:00 a.m.— 11:45 p.m. — Monday—Saturday; and 12:30 p.m.: Sunday — 11:30 p.m.: Sunday.
- b) No sale of distilled spirits by the package shall occur on Christmas Day. The sale of distilled spirits by the package is permitted on election days if the outlet is not located within 250 feet of a polling place.
- c) Distilled spirits shall not be sold for consumption on the premises except between the hours of: 10:00 a.m.—midnight Monday—Thursday; 10:00 a.m. Friday — 1:00 a.m. Saturday; 10:00 a.m. — midnight Saturday; and 12:30 p.m. — midnight Sunday.
- d) 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.

Sec. 6-44. - Prohibited.

- a) Except as expressly permitted by state law, it shall be unlawful for any person to:

- i. Consume any alcoholic beverage on the premises licensed for the sale of distilled spirits by the package, and it shall be unlawful for any licensee authorized to sell distilled spirits by the package to open or break the package for a purchaser and/or permit the consumption of alcoholic beverages on such premises. To the extent permitted by state law and this chapter, farm wineries, brewpubs and distilleries may hold licenses for both on-premises and off-premises consumption at the same location;
- ii. Sell or offer to sell any distilled spirits, malt beverages, wine and/or any other alcoholic beverage 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;
- iii. Sell any distilled spirits, malt beverages, wine and/or any other alcoholic beverages upon the licensed premises or permit distilled spirits, malt beverages, wine and/or any other alcoholic beverages to be sold thereon on any day at any time when the sale is prohibited by law;
- iv. Sell any distilled spirits, malt beverages, wine or any other beverage through a drive-through window or door;
- v. Sell or deliver any distilled spirits at any place other than inside the licensed premises; or
- vi. Persons holding a license to sell distilled spirits for consumption on the premises shall not be permitted to sell or distribute any distilled spirit by the package or bottle.

Sec. 6-45. – Other Restrictions.

The provisions of Sections 6-22 through 6-33 shall apply to sales of distilled spirits, and any references therein to malt beverages or wine shall be replaced with the term distilled spirits for purposes of this article.

Secs. 6-46—6-55. - Reserved.

ARTICLE IV. - PRIVATE CLUBS

Sec. 6-56. - Definitions.

As used in this article:

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.

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. A suitable kitchen and dining room space and equipment; and
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guest;
- (4) 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.

Sports club means an association or corporation organized and existing under the laws of the State of Georgia, 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 county at least two years prior to an application for license hereunder; provided, however, 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 or sell alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

Sec. 6-57. - Regulation or sale of alcoholic beverages.

A private club may seek a license for retail sales of alcoholic beverages for consumption on the premises in accord with this chapter. Licensed private clubs may sell and dispense alcoholic beverages by the drink for consumption on the premises upon compliance with all applicable ordinances and regulations of the county 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 county. A licensed private club must have a kitchen as required under this article but shall not be subject to the requirement that 50 percent of its annual sales come from the sale of food and non-alcoholic beverages. A sports club is not subject to a kitchen or food sales requirement.

Sec. 6-58. - Certain organizations exempt from food establishment requirements.

Veteran's organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia 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.

Sec. 6-59. - Hours and days of sale.

No alcoholic beverages shall be sold by a private club or sports club for consumption on the premises except between the hours of:

- 10:00 a.m.—midnight Monday—Thursday;
- 10:00 a.m. Friday — 1:00 a.m. Saturday;
- 10:00 a.m.—midnight Saturday; and
- 12:30 p.m.—midnight Sunday.

Sec. 6-60. – Other Restrictions.

The provisions of Sections 6-22 through 6-33 shall apply to sales in private clubs of malt beverages, wine, and distilled spirits, and any references therein to malt beverages or wine shall also include distilled spirits for purposes of this Article.

Secs. 6-61—6-65. - Reserved.

ARTICLE V. - SPECIAL EVENT PERMITS

Sec. 6-66. - Eligibility for a temporary special event alcohol permit.

- (a) A temporary special event alcohol permit may be issued to any person, firm or corporation for an approved special event. The person, firm or corporation must make application and pay the fee that may be required by this article and shall be required to comply with all the general provisions of this chapter and the licensing and regulations for consumption on the premises establishment with the exception of the full service kitchen requirement.
- (b) The special event must meet the following criteria before the issuance of a permit to sell or distribute alcoholic beverages:
 - (1) The special event must receive approval from the Dawson County Sheriff's Office on crowd control and security measures.
 - (2) The special event must receive approval from the Dawson County Sheriff's Office on traffic control measures.
 - (3) The premises at which the special event is to take place must be within a commercial zone and approved by the director; if the proposed location is not within a commercial zone, the approval must be obtained from the board of commissioners.
 - (4) The premises where the special event shall occur shall meet the distance from certain uses requirements of this chapter.
- (c) Any employee or volunteer of the special event permit holder working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to obtain an employee permit for the special event. Employees or volunteers dispensing, selling, serving, taking orders or mixing alcoholic beverages must be 18 years of age or older. Employees of caterers must comply with the regulations established in this article of this chapter and must be 21 years of age or older as pursuant to O.C.G.A. § 3-11-4.
- (d) The sheriff or fire chief, director or code enforcement official may immediately revoke any temporary permit for a special event if continued alcohol sales may endanger the health, welfare or safety of the public.
- (e) As a condition on the issuance of a temporary special event permit, the permit holder shall agree in writing to indemnify and hold Dawson County harmless from any claim, demand or cause of action that may arise from activities associated with the special event.
- (f) The director shall issue the temporary special event permit to the applicant upon compliance with the terms hereof.
- (g) In the event that a special event alcohol permit is denied by the director, the applicant may appeal the decision to the county commission.

Sec. 6-67. - Bona fide nonprofit civic organizations.

- (a) A bona fide nonprofit civic organization is one which is exempt from federal income tax pursuant to the provisions subsection (c), (d) or (e) of 26 USC section 501.
- (b) Upon the filing of an application and the payment of a special temporary event permit application fee, a bona fide nonprofit civic organization may obtain a permit authorizing the organization to sell or distribute alcoholic beverages for consumption on the premises or to sell wine at retail for off-premises consumption, or both, for a period not to exceed three days, subject to any law regulating the time for selling such beverages.
- (c) No more than 12 permits may be issued to such an organization in any one calendar year.
- (d) Permits are valid only for the location specified in the permit. No permit may be issued unless the sale of alcoholic beverages is lawful in the place for which the permit is issued. Said permit is subject to the restrictions set forth in section 6-66.

Sec. 6-68. – Other Restrictions.

The provisions of Sections 6-22 through 6-33 shall apply to sales at special events of malt beverages, wine, and distilled spirits, and any references therein to malt beverages or wine shall also include distilled spirits for purposes of this Article.

Sec. 6-69. - Reserved.

ARTICLE VI. - HOTEL IN-ROOM SERVICE

Sec. 6-70. - License.

- (a) In-room service means the provision of a cabinet or other facility located in a hotel-motel guestroom that 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 must also obtain a consumption on the premises license and shall meet 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 set forth in the Dawson County Alcohol Fees Schedule shall be imposed to provide only beer and/or wine by "in-room service." A license under this article shall not authorize delivery of alcoholic beverages (neither in package nor by the drink) by "room service" style delivery to the room.
- (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 chapter.

Secs. 6-71—6-72. - Reserved.

ARTICLE VII. - FARM WINERIES

Sec. 6-73. - Definitions.

Farm winery means a domestic winery located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or domestic winery that:

- (1) Makes at least 40 percent of its annual production from agricultural produce grown in this state;
- (2) Is owned and operated by persons who are engaged in the production of a substantial portion of the Georgia agricultural produce used in its annual production, and for this purpose, such production of a substantial portion of such Georgia agricultural produce shall be determined by the commissioner of Agriculture of the State of Georgia; and
- (3) Produces less than 100,000 gallons per year.

Tasting room means an outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine may be given complimentary or for a fee.

Sec. 6-74. - Permitted sales.

A farm winery may sell its wine and the wine of any other Georgia farm winery licensee at retail in a tasting room or other facility on the premises of the winery for consumption on the premises and in closed packages for consumption off the premises and to sell its wine and the wine of any other Georgia farm winery licensee at retail for consumption on the premises and in closed packages for consumption off the premises in tasting rooms at a location within Dawson County that is one of the five additional locations in the State of Georgia authorized by O.C.G.A. § 3-6-21.1(b).

Sec. 6-75. - Licensee qualifications.

The qualifications for the license for sale by farm winery tasting room shall be the same as set forth in section 6-79.

Sec. 6-76. - Applicable provisions.

The following provisions of this chapter regarding qualifications of the licensee and other matters shall apply to the issuance of the license for sale by a farm winery tasting room and the operation thereof:

Articles I, II, V, VIII, X through XXV.

Sec. 6-77. - License fees.

The applicant for a retail license for the sale of wine and operation of a farm winery tasting room shall pay the license fee as set forth in the fee schedule.

Sec. 6-78. - Licensing limitations.

The license created in accord with this article shall be limited to farm winery tasting rooms licensed by the State of Georgia in accord with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accord with such statutes. No license is hereby created authorizing any other use.

Sec. 6-79. - Sunday sales.

This article shall not be construed so as to authorize a farm winery to sell wine on Sunday on premises that are not located on the property where such farm wine is produced. A farm winery located on the premises where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility within Dawson County for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accord with the terms hereof to sell its wine on Sundays from 12:30 p.m. until 12:00 midnight in the tasting room or other licensed farm winery facility to the same extent as any other license issued in accord with the terms hereof would otherwise permit.

Sec. 6-80. - Hours of sale.

Wine may be sold or distributed in a tasting room or other licensed farm winery facility between the hours of 10:00 a.m. and 12:00 midnight Monday through Thursday; Friday 10:00 a.m. through 1:00 a.m. on Saturday and on Sundays.

Sec. 6-81. – Other Restrictions.

The provisions of Sections 6-22 through 6-33 shall apply to sales of alcohol at farm wineries.

Sec. 6-82. - Reserved.

ARTICLE VIII – CATERING

Sec. 6-83. – Catering License Requirements.

Requirements for a "licensed alcoholic beverage caterer" license:

- (1) The applicant shall hold a valid state license to sell malt beverages, wine, distilled spirits or some combination thereof by the drink or by the package.
- (2) The applicant shall hold a valid local county license to sell malt beverages, wine, distilled spirits, or some combination thereof by the drink or by the package.
- (3) The applicant must be a licensed alcoholic beverage caterer pursuant to O.C.G.A. § 3-11-1(2).
- (4) The applicant must hold all required food service permits required by the county environmental health office.

Sec. 6-84. – Catering License Application.

(a) An applicant for a licensed alcoholic beverage caterer license must:

- (1) Submit a completed application provided by the county.
- (2) Pay the required application and license fees.

(b) Alcoholic beverage caterer licenses are valid for up to one calendar year, expiring at midnight on December 31 of each year. They are issued and must be renewed in the same manner as their corresponding retail licenses.

Sec. 6-85. - Catering Permitted activities.

Only a licensed alcoholic beverage caterer is authorized to sell alcoholic beverages off premises. Licensed alcoholic beverage caterers are authorized to engage in, carry on or conduct the sale or distribution of alcoholic beverages off premises under the following conditions:

- (a) An event catering permit is obtained by the licensed caterer from the County in accordance with Section 6-86.
- (b) The distribution of alcoholic beverages is in connection with an authorized special event for which a special event alcohol permit has been granted to the sponsor of the event authorizing said event. The requirements for special event alcohol permits are detailed in Article V of this chapter.
- (c) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage authorized by the caterer's local alcoholic beverage license.
- (d) The licensed alcoholic beverage caterer shall not employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages in accordance with O.C.G.A. § 3-11-4 et seq.
- (e) If the licensed alcoholic beverage caterer desires to provide alcohol on a Sunday, it distributes only those beverages which may be sold on Sundays in the county, at the times when Sunday sales by the drink are permitted.
- (f) The licensed alcoholic beverage caterer complies with the requirements of O.C.G.A. § 3-11-1 et seq.

Sec. 6-86. – Event Catering Permits.

- (a) It shall be prohibited for any licensed caterer to sell alcoholic beverages in connection with a catered event or function without first having obtained an event catering permit as provided herein.
- (b) A licensed alcoholic beverage caterer shall file an application for an event catering permit with County. The application shall include the application fee (if any), the name of the caterer, the name, date, address and time of the event, the caterer's state and local license numbers and expiration dates, the quantity and type of alcoholic beverages to be transported and any other information the County deems necessary to review a request for such approval.

Sec. 6-87. - Restaurants.

Eating establishments which hold an alcohol by the drink license may cater events within the unincorporated areas of Dawson County so long as said establishments comply with this article.

Secs. 6-88-89. - Reserved.

ARTICLE IX – AGRIBUSINESS SALE OF MALT BEVERAGES AND WINE BY THE DRINK

Sec. 6-90. - Type of Agribusiness establishment where permitted.

- (a) Description: An agribusiness alcohol sales license allows an agribusiness to sell malt beverages and wine for consumption by the drink on the premises. A facility with such a license does not need to obtain a separate consumption on the premises license.

(b) Definition: For purposes of this article, an “agribusiness” that may qualify for an agribusiness alcohol license is any holder of a Dawson County Business License that:

- (1) Is in an area zoned within the R-A zoning class; and
- (2) Is a venue that is held out to the public for social, celebratory or entertainment purposes; and
 - (a) May be rented for a fee for such social, celebratory, or entertainment purposes; or
 - (b) Ordinarily engages in agricultural activity and sells agricultural products during such social, celebratory, or entertainment activity.

Sec. 6-91. - Restrictions on Sale of Alcohol

- (a) Except as expressly stated in this article, Agribusiness licensees shall be subject to all of the general restrictions that apply to holders of licenses for sales by the drink for consumption on the premises of the alcohol type (malt beverages, wine, distilled spirits) that is proposed to be sold, other than the minimum qualifications for applying for such licenses.
- (b) Agribusiness licensees shall be exempt from any requirement to derive at least 50 percent of the establishment's total annual gross sales from food.
- (c) All buildings are subject to Building and Fire Department inspections and requirements. Additional site plans or a designated areas map may be required by either the County Planning Department or Fire Department
- (d) “Brown Bag” events are allowed in accordance with Section 6-112.
- (e) All Caterers must hold a Dawson County Caterers License and Event Catering Permit as defined in this chapter.
- (f) Poured alcoholic beverages shall be transported from point of dispensing to the consumer by permitted employees only. Permitted employees are those who have applied for and received an employee pouring license authorizing such employees to take orders and transport alcoholic beverages to customers.
- (g) Any event outside of the normal business location defined on business license for that location must obtain separate special event permit.

Sec. 6-91. - Hours and days of sale.

- (a) Beer and/or wine shall not be sold or distributed for consumption on the premises except between the hours of 10:00 a.m.—12:00 midnight Monday through Thursday; Friday 10:00 a.m. through 1:00 a.m. on Saturday; Saturday 10:00 a.m. through 1:00 a.m. on Sunday; and Sunday 12:30 p.m. until 12:00 midnight.
- (b) No beer and/or wine shall be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

Secs. 6-92—6-93. - Reserved.

ARTICLE X. - EXCISE TAX

Sec. 6-94. - Wholesale.

- (a) There is hereby levied an excise tax computed at the rate of \$0.22 per liter that shall be paid to the governing authority on all distilled spirits and wine sold by wholesalers to retailers in Dawson County. Such tax shall be paid to the director by the wholesale distributors on all distilled spirits and wine sold to the licensees for the sale of distilled spirits and wine in Dawson County 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 the delivery. Excise taxes received after the 20th day of the month shall be charged a ten percent penalty. The \$0.22 per liter shall be prorated so that all containers of distilled spirits and wine shall be taxed on the basis of \$0.22 per liter. It shall be unlawful and a violation of this chapter 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 chapter 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 percent of the amount of taxes collected as reimbursement for collection of said tax.
- (b) There is hereby levied an excise tax on all beer and malt beverages sold by wholesalers to retailers in Dawson County at the rate of \$0.22 per liter and \$6.00 for each container of tap or draft beer or malt beverage of 15½ 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 (15½ 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 percent of the taxes collected which shall not apply to beer and malt beverage wholesalers.

Sec. 6-95. - Distilled spirits by the drink.

- (a) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee licensed under this chapter, and such licensee shall remit the same to the director on or before the tenth 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 director 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 alcohol licensing department after the 20th day of the month shall be charged a ten percent penalty.
- (c) If the director 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, and the license of such location may be suspended or revoked.

Sec. 6-96. - Farm wineries.

Farm winery licensees shall pay an excise tax at a rate of \$0.22 per liter according to the process detailed in section 6-94(a) (wine and distilled spirits).

Secs. 6-97—6-98. - Reserved.

ARTICLE XI. - ENFORCEMENT

Sec. 6-99. - Inspections.

Sworn officers of the sheriff's office, or staff of the fire department, or the building official, or employees of the director's office shall have the authority to inspect establishments licensed under the alcoholic beverages ordinances of the county 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 county officer to conduct inspections authorized by other provisions of this chapter or by state law.

Sec. 6-100. - Penalties for violation of chapter.

Any person who violates any provision of this chapter, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20.

Sec. 6-101. - Progressive discipline; acceptance of discipline; final action.

- (a) In addition to the penalties set forth in Section 6-100, there is available to the director and commission a range of potential disciplinary options concerning actions, misconduct, violations of this chapter or other laws, and failures to take required action on the part of licensees, their agents and employees, and permit holders. The range is generally as follows:
- (1) Written reprimand.
 - (2) Probation, or posting a monetary bond, subject to specified conditions.
 - (3) Suspension for period of days.
 - (4) Suspension for period of weeks.
 - (5) Suspension for period of months.
 - (6) Suspension for indefinite period until specified conditions are met.
 - (7) Suspension for remainder of current term of license/permit.
 - (8) Revocation or non-renewal of license or permit.
- (b) The steps outlined above exemplify the steps which may be taken as disciplinary action but the commission retains the authority to vary the severity of the disciplinary action and thus may skip from a lighter discipline to a more severe level as may appear appropriate given the circumstances. The same applies to disciplinary actions which may be taken by the director as to employee permit holders. Factors which may be considered as to licensees or employee permit holders include any factors set forth in this chapter as to mitigating or aggravating violations of this chapter or any other rules, regulations or laws, including, but not limited to, the following: number and severity of offenses, whether there have been other offenses of a similar nature, whether there have been other offenses of any kind within the preceding three years, whether the problem, condition or violation has been remedied or corrected, whether the licensee took appropriate steps prior to the violation to assure that staff and employees were aware of the requirements of the law, whether the violation was committed by the licensee or manager as opposed to by a non-managerial employee, whether the licensee or permit holder recognizes and acknowledges his or her

misconduct or actions leading to disciplinary action, and whether a greater or lesser severity of discipline is likely to prevent future violations.

- (c) A licensee or permit holder under this chapter who is notified of proposed disciplinary action may accept the discipline as proposed by executing a written acceptance which waives any right the licensee/permit holder might otherwise have to a hearing.
- (d) Disciplinary action shall be deemed final under this chapter when a written acceptance and waiver is executed as provided for in this section, or, if none is executed, at the time a written notice of decision is mailed to or hand delivered to the disciplined licensee or permit holder.

Sec. 6-102. - Suspension of license.

- (a) The following shall be grounds, in addition to any other grounds set forth in the preceding section, for the suspension of a license issued under this chapter for such period of time as the board of commissioners shall, in its sole discretion, determine appropriate:
 - (1) A violation, as demonstrated by evidence or by any adjudication of guilt as described in subsection 6-103(b)(3) by the licensee (or any officer, owner, manager, agent or employee of licensee) of any state or federal law or regulation, or any provision of this chapter or the regulations promulgated under its authority;
 - (2) The failure of the licensee and employees or agents of the licensee to promptly report to the sheriff's office any violation of law/breach of peace, disturbance, or altercation occurring on or near the licensee's premises;
 - (3) The violation of any law, regulation or ordinance pertaining to alcoholic beverages, distilled spirits, malt beverages and wines, by any employee or agent of the licensee in connection with the operation of the business of the licensee;
 - (4) Operation of the business of the licensee in such a manner as to create a public nuisance, or in a manner contrary to public welfare, safety, health or morals;
 - (5) Failure to furnish the board of commissioners on request any information or records that would be necessary for use in determining the licensee's compliance and qualifications under this chapter;
 - (6) To knowingly sell malt beverages, wines or distilled spirits to any person while such person is in an intoxicated condition; or
 - (7) To knowingly sell or offer to sell malt beverages or wines or distilled spirits to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain an alcoholic beverage is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said malt beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.

- (8) Violation of any provision of the Dawson County Code of Ordinances which deal with non-traditional tobacco paraphernalia, e-cigarettes, and alternative nicotine products.
- (b) Whenever this chapter permits the commission 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 shall be considered on any suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the county commission.
 - 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.
 - f. The licensee's history of compliance or noncompliance with applicable alcohol related laws and regulations.
 - g. Whether the licensee established practices and procedures to prevent the violation from occurring and established procedures to properly train and supervise employees to prevent the violation from occurring.
 - h. The board, or director in circumstances where the director may have authority to impose adverse action on a license, permit, licensee or permit holder, may do so upon a progressive discipline basis, such that, for example, first, second and third violations result in successively more severe action. The board or director shall be authorized to utilize a more severe adverse action without intervening violations or intervening steps dependent upon the factors which may otherwise be considered under this section, as provided for in section 6-101 herein.
- (c) Any license suspension for greater than 30 days shall require the licensee to remove all alcoholic beverages from the licensed premises. For any suspension of 30 days or less the board may in its discretion require removal of all alcohol from the premises; in the absence of such condition being mandated, the licensee shall secure with lock and chain all refrigeration units containing alcoholic beverages, and remove non-refrigerated alcoholic beverages to an on-premise locked storage area out of view of the public. No sales or service of alcoholic beverages (neither for on-premises nor off-premises consumption) is allowed upon any licensed premises during any period of suspension, nor is "bring your own bottle" practice or brown bagging permitted during suspension.
- (d) Whenever this chapter permits the board of commissioners to suspend or revoke a license, then the Sheriff of Dawson County, or the fire chief, the building official or the county manager may, on a temporary emergency basis suspend the license and order the licensee to cease operations until the matter may be scheduled for hearing before the board of commissioners. This may be done only upon a finding by the said official that temporary suspension as in the best interest of the public for safety, health and/or public welfare reasons. If any of the said officials shall exercise this suspension authority the decision to do so, the reasons for the emergency suspension, and the anticipated duration of the suspension, shall be provided to the licensee or its agent in written form

as promptly as practicable. The duration of any such emergency suspension shall not exceed a period of ten days, although the board of commissioners may extend the period of emergency suspension at an open meeting after giving the licensee an opportunity to be heard as to the emergency temporary suspension. The county manager, sheriff, building official, fire chief or board of commissioners may lift an emergency temporary suspension at any time.

- (e) Whenever a period of suspension is imposed under this chapter, the commission may determine in its discretion that at the end of the suspension the licensee may only renew operations in accordance with reasonable conditions imposed by the commission either permanently or during a probationary period set by the commission.
- (f) Whenever the commission would be authorized in its discretion to revoke or suspend a license, then it may instead impose a period of probation during which the licensee must operate under such conditions, limitations or restrictions, and subject to such monitoring, as the commission deems appropriate.

Sec. 6-103. - Revocation or nonrenewal of license.

- (a) The county commission shall revoke the license or permit of any licensee or permit holder:
 - (1) Whose license or permit has been suspended three or more times in any consecutive 12-month period (which suspensions may take place over two separate calendar years; the date of the decision to suspend is the date which counts in determining whether the suspensions have occurred within a consecutive 12-month period);
 - (2) For any premises where alcoholic beverages have been sold or distributed during a period of suspension;
 - (3) Who is convicted of a felony or any crime involving moral turpitude.
- (b) The county commission may revoke, suspend or otherwise discipline any license or permit issued under this chapter, or refuse to issue or renew the same, if the licensee, or applicant for renewal or any owner, operator, manager, or other agent or employee of the licensee/applicant:
 - (1) Makes any false statement of a material fact on the application for license or renewal thereof, or on any document required to be filed with the director or county;
 - (2) Fails to timely give written notice of any change of ownership interest as required in section 6-10;
 - (3) Violates, as demonstrated by evidence at a hearing before the commission or by conviction or guilty plea entered in court, or by other adjudication of guilt, any provisions of this chapter or any rules or regulations promulgated by the commission under this chapter, of which the licensee has reasonable notice (licensees are directed to and agree, as a condition of all licenses issued pursuant to this chapter, to be familiar with this chapter and to stay current in their familiarity with any future amendments to this chapter, and thus will be deemed to be familiar with all amendments and changes which are adopted by the commission in a public meeting);
 - (4) Becomes disqualified under this chapter to hold a license;
 - (5) 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 county;

- (6) Has received a license conditioned upon the construction or renovation of the facility and has not obtained necessary permits and completed construction within the periods specified in this article following the date said license was approved;
 - (7) Violates, as demonstrated by evidence or by any adjudication of guilt in the manner described in subsection (b)(3), above, any state law or regulation related to the sale of beer, wine, or distilled spirits, including but not limited to sales to underage persons or sales to visibly intoxicated persons; or
 - (8) Operates the licensed premises in such a manner as to constitute a public nuisance.
 - (9) Has its vape shop license for the premises revoked or suspended for cause.
- (c) The factors the commission may consider in deciding whether to suspend or revoke a license include, but are not limited to, the nature and severity of the offense, whether the violation has been remediated/corrected, whether there have been other offenses, who committed the violation (an owner, licensee, manager, or lower level employee) and whether imposition of probation, special conditions or restrictions, and/or posting of a monetary bond is sufficient to assure future compliance by the licensee, and any other circumstances or factors listed in this article. The commission may also consider any additional factors that are set forth in subsection 6-102 above.

Sec. 6-104. - Hearings

- (a) No adverse action other than an emergency suspension pursuant to the provisions of section 6-102, above, shall be taken against a license or licensee without affording the licensee the opportunity for a hearing as provided in this section.
- (b) The county commission shall provide written notice to the applicant or licensee that it is considering adverse action as to the licensee. Such written notification shall be hand delivered or sent by certified mail to the licensee at the address shown on the application (or updated address of record as provided to the director), and the licensee shall be directed to show cause, if any there be, why the proposed action should not be taken by the county commission. The notice shall:
 - (1) Advise of the time and place specified for the hearing, which hearing shall be held not less than five days (if the notice is mailed) or three days (if the notice is hand delivered), but not more than 30 days from the date of the service of the notice;
 - (2) Set forth in reasonable detail the grounds for such action and the factual basis supporting those grounds;
 - (3) Advise the licensee of the right to present evidence, witnesses or arguments and to be represented by counsel at the hearing; and
 - (4) Advise the licensee that failure to appear at the scheduled hearing will result in the intended action being taken by the county commission.
- (c) After the hearing, a written decision shall be entered and provided to the licensee. In the event disciplinary action is taken against the licensee, notice of the fact that such action was taken shall be transmitted by the director to the state in such a manner as is required by state statutes or administrative regulations; such notification shall be given within 45 days of the action becoming final.

Secs. 6-105—6-111. - Reserved.

ARTICLE XII. – PROHIBITED SALES, PURCHASES, AND POSSESSION

Sec. 6-112. – Brown Bagging

(a) *Brown bagging* as defined in this chapter means possession of an open glass bottle, can, or other container containing an alcoholic beverage, or consumption of an alcoholic beverage:

1. On premises for which a county business license has been issued; and
2. Which occurs at a location different from where said alcoholic beverage was purchased.

(b) Subject to the exception contained in subsections c of this Section, it shall be unlawful for any owner or person in possession of any business establishment for which a Dawson County Business License has been issued to permit any person to engage in brown bagging on the premises.

(c) The prohibitions and restrictions in subsection b shall not apply to private functions in which attendance is by invitation only and during which alcohol is served if all the following provisions apply:

1.) All alcoholic beverages served at the private function shall be provided by the person renting the venue or otherwise having the right of temporary possession of the venue;

2.) The cost of the alcoholic beverages served at the private function shall be paid by the person renting the venue or otherwise having the right of temporary possession of the venue;

3.) No merchandise shall be bought or sold on the premises during the private function;

4.) There shall be no cost to attend the private function either by donations or any other means;
and

5.) Where distilled spirits are being dispensed or consumed, the person renting the venue or otherwise having the right of temporary possession of the venue shall employ a bartender with appropriate training and experience to ensure the safety of all persons attending the private function.

Sec. 6-113. - Prohibited sales.

(a) 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:

- (1) Knowingly sell or offer to sell distilled spirits, malt beverages or wines to any person under the age of 21 years. In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain distilled spirits, malt beverages or wines is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said alcoholic beverages to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification"

includes, but is not limited to, a passport, military identification card, driver's license, or a State issued identification card.

- (2) 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.
 - (3) 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.
 - (4) Sell any alcoholic beverage to an adult with knowledge or reason to know that the adult is purchasing the alcoholic beverage for a minor.
- (b) Individual employees who violate this section shall be subject to the penalties set forth in section 6-100 as well as to loss of their employee license/permit. Penalties for license holders shall be determined by the county commission in accordance with the provisions of this chapter, including, in addition to any criminal penalties, possible suspension, probation, revocation or non-renewal of the license or imposition or conditions to or restrictions upon operations.
- (c) As to the penalties in subsection (b) of this section, 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.

Sec. 6-114. - Sale or possession for sale of alcoholic beverages without license or beyond boundaries of premises covered by license; penalties.

It shall be unlawful for any person to sell, distribute, or possess for the purpose of sale any alcoholic beverage if the person does not have a license granted by the county to sell, distribute, or possess for sale the alcoholic beverages. It shall be unlawful for any licensee, manager or employee to sell or to make deliveries of any alcoholic beverage beyond the boundaries of the premises covered by the license. It shall be unlawful for any licensee, manager or employee of an on premise consumption license to knowingly permit any customer to take any alcoholic beverage away from the licensed portion of the premises.

Sec. 6-115. - Failure to require and properly check identification.

In any case where a reasonable person could reasonably be in doubt as to whether or not the person seeking to obtain alcoholic beverages is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing said alcoholic beverages or wine to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by the trier of fact in determining whether any sale to an underage person was made knowingly. The term "proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. The term "proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.

Sec. 6-116. - Purchase or possession of alcoholic beverages by underage persons.

- (a) No person under 21 years of age shall purchase or possess any alcoholic beverage, personally or through a surrogate.
- (b) No person under 21 years of age shall attempt to purchase any alcoholic beverage personally or through a surrogate, nor misrepresent his/her age in any manner whatever for the purpose of obtaining alcoholic beverages.
- (c) No person shall purchase any alcoholic beverage for a minor or otherwise assist a minor in the purchase of any alcoholic beverage.

Secs. 6-117—6-118. - Reserved.

ARTICLE XIII. – SOCIAL HOSTING AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS

Sec. 6-119. - Prohibited activities and duties of social host.

- (a) No social host shall allow a gathering to occur or continue if an underage person at the gathering obtains, possesses, or consumes any alcoholic beverage and the social host knows or reasonably should know that an underage person has obtained, possesses, or is consuming alcoholic beverages at the gathering.
- (b) Every social host shall take reasonable steps to prevent the consumption of alcoholic beverages by any underage person at the gathering. Reasonable steps include, but are not limited to (i) controlling access to alcoholic beverages, (ii) prohibiting and preventing access to alcoholic beverages by any underage person, (iii) verifying the age of persons at the gathering, (iv) supervising the activities of underage persons at the event, and (v) remaining on the property during the gathering.
- (c) If a social host determines or has reason to believe that an underage person has consumed an alcoholic beverage before or during the gathering, then the social host shall make reasonable efforts to terminate the gathering including, but not limited to, contacting law enforcement to report the suspected underage consumption.

Sec. 6-120. - Penalties.

- (a) Any person who violates this article shall be punished by a fine of up to \$1,000.00 and shall be required to perform not less than 24 hours of community service for the first offense.
- (b) Any person who violates this article a second time within one year shall be punished by a fine of at least \$500.00 and up to \$1,000.00 and shall be required to perform not less than 48 hours of community service.
- (c) Any person who violates this article a third or subsequent time within two years shall be punished by a fine of \$1,000.00 and shall be required to perform not less than 100 hours of community service.

Sec. 6-121. - Exceptions.

- (a) This article shall not apply to conduct solely between an underage person and his or her parent while present in the parent's household.
- (b) This article shall not apply to any situation for which state or federal law establishes an exception or exemption.

Secs. 6-122—6-125. - Reserved.

ARTICLE XIV VARIANCES

Sec. 6-126. – Purpose

The purpose of a variance is to provide relief when a strict application of the requirements would impose unusual practical difficulties or unnecessary hardships on the applicant, and the benefits of allowing the variance would outweigh the negative impact on the community.

Sec. 6-127. Criteria for Granting Variances

- (a) Variances may be granted for the following categories of standards and requirements of this Ordinance:
 - (1) Minimum distance requirements.
 - (2) Requirements relating to the use of licensed servers to dispense and provide alcohol.
 - (3) Requirements relating to the service of food in conjunction with the service of alcohol, or any minimum amounts of revenue produced by food sales as a prerequisite for a license.
- (b) No variance will be granted that is in conflict with state or federal law. No variance from the license fees or taxes provided by Ordinance will be granted unless specifically provided for by state law.
- (c) Variances may be granted in the sole discretion of the Board of Commissioners.
- (d) Criteria that will be considered as part of granting a variance:
 - (1) Whether a strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship that outweighs the benefit from allowing alcohol sales at variance with the standard or requirement; and
 - (2) Whether there are exceptional or extraordinary circumstances or conditions applicable to the business involved that do not apply generally to other businesses selling alcohol; and
 - (3) Whether the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to the community, giving consideration to surrounding land uses; and
 - (4) Whether there is a concern that the granting of the variance would violate any state laws or requirements.

Sec. 6-128 Variance Procedures

- (a) The applicant shall prepare and submit an application setting forth the specific variance sought and the reasons, with supporting data, why variance should be granted, along with any County-adopted fee for such submittal. The Planning Department, in consultation with the County Attorney's Office, shall review the application and make a recommendation for approval or denial, along with any recommended conditions.
- (b) A public hearing shall be held to consider the variance at a regularly scheduled meeting of the Board of Commissioners. The Planning Department may require the applicant to provide notice of the hearing to any properties potentially impacted by the variance.
- (c) The Board of Commissioners shall review the application and the recommendations of the Planning Department at the public hearing.
- (d) A decision on the variance request shall be the responsibility of the Board of Commissioners, shall be made at the public hearing, and the decision shall be final.
- (e) Variances may be granted with conditions. The variance shall not be effective if fewer than all such conditions are met by the applicant.
- (f) If a variance is granted, the Planning Department shall record the exact nature of the variance and the conditions (if any) attached, which variance and conditions shall be included as a written addendum to the applicable license.

Secs. 6-129—6-130. - Reserved.

ARTICLE XV. - 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:

Abandon means to voluntarily give up a license or permit hereunder, or to automatically forfeit a license, permit or application under the terms of this chapter as, for example, by non-use.

Address of record means the address provided by an applicant or licensee or permit holder to the planning department for purposes of administration of this chapter. The applicant, licensee or permittee shall at all times be responsible for keeping the planning department notified in writing of the current address for sending notices or other communications, and delivery or mailing via U.S. Postal Service or private express delivery carrier shall be deemed to be properly addressed if it is sent to the most current address of record.

Administrative fee or application fee means the non-refundable fee which is required by the county to accompany an application for a license, permit, or change under this chapter. Such fees may include administrative, investigative, advertising or other components, which may be, but are not required by this chapter to be broken out separately.

Adverse action means disciplinary, regulatory or administrative action taken or proposed with respect to a license, permit, licensee or permit holder due to violation of this chapter or other law or regulation, or due to any other event that would disqualify a licensee or permit holder, or due to other change in status or circumstances that might make such action appropriate in the discretion of the commission. Adverse action as used herein is action under this chapter which is apart from and may be in addition to any applicable criminal penalties. Adverse action encompasses, but is not limited to, disciplinary action.

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcohol treatment facility means any alcoholic treatment center owned and operated by the state or the county government.

Alcoholic beverage means and includes all forms of alcohol that can be used for beverage purposes, including distilled spirits, beer, malt beverages, wine or fortified wine.

Alcoholic beverage caterer means a licensed caterer pursuant to this ordinance.

Applicant means a person who has completed and submitted an application form, together with all required documents, and information, along with all required fees, seeking a license or permit under this chapter, or a renewal, transfer or modification thereof.

Bar means the station designated for mixing, pouring and dispensing alcoholic beverages within an establishment licensed for by-the-drink consumption on premises. It may have or not have a seating area for counter service to customers. The seating capacity for counter service may not exceed ten percent of the total seating capacity for the entire licensed premises. The licensee must obtain approval for each bar within the establishment and each must be shown on the site plan/floor plan of the premises at the time of any application, renewal or change. The diagram shall indicate whether the bar is intended to allow counter service. Any bar which is on wheels or similarly equipped so as to render it mobile must be so designated in the application and diagram/floor plan.

Beer (or "*malt beverage*") means any alcoholic beverage obtained by the 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 14 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 percent, but more than 0.1 percent alcohol by volume. The term "malt beverage" does not include sake, known as Japanese rice wine. Hard cider, as defined herein, shall be treated as a malt beverage under this chapter.

Beverage ticket means a printed ticket sold to be used for the purpose of exchanging the ticket or tickets for an alcoholic beverage (even if it may also be used for acquiring other beverages or food rather than alcoholic beverages).

Bona fide non-profit civic organization means an organization which is exempt from federal income taxation pursuant to the provisions of 26 USC § 501(c) or (d) or (e).

Bracelet fee means any charge for a bracelet, pass, ink stamp, badge, armband, receipt or other indication that the bearer may be served alcoholic beverages at a venue, event or licensed premises.

Brewpub means an eating establishment within the meaning of that term as defined in O.C.G.A. § 3-1-2 in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation and other limitations prescribed in O.C.G.A. § 3-5-36 as amended for retail consumption on the premises. May be referred to as a "micro-brewery." A brewpub must have Dawson County licenses for sale of the type of beverages it offers and for the manner of sale (for on the premises or off the premises consumption or both).

Building official means the person designated as such by the director of planning and development, by the county manager or by the board of commissioners, or other person authorized by the county to exercise the powers and duties of building plan review, building inspection, building code enforcement or related duties. The term may include, but is not limited to, the director, county marshal, building inspector, or other acting in any of the foregoing capacities on an interim, acting or temporary basis.

By-the-drink means sales of alcoholic beverages for consumption on-the-premises, sold and served by the individual drink, either poured or in an opened container.

Chapter means this alcoholic beverage code, that is, the Dawson County Alcoholic Beverage Ordinance, which is Chapter 6 of the Dawson County Code of Ordinances.

Church building means the main structure used by any religious organization as a permanent place for worship.

Code means the Dawson County Alcoholic Beverage Code (Chapter 6 of the Dawson County Code of Ordinances), unless the context makes other usage appropriate.

Code enforcement official means any person authorized by law or designated by the county, the director, or the county manager to exercise licensing, inspection, permitting, taxing, enforcement, regulatory or other powers related in any way to this chapter, or to any related ordinances and regulations of the county, state or federal governments, including, but not limited to, staff of the planning and development, fire, building, sheriff, health, finance and other departments and offices of Dawson County.

Convenience store means a business carrying on retail sales of groceries, household supplies, over-the-counter medications, soft drinks, tobacco products, packaged or prepared foods, magazines,

newspapers, gasoline and other consumer goods. The term convenience store shall not include any business for which an adult entertainment license has been issued or for which one is required.

County means Dawson County, Georgia, or as the context may indicate, its governing authority or designated staff.

County commission means the Board of Commissioners of Dawson County, Georgia, or such person as it may designate from time to time to exercise its authority or otherwise act on its behalf under this chapter. May also be referred to as "board," "board of commissioners," "county," "commission" or "governing authority."

County manager means the County Manager of Dawson County, Georgia, or such person as he or she may designate from time to time to exercise authority or act on his/her behalf under this chapter.

Day care means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, children under 18 years of age, and is not accredited as a public or private school (except that centers offering state funded pre-K programs are still considered day cares).

Director (may be referred to as "administrator") means the county staff member named to administer the rules set forth in this alcoholic beverage ordinance and to develop forms, regulations and policies as may be appropriate to implement and enforce the provisions of this chapter or as the commission may otherwise direct. The director of planning and development shall serve as administrator/director. The staff member to serve as director may be changed by the board of commissioners from time to time by vote in open meeting. The administrator/director may designate another staff member or members to manage the general affairs of alcoholic beverage licensing to the extent the director determines appropriate and is authorized to direct the activities of staff responsible for enforcing the terms of this chapter.

Disciplinary action means adverse action taken or proposed action by the county against a license, permit, licensee or permit holder due to failure to comply with terms or requirements imposed by or pursuant to this chapter, state law or federal law, or for other reasons set forth in this chapter. Examples are suspension, revocation, imposition of special conditions or restrictions (regardless of whether or not termed as a period of probation), posting of bond, denial of renewal or transfer request or other sanctions as imposed by the county.

Distance refers to the minimum distance allowed between an establishment licensed under this ordinance and another licensed premise, or between a proposed licensed premise and some other facility or use, such as a church, a school, a daycare facility, a college, or an alcohol treatment facility. Unless otherwise provided, distance shall be measured as provided for by O.C.G.A. § 3-3-21(c) and Georgia Department of Revenue Regulations [currently found at 560-2-2-.12(1)(b)].

Distilled spirits or liquor means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume including, but not limited to, all fortified wines.

Distiller means a manufacturer of distilled spirits. A distiller may engage in on-premises or off-premises sales if qualified and licensed as required by applicable State statutes and regulations provided that such distiller must qualify for and obtain licenses from Dawson County for such sales in the same manner and according to the same terms as required for other licensees for sale of distilled spirits under this chapter.

Drug store means any store which sells primarily health care products and which has a pharmacy that supplies prescription medications.

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 shall consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must be approved by the health and fire departments. An eating establishment shall be prepared to serve food every hour the establishment is open and shall derive at least 50 percent of the gross receipts annually from the sale of prepared meals or food.

Establishment means a business or place of business. It may refer to the business entity, its operations or the location thereof as the context makes appropriate.

Employee permit means an authorization granted by the county to employees of a licensed retail consumption dealer to dispense, sell, serve, take orders, or mix alcoholic beverages in establishments licensed as a retail consumption dealer, and to employees of a retail package dealer (liquor store, package store, convenience store) to sell alcoholic beverages in that establishment. An employee permit is not required for employees of licensed grocery stores or drug stores, nor for licensees to work in their own business. An employee permit is also required of any employee or volunteer working at a special event in a capacity described in section 6-66 of this Code. A single employee permit shall authorize the employee to sell, serve or dispense alcoholic beverages at retail licensees for on-premises consumption, or at retail package dealer licensees, or at licensed special events or a combination of the foregoing, as may be designated on the permit.

Fee means a charge payable to the county in relation to obtaining, renewing, reinstating, transferring or changing a license or permit under this chapter as well as any other fees and charges, such as occupational, inspection, or zoning fees, which are payable but not a part of the fees charged under this chapter. The fees which are charged under the terms of this chapter shall be as set forth in the alcoholic beverage licensing fee schedule. They may include, but are not limited to, license fees, renewal fees, application fees, investigatory fees, criminal background check fees, advertising/publication fees, license modification fees, and transfer fees.

Fortified wine means any alcoholic beverage containing more than 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.

Front door means the primary doorway used by the public (that is, by customers in the case of a business, students in the case of a school or college, members in the case of a church, club or civic organization, or other similar users, and not merely by employees) as an entrance to a structure or building as determined by the director.

Gathering means the assembly of five or more individuals at one location that includes at least one individual who is underage and who is not the child of the person responsible for the property.

Governing authority means the Board of Commissioners of Dawson County, Georgia, or its designee.

Grocery store means a store which sells primarily food, and which has a produce department and a meat department; sometimes referred to as a "supermarket."

Growler means a glass, ceramic, or stainless steel jug or container with a capacity of 32 to 64 fluid ounces having a screw-on or hinged cap which can be sealed, and which is used for purchasing and transporting malt beverages.

Hard cider means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than six per cent alcohol by volume, including, but not limited to, flavored or carbonated cider. For purposes of this chapter, hard cider shall be deemed a malt beverage.

Hotel means any building or other structure providing sleeping accommodations for hire to the general public transient, permanent or residential. Such businesses shall 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.

Housing authority means any property containing 300 housing units or fewer owned or operated by a housing authority created under the State housing authorities' law.

Individual means a natural person.

Indoor commercial recreational establishment means and is limited to an establishment that:

- (1) Regularly serves prepared food with a full service kitchen (a full service kitchen shall consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments) prepared to serve food every hour the establishment is open and deriving at least 50 percent of its total annual gross sales from the sale of prepared meals or food 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 that 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. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted in an outdoor commercial recreational establishment. Bingo parlors, dancehalls, nightclubs, taverns, billiard parlors, video arcades, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments.

Investigative fee means the fee established to defray the costs of investigating and examining the qualifications and background of applicants for licenses and permits under this ordinance and for review of the proposed location of any licensed premises. This fee may be included in the administrative fee or charged separately. In addition to the fees for the applicant, there may be charged a separate fee for criminal history checks on individuals such as officers, agents, partners, managers and other employees.

License means any license or permit applied for, required or issued pursuant to this chapter. It may also refer to the document which evidences such license or permit, as the context indicates.

License fee means the initial license fee and the fee for any renewal or reinstatement of a license as may be determined from time to time by the county commission as a prerequisite to the privilege of holding an alcohol license under this chapter. May be referred to as the "annual fee." In the event an application for issuance, renewal or reinstatement is denied, the license fee is refundable but the application fee is not to be refunded.

Licensed alcoholic beverage caterer means any holder of a license issued under this chapter for the retail sale of beer, wine, and/or distilled spirits by the drink, who is a licensed caterer, who is otherwise

qualified under the provisions of O.C.G.A. § 3-11-1 et seq., and who obtains a license pursuant to this ordinance to sell alcoholic beverages at authorized special events.

Licensed premises means the area within a parcel of real property where a licensee under this chapter is authorized to operate the licensed business, that is, the portion of the premises where alcoholic beverages may be stored, displayed, sold and, in the case of on-premises consumption licenses, served and consumed. In the case of a special event alcohol permit, the specific area approved for service and consumption of alcoholic beverages.

Licensee means the person to whom a license for the sale or distribution of distilled spirits, malt beverages, or wine is issued under this chapter. In the case of a partnership or corporation, all partners, officers, and directors of the partnership or corporation are licensees. In the case of a limited partnership the managing partner is a licensee, and in the case of a limited liability company the manager and the chief executive officer are licensees. The term may be used to refer to a person to whom a license has been issued and whose license is suspended, revoked, abandoned, or declared void and when so used shall not confer or imply that such person holds or is entitled to a valid license.

Mead, honey mead or mead wine means a fermented alcoholic beverage made from honey that may not contain an alcoholic content of more than 14 percent by volume or total solids content that exceeds 35 degrees Brix. For purposes of this chapter the sale, manufacture, distribution and transport of mead shall be treated in the same manner as wine.

O.C.G.A. means the Official Code of Georgia Annotated.

Off-premises sales refers to sale of alcoholic beverages in sealed containers, for consumption off the licensed premises only. This type of operation may sometimes be referred to as package sales.

On-premises sales refers to sale of alcoholic for consumption only on the licensed premises, in unsealed containers or in the form of poured individual drinks, or, in the case of malt beverages, by the pitcher as may be otherwise allowed under this chapter. This type of operation may sometimes be referred to as "by-the-drink" sales.

Ordinance means this alcoholic beverage ordinance, chapter 6 of the Dawson County Code of Ordinances, unless the context clearly refers to a different or additional ordinance or ordinances.

Package means a bottle, can, keg, barrel, growler, or other original consumer container, including a wine "box" type container for consumer use.

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.

Premises means the parcel of real property upon which a licensee under this chapter operates the licensed business. It includes both the area authorized for preparation, display, sales, storage, service, possession or consumption of alcoholic beverages ("licensed premises") and the area on the same parcel where such beverages may not be stored, displayed, served, prepared, consumed or possessed. The area outside the designated licensed premises, but on the same parcel, may be referred to in this ordinance as "approaches," which may include parking areas, walkways and any other areas which have not been specifically designated as licensed premises. Use of an address on a license or application is not an indication that the entire parcel or property at such address is approved as licensed premises.

Private club means any club which fits the definition of a private club under the articles of this Code.

Probation means a period during which a licensee may be monitored for compliance with laws, ordinances and, in addition, any conditions specified by the commission, and during which infraction may lead to immediate disciplinary action against the license up to and including suspension or revocation. It may follow or be imposed in addition to or in lieu of a period of suspension or in lieu of revocation. The length/duration or other terms of a probationary period may be extended or modified by the commission.

Provisional approval or conditional approval means approval of a license application subject to financing, zoning status, or other plans or requirement that the licensee construct, renovate, or remodel the licensed premises prior to commencing licensed operations. Such conditional/provisional approval is temporary and not subject to renewal unless the licensee complies with the terms of section 6-7 and section 6-11 of this chapter and all conditions which may be placed upon the license. A provisional license is issued to allow an applicant to ascertain whether a license may be had, subject to the requirements, conditions and qualifications which may apply, but does not allow operations to commence until such conditions are met, including issuance of any necessary state license.

Registered agent or agent means a qualified individual residing in Dawson County who has been named as, and has qualified and consented to be, the local registered agent of a licensee pursuant to this chapter.

Retail consumption dealer means a person or entity licensed under this chapter to sell alcoholic beverages by the drink for consumption on the licensed premises. May be licensed for sale of beer/malt beverages, or distilled spirits, or wine, or a combination of the foregoing.

Retail dealer means persons other than wholesale dealers who sell distilled spirits, malt beverages, or wines irrespective of the quantities sold. It is specifically intended to refer to establishments licensed to sell alcoholic beverages directly to the retail consumer and not for resale.

Retail package dealer means a person or entity licensed under this chapter to sell alcoholic beverages in packaged form at retail for consumption other than on the licensed premises. May be licensed for sale of distilled spirits, or beer/malt beverages, or wine, or a combination of the foregoing.

Revocation means the termination, forfeiture or withdrawal by the county of the privileges afforded by this chapter to a licensee or holder of a permit issued under this chapter.

Sale of alcohol means provision of alcohol beverages in exchange for monetary value in the form of cash, credit card, debit card, check or other form of monetary exchange, or in return for all or part of an admission fee, ticket of any kind, cover charge, door charge, token, coin, per drink fee, or other medium of exchange.

School building or school grounds shall apply only to state, county, city or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this State and which are public schools or private schools.

Social host means a person who: (1) Knows or reasonably should know that a gathering will occur on property owned or controlled by that person; (2) Knows or reasonably should know that alcoholic beverages will be at the gathering; and (3) Knows or reasonably should know that one or more underage person will be present at the gathering.

Special event alcohol permit means a temporary permit issued pursuant to articles of this Code.

Suspension means the temporary (either for a definite or indefinite period) prohibition of operation under an alcoholic beverage license or permit issued by the county pursuant to this chapter.

Underage person means any person under the age of 21 years.

Wholesale dealer means persons other than brewers who sell malt beverages, wines or distilled spirits to retail dealers for purposes of resale only.

Wine means any alcoholic beverage containing not more than 21 percent alcohol made from fruits, berries, grapes, or honey (mead wine is subject to the alcohol content and solids content limits set forth elsewhere in this chapter) 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, honey mead wine 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.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 03/18/2021

Prepared By: Harmony Gee

Voting Session: 4/01/2021

Presenter: Jameson Kinley_____

Public Hearing: Yes X No

Agenda Item Title: Presentation of County Vape Shop Ordinance Update

Background Information:

This ordinance was adopted in July 2019 by the Board of Commissioners. Since then, the state has adopted stricter regulations, and our ordinance needs to be updated in accordance with those.

Current Information:

The state has mandated the legal age of vape products to 21 and updated language.

Budget Information: Applicable: _____ Not Applicable: x Budgeted: Yes _____ No x

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date:

Finance Dept. Authorization: Vickie Neikirk

Date: 3/9/21

County Manager Authorization: David Headley

Date: 3/09/2021

County Attorney Authorization: _____

Date: _____

Comments/Attachments:



DAWSON COUNTY BOARD OF COMMISSIONERS Planning and Development

March 2, 2021

Planning

Jameson Kinley, Director
Planning and Development
Dawson County

Zoning

Code Enforcement

Sir,

GIS

The following is an analysis of the changes to the Dawson County Vape ordinance in order to be in compliant with state law:

Building Permits
and
Inspections

Chapter 30, Article II, Section 30-352(Vapor Product definition) of the Code of Dawson County, Georgia, the definitions section, has been amended to include a more comprehensive definition of a vapor product. Vapor products shall now include those which produce a vapor or an aerosol of nicotine or other products.

Business Licenses

Chapter 30, Article II, Section 30-356(a) of the Code of Dawson County, Georgia which sets restrictions on sale and display of vape products has been amended to prohibit sales to any person under 21 years of age, previous state law allowed sales to persons at least 19 years of age.

Alcohol Licenses

Chapter 34, Article I, Section 34-5 (b.1.A) of the Code of Dawson County, Georgia which enumerated prohibitions has been amended to make it unlawful for anyone under 21 years of age to purchase, attempt to purchase, possess or attempt to use any alternative nicotine or vapor product. Previous state law allowed purchases for those at least 19 years of age. Section 34-5 (b.1.B) provides for an allowance for the use of such products if provided by a parent to those under the age of 21. Such allowance previously extended to those under age of 19.

911 Mapping

Animal Control

Chapter 34, Article I, Section 34-5(c) of the Code of Dawson County, Georgia brings the penalties imposed in this ordinance in line with state limits as set forth in O.C.G.A. § 36-1-20, O.C.G.A. § 15-10-60 and O.C.G.A. § 16-12-171.

Please let me know if I can clarify further.

Sincerely,

Robbie Irvin
County Planner

Dawsonville County
Government Center
25 Justice Way
Suite 2322
Dawsonville, GA 30534
Phone 706-344-3604
Fax 706-344-3652

Ordinance Number: _____

AN ORDINANCE OF THE DAWSON COUNTY BOARD OF COMMISSIONERS TO AMMEND THE ORDINANCE WHICH PROVIDES FOR LICENSING OF VAPE SHOPS, IMPOSE RESTRICTIONS ON OPERATION OF VAPE SHOPS, AND RESTRICT USE OF VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS AROUND SCHOOLS AND CHURCHES; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, the Board of Commissioners of Dawson County has determined that it is in the public interest to regulate the sale and use of vapor products and alternative nicotine products to the extent consistent with Georgia law; and

WHEREAS, the Dawson County Board of Commissioners has determined to adopt an ordinance regulating these matters;

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

SECTION 1.

Chapter 30, Article II Section 30-363(e) of the Code of Dawson County, Georgia is amended as shown in Exhibit A hereto.

SECTION 2.

Chapter 30, Article II, Section 30-367(a) of the Code of Dawson County, Georgia is amended as shown in Exhibit B hereto.

SECTION 3.

Chapter 34, Article I, Section 34-5 (b.1.A and B) of the Code of Dawson County, Georgia is amended as shown in Exhibit C hereto.

SECTION 4.

Chapter 34, Article I, Section 34-5(c) of the Code of Dawson County, Georgia is amended as shown in Exhibit D hereto.

SECTION 5.

If any section, provision or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular

situation or set of circumstances shall 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 to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 5.

All Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6.

This ordinance shall become effective on the _____day of _____, 2021, the public good demanding the same.

SO ORDAINED this _____day of 2021.

Dawson County Board of Commissioners

Billy Thurmond, Chairman

Sharon Fausett, Member

Chris Gaines, Member

Tim Satterfield, Member

Emory Dooley, Member

Exhibit A

Chapter 6, Article II, Section 30-363(e) of the Code of Dawson County, Georgia is amended as follows:

- e. "Vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from nicotine or other substances in a solution or other form. Such term shall include, but shall not be limited to, any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor or aerosol cartridge or other container of nicotine or other substance in a solution or other form, including, but not limited to, a device component, part, or accessory of the device, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Such term shall not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

Exhibit B

Chapter 30, Article II, Section 30-367(a) of the Code of Dawson County, Georgia is amended as follows:

Sec. 30-367. - Restrictions on sale and display.

- (a) No licensee or other person may sell or permit to be sold any alternative nicotine product and/or vapor product to any person who is under 21 years of age, either directly or indirectly.

Exhibit C

Chapter 34, Article I, Section 34-5 (b.1.A and B) of the Code of Dawson County, Georgia is amended as follows:

Sec. 34-5. - Use of alternative nicotine product and/or vapor products

(b) Prohibition

1. It shall be unlawful for any person under the age of 21 to:
 - A. Purchase or attempt to purchase, or use alternative nicotine products or vapor products; or
 - B. Possess for personal use any alternative nicotine products or vapor products. This subparagraph shall not apply to possession of such products by a person under the age of 21 when a parent or guardian of such person gives the alternative nicotine products or vapor products to the person, and the possession occurs in the home of the parent or guardian and such parent or guardian is present; provided that the only additive in such products is tobacco or nicotine; or

Exhibit D

Chapter 34, Article I, Section 34-5(c) of the Code of Dawson County, Georgia is amended as follows:

- (c) Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment in accord with the limits established in O.C.G.A. § 36-1-20, O.C.G.A. § 15-10-60 and O.C.G.A. § 16-12-171.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: **Emergency Services**

Work Session: **4.15.21**

Prepared By: **Danny Thompson**

Voting Session: **5.6.21**

Presenter: **Danny Thompson**

Public Hearing: Yes ☒ No ☐

Agenda Item Title: **Ambulance Billing Ordinance & Policy Change**

Background Information:

In February 2017, Dawson County created and updated its current billing policy. The purpose of this policy was to establish billing and collections procedures for ambulance transports provided by Dawson County Emergency Services. This is done so to lessen the burden on our taxpaying citizens who may not use the service.

Current Information:

We request to amend the ordinance Exhibit A (18-2) by removing the fee schedule, allowing future changes to the ambulance fees to be completed by resolution. There is proposed ambulance rate fee change added as a resolution. Some minor changes needed to be made to the current ambulance billing policy.

Budget Information: Applicable: ☐ Not Applicable: ☒ Budgeted: Yes ☐ No ☐

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Approve agenda item

Department Head Authorization: DT

Date: 3.12.21

Finance Dept. Authorization: Vickie Neikirk

Date: 4/6/21

County Manager Authorization: David Headley

Date: 4/06/2021

County Attorney Authorization: ☐

Date: ☐

Comments/Attachments:

**AN ORDINANCE TO AMEND CHAPTER 18, SECTION 18-2, OF THE
DAWSON COUNTY CODE OF ORDINANCES REGARDING
EMERGENCY MEDICAL SERVICES FEES; TO PROVIDE FOR AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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

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

WHEREAS, the governing authority of Dawson County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

WHEREAS, the Board of Commissioners desires to amend Chapter 18 (Emergency Management and Emergency Services), Section 18-2 (Emergency Medical Services Fees), to remove reference to the specific fees from the Code and to provide that such fees shall, as of the effective date of this Ordinance, be established and amended by resolution of the Board of Commissioners; and

WHEREAS, pursuant to O.C.G.A. § 36-80-19(c), ordinances and amendments shall be printed in substantially the same style as the code currently in effect in Dawson County and such ordinances and amendments shall be suitable in form for incorporation therein; and

WHEREAS, the Board of Commissioners now finds that it is in the public interest to update and amend the existing Chapter 18, Section 18-2, of the Dawson County Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED by the Board of Commissioners of Dawson County, Georgia, and it is hereby enacted pursuant to the authority of same as follows:

1. Ordinance Amendments

Chapter 18, Section 18-2, of the Dawson County Code of Ordinances is hereby modified as provided in Exhibit A, attached hereto and by this reference incorporated herein.

2. Severability

It is the express intent of the Dawson County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application

thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which may be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

3. Effective Date

This Ordinance shall become effective immediately upon passage.

SO ORDAINED this _____ day of May, 2021.

DAWSON COUNTY BOARD OF COMMISSIONERS

By: _____
Billy Thurmond, Chairman

Attest:

[COUNTY SEAL]

By: _____
Kristen Cloud, County Clerk

Vote: Yes: _____
No: _____

Dates of Public Meetings: April 15, 2021 (BOC Work Session)
May 6, 2021 (BOC Voting Session)

EXHIBIT A

[The following text is hereby amended by removing the ~~striketrough~~ language and inserting the underlined language.]

DAWSON COUNTY CODE OF ORDINANCES Chapter 18 – EMERGENCY MANAGEMENT AND EMERGENCY SERVICES ARTICLE I. - IN GENERAL

Sec. 18-2. - Emergency medical services fees.

Fees for services provided by Dawson County Emergency Medical Services shall be established and amended by resolution of the Dawson County Board of Commissioners.

Billing rates for Dawson County Emergency Medical Services shall be as follows:

	SERVICE LEVEL	FEE
{1}	BLS nonemergency	\$350.00
{2}	BLS emergency	\$400.00
{3}	ALS level 1 nonemergency	\$350.00
{4}	ALS level 1 emergency	\$500.00 base rate
{5}	ALS level 2 emergency	\$675.00
{6}	Miles (patient loaded)	\$13.00
{7}	Refusal of transportation with medications	½ of applicable base rate
{8}	Stand by per hour	\$100.00
{9}	Refusal of transportation after receiving medical attention and receiving medication	½ of applicable base rate

**A RESOLUTION BY THE DAWSON COUNTY BOARD OF
COMMISSIONERS TO ESTABLISH FEES FOR SERVICES PROVIDED
BY DAWSON COUNTY EMERGENCY MEDICAL SERVICES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, Section 18-2 of the Dawson County Code of Ordinances states that fees for services provided by Dawson County Emergency Medical Services shall be established and amended by resolution of the Dawson County Board of Commissioners; and

WHEREAS, pursuant thereto, the Board of Commissioners desires to establish such fees.

NOW, THEREFORE, BE IT RESOLVED that the fees for services provided by Dawson County Emergency Medical Services are hereby established as stated in Exhibit A, attached hereto and by this reference incorporated herein.

Be it resolved this _____ day of April, 2021.

DAWSON COUNTY BOARD OF COMMISSIONERS

By: _____
Billy Thurmond, Chairman

Attest:

[COUNTY SEAL]

By: _____
Kristen Cloud, County Clerk

Vote: Yes: _____
No: _____

Exhibit A

Dawson County Emergency Medical Services Fees

<u>Service</u>	<u>Rate</u>
Advanced Life Support (ALS) (Level 1 Non-Emergency)	\$550.00
Advanced Life Support (ALS) (Level 1 Emergency)	\$850.00
Advanced Life Support (ALS) (Level 2)	\$1,000.00
Basic Life Support (BLS) (Non-Emergency)	\$475.00
Basic Life Support (BLS) (Emergency)	\$675.00
Treatment/No Transport	\$300.00
Mileage (Loaded Per Mile)	\$15.00
Non-Sufficient Funds Fee	\$35.00
Finance Charge (for invoice not paid within 180 days)	1.0% of balance each month

Ambulance Billing Rates Comparision

Description of Charge	Current	Proposed	Medicare
ALS Level II (AO433)	\$675.00	\$1,000.00	\$984.69
ALS Level I Emergency (AO427)	\$500.00	\$850.00	\$680.35
ALS Level I Non-Emergency	\$350.00	\$550.00	\$429.68
BLS Emergency (AO429)	\$400.00	\$675.00	\$572.91
BLS Non-Emergency	\$350.00	\$475.00	\$358.07
Mileage (Loaded Per Mile)	\$13.00	\$15.00	\$12.60
Non-Sufficient Funds Fee	\$35.00	No Change	\$ -
Treatment/Non-transport	\$ -	\$300.00	\$ -

Ambulance Billing Rates Comparison with Surrounding Counties

Description of Charge	Dawson	Cherokee	Lumpkin	Pickens	Habersham	Hall
ALS Level II (AO433)	\$675.00	\$650.00	\$1,096.00	\$800.00	\$1,000.00	\$775.00
ALS Level I Emergency (AO427)	\$500.00	\$600.00	\$840.00	\$700.00	\$800.00	\$775.00
ALS Level I Non-Emergency	\$350.00	\$600.00	\$535.00	\$600.00	\$600.00	\$775.00
BLS Emergency (AO429)	\$400.00	\$500.00	\$645.00	\$500.00	\$700.00	\$775.00
BLS Non-Emergency	\$350.00	\$500.00	\$430.00	\$400.00	\$500.00	\$775.00
Mileage (Loaded Per Mile)	\$13.00	\$11.00	\$12.60	\$12.00	\$15.00	\$12.00
Treatment/Non-transport	\$ -	N/A	\$300.00	\$350.00	N/A	\$300.00

Proposed
\$1,000.00
\$850.00
\$550.00
\$675.00
\$475.00
\$15.00
\$300.00

DAWSON COUNTY EMS BILLING AND COLLECTIONS POLICY

POLICY DATE: _____, 2021

1.0 PURPOSE

To establish billing and collection procedures for ambulance transport and emergency medical services provided by the Dawson County Emergency Services Department (DCES) to recover costs for the program and to lessen the burden on taxpaying citizens who may not use the service.

2.0 SCOPE

Dawson County (County) contracts with a third-party billing contractor, who is authorized to invoice financially responsible parties for services rendered according to the fee schedule and subject policies. These policies generally apply to pre-hospital emergency services and ancillary medical services provided by DCES.

3.0 DEFINITIONS

- a. Advanced Life Support (ALS): Defined as transportation by a ground ambulance vehicle, medically necessary supplies and services, and the administration of at least one (1) ALS intervention. This includes all basic life support measures, plus invasive medical procedures, including intravenous therapy, intraosseous therapy, administration of anti-arrhythmic medications and other specified drugs, medications, and solutions; use of advanced adjunctive ventilation devices and techniques to provide ventilator support to include endotracheal intubation and chest decompression; the use of a cardiac monitor for the purpose of manual defibrillation, cardio version, and/or cardiac pacing, and other procedures that may be authorized by state law and performed under medical control.
- b. Basic Life Support (BLS): Defined as transportation by a ground ambulance vehicle, medically necessary supplies and services and either a BLS assessment by ALS or BLS personnel, or the provision of at least one (1) BLS intervention or transport. Generally limited to airway maintenance, CPR, hemorrhage control, splinting of suspected fractures, management of spinal injury, basic vital and signs assessment.
- c. Billing Contractor: A third party company licensed and contracted to provide ambulance billing services for Dawson County.
- d. Financially Responsible Party: The party that has responsibility for all or a portion of the patient's healthcare costs; includes health insurance, the patient directly, a guardian or other guarantor, or other third party that is not a health insurance plan.
- e. Health Insurance Portability and Accountability Act (HIPAA): The Health Insurance Portability and Accountability Act of 1996; as amended.
- f. Insurer: The party in an insurance contract undertaking to pay compensation. This may include Medicaid, Medicare, Tricare, and private insurance companies.

- g. Mileage (loaded): The number of miles for which the patient is transported in the ambulance vehicle.
- h. Patient: A person receiving emergency medical care by DCES.
- i. Patient Care Report (PCR): A legal document used to collect essential elements of patient assessment, care, insurance, and transport. The electronic copy is known as an EPCR.

4.0 **EMERGENCY MEDICAL SERVICES** FEE SCHEDULE

The following is the schedule of fees and charges:

<u>Service</u>	<u>Rate</u>
Advanced Life Support (ALS) (Level 1 Non-Emergency)	\$550.00
Advanced Life Support (ALS) (Level 1 Emergency)	\$850.00
Advanced Life Support (ALS) (Level 2)	\$1,000.00
Basic Life Support (BLS) (Non-Emergency)	\$475.00
Basic Life Support (BLS) (Emergency)	\$675.00
Treatment/No Transport	\$300.00
Mileage (Loaded Per Mile)	\$15.00
Non-Sufficient Funds Fee	\$35.00
Finance Charge (for invoice not paid within 180 days)	1.0% of balance each month

5.0 BILLING PROCEDURES

- a. Intake of patient information will be performed by DCES personnel in compliance with HIPAA policies.
- b. Patient Care Reports (PCRs) will be submitted electronically to the billing contractor by DCES personnel who provided the patient care.
- c. The billing contractor will promptly file claims within (3) days with insurers upon receiving appropriate information from the patient or financially responsible party.
- d. If no insurance information can be obtained, or if the patient is uninsured, patient may submit an application for a financial hardship or arrange a payment plan.
- e. Once the insurer has remitted payment, it will be the responsibility of the billing contractor to invoice the patient, or financially responsible party, for remaining charges.
- f. The billing contractor will invoice the patient for services provided by DCES.
 - i. Following the initial invoice, the billing contractor will provide four (4) monthly statements during the billing cycle.
 - ii. The billing contractor will attempt to contact the patient fifteen (15) days before the billing cycle ends to request payment or arrange a payment plan.
- g. Where no application for financial hardship or waiver has been made, any outstanding account balance over one hundred and eighty (180) days old will have a one percent (1.0%) finance charge added to the balance **each calendar month thereafter**.
- h. If a patient or financially responsible party makes a partial payment or arranges a payment plan, the billing cycle will be extended and the finance charge will be delayed for an additional ninety (90) days.

- i. After one hundred eighty (180) days, any outstanding account balance will be classified as delinquent and sent to a collection agency selected and approved by the County.
- j. The billing contractor shall submit monthly statements and operations reports to the County.

6.0 PAYMENT

- a. The patient or financially responsible party may submit appropriate payment by phone, postal mail, or online. Acceptable forms of payment include personal check, money order, or credit card.
- b. All checks rendered with non-sufficient funds (NSF) will have the authorized fee added to their account balance.

7.0 FINANCIAL HARDSHIPS & PAYMENT PLANS

- a. If a patient does not qualify for Medicare or Medicaid and is not privately insured, a waiver may be granted upon application, based on the most recent poverty guidelines of the United States Department of Health and Human Services.
- b. If a patient does not meet the poverty guidelines, the patient may, upon application, be approved for a payment plan based on their ability to pay.
- c. Patients or financially responsible parties who receive approval for a payment plan shall make minimum payments based on their ability to pay until the balance is paid in full.
- d. All documentation for hardships and payment plans are subject to confidentiality.

8.0 ADJUSTMENTS & WRITE-OFFS

- a. The County authorizes the billing contractor to write-off or adjusts for the following accounts:
 - i. All Medicaid, Medicare, or other Federal Government sponsored contractual adjustments.
 - ii. Balances after Medicare for local Medicare recipients who have indicated their inability to pay their outstanding balance.
- b. After past due accounts are sent to the contracted collections agency and all efforts to collect the past due amount have been exhausted, the accounts will be written off as bad debt. **Only accounts that remain outstanding 180 days after being transferred to collections will be considered for write off.** The total amount to be written off will be presented to the Board of Commissioners for their approval of the write off.

9.0 EXEMPTIONS

Exemptions for fees and charges will be granted only for County employees who receive emergency medical care and/or ambulance transport while on duty.

10.0 REFUNDS

- a. The billing contractor will provide the County a list of any refunds due to patients or insurers. The County will be responsible for making sure all refunds are issued within twenty-five (25) days of receipt of the list from the billing contractor.
- b. In the event that the County receives a request for a refund or is assessed an overpayment by any payer, the County shall notify the billing contractor of the request/assessment within fourteen (14) days.
- c. Refunds for overpayments shall be reviewed and approved by DCES, and shall be submitted to the Finance Department in a timely basis in order to be processed.

11.0 COLLECTIONS PROCEDURES

After one hundred **eighty (180) days**, any outstanding account balance will be classified as delinquent and sent to a collection agency selected and approved by the County.

12.0 CITIZEN COMPLAINTS

Resolution of citizen complaints shall generally be addressed by the DCES. If there is no resolution, or if there are complaints arising from conflicts, errors or omissions in this policy, complaints may be referred to the County Manager's office.

13.0 HIPAA COMPLIANCE

The DCES and the billing contractor shall follow all HIPAA guidelines regarding protected health information (PHI) and provide adequate training for all personnel.

14.0 All attempts at debt collection shall be in compliance with applicable laws to include the Fair Debt Collection and Practices Act.

15.0 WRITE OFF POLICY

See Write off policy for details.

DAWSON COUNTY EMS BILLING AND COLLECTIONS POLICY

POLICY DATE: _____, 2021

1.0 PURPOSE

To establish billing and collection procedures for ambulance transport and emergency medical services provided by the Dawson County Emergency Services Department (DCES) to recover costs for the program and to lessen the burden on taxpaying citizens who may not use the service.

2.0 SCOPE

Dawson County (County) contracts with a third-party billing contractor, who is authorized to invoice financially responsible parties for services rendered according to the fee schedule and subject policies. These policies generally apply to pre-hospital emergency services and ancillary medical services provided by DCES.

3.0 DEFINITIONS

- a. Advanced Life Support (ALS): Defined as transportation by a ground ambulance vehicle, medically necessary supplies and services, and the administration of at least one (1) ALS intervention. This includes all basic life support measures, plus invasive medical procedures, including intravenous therapy, intraosseous therapy, administration of anti-arrhythmic medications and other specified drugs, medications, and solutions; use of advanced adjunctive ventilation devices and techniques to provide ventilator support to include endotracheal intubation and chest decompression; the use of a cardiac monitor for the purpose of manual defibrillation, cardio version, and/or cardiac pacing, and other procedures that may be authorized by state law and performed under medical control.
- b. Basic Life Support (BLS): Defined as transportation by a ground ambulance vehicle, medically necessary supplies and services and either a BLS assessment by ALS or BLS personnel, or the provision of at least one (1) BLS intervention or transport. Generally limited to airway maintenance, CPR, hemorrhage control, splinting of suspected fractures, management of spinal injury, basic vital and signs assessment.
- c. Billing Contractor: A third party company licensed and contracted to provide ambulance billing services for Dawson County.
- d. Financially Responsible Party: The party that has responsibility for all or a portion of the patient's healthcare costs; includes health insurance, the patient directly, a guardian or other guarantor, or other third party that is not a health insurance plan.
- e. Health Insurance Portability and Accountability Act (HIPAA): The Health Insurance Portability and Accountability Act of 1996; as amended.
- f. Insurer: The party in an insurance contract undertaking to pay compensation. This may include Medicaid, Medicare, Tricare, and private insurance companies.
- g. Mileage (loaded): The number of miles for which the patient is transported in the ambulance vehicle.
- h. Patient: A person receiving emergency medical care by DCES.
- i. Patient Care Report (PCR): A legal document used to collect essential elements of patient assessment, care, insurance, and transport. The electronic copy is known as an EPCR.

4.0 EMERGENCY MEDICAL SERVICES FEE SCHEDULE

The following is the schedule of fees and charges:

<u>Service</u>	<u>Rate</u>
Advanced Life Support (ALS) (Level 1 Non-Emergency)	\$550.00
Advanced Life Support (ALS) (Level 1 Emergency)	\$850.00
Advanced Life Support (ALS) (Level 2)	\$1,000.00
Basic Life Support (BLS) (Non-Emergency)	\$475.00
Basic Life Support (BLS) (Emergency)	\$675.00
Treatment/No Transport	\$300.00
Mileage (Loaded Per Mile)	\$15.00
Non-Sufficient Funds Fee	\$35.00
Finance Charge (for invoice not paid within 180 days)	1.0% of balance each month

5.0 BILLING PROCEDURES

- a. Intake of patient information will be performed by DCES personnel in compliance with HIPAA policies.
- b. Patient Care Reports (PCRs) will be submitted electronically to the billing contractor by DCES personnel who provided the patient care.
- c. The billing contractor will promptly file claims within (3) days with insurers upon receiving appropriate information from the patient or financially responsible party.
- d. If no insurance information can be obtained, or if the patient is uninsured, patient may submit an application for a financial hardship or arrange a payment plan.
- e. Once the insurer has remitted payment, it will be the responsibility of the billing contractor to invoice the patient, or financially responsible party for remaining charges.
- f. The billing contractor will invoice the patient for services provided by DCES.
 - i. Following the initial invoice, the billing contractor will provide four (4) monthly statements during the billing cycle.
 - ii. The billing contractor will attempt to contact the patient fifteen (15) days before the billing cycle ends to request payment or arrange a payment plan.
- g. Where no application for financial hardship or waiver has been made, any outstanding account balance over one hundred and eighty (180) days old will have a one percent (1.0%) finance charge added to the balance each calendar month thereafter.
- h. If a patient or financially responsible party makes a partial payment or arranges a payment plan, the billing cycle will be extended and the finance charge will be delayed for an additional ninety (90) days.
- i. After one hundred eighty (180) days, any outstanding account balance will be classified as delinquent and sent to a collection agency selected and approved by the County.
- j. The billing contractor shall submit monthly statements and operations reports to the County.

6.0 PAYMENT

- a. The patient or financially responsible party may submit appropriate payment by phone, postal mail, or online. Acceptable forms of payment include personal check, money order, or credit card. Credit card payments will incur a processing fee.
- b. All checks rendered with non-sufficient funds (NSF) will have the authorized fee added to their account balance.

7.0 FINANCIAL HARDSHIPS & PAYMENT PLANS

- a. If a patient does not qualify for Medicare or Medicaid and is not privately insured, a waiver may be granted upon approved application, based on the most recent poverty guidelines of the United States Department of Health and Human Services and Dawson County.
- b. If a patient does not meet the poverty guidelines, the patient may, upon application, be approved for a payment plan based on their ability to pay.
- c. Patients or financially responsible parties who receive approval for a payment plan shall make minimum payments based on their ability to pay until the balance is paid in full.
- d. All documentation for hardships and payment plans are subject to confidentiality.

8.0 ADJUSTMENTS & WRITE-OFFS

- a. The County authorizes the billing contractor to write-off or adjust for the following accounts:
 - i. All Medicaid, Medicare, or other Federal Government sponsored contractual adjustments.
 - ii. Balances owed after Medicare, Medicaid, private insurance or the uninsured for local recipients who have indicated their inability to pay their outstanding balance after approval based on financial hardship requirements.
- b. After past due accounts are sent to the contracted collections agency and all efforts to collect the past due amount have been exhausted, the accounts will be written off as bad debt. Only accounts that remain outstanding 180 days after being transferred to collections will be considered for write off. The total amount to be written off will be presented to the Board of Commissioners for their approval of the write off.

9.0 EXEMPTIONS

As an additional benefit of employment with Dawson County, any individual while employed by Dawson County shall not be charged for any emergency medical care or ambulance transportation service that may be provided to them by Dawson County Emergency Services personnel. This benefit shall apply whether such employee is actively engaged in the performance of their duties of employment or not (i.e., whether on or off work/duty).

10.0 REFUNDS

- a. The billing contractor will provide the County a list of any refunds due to patients or insurers. The County will be responsible for making sure all refunds are issued within twenty-five (25) days of receipt of the list from the billing contractor.
- b. In the event that the County receives a request for a refund or is assessed an overpayment by any payer, the County shall notify the billing contractor of the request/assessment within fourteen (14) days.
- c. Refunds for overpayments shall be reviewed and approved by DCES, and shall be submitted to the Finance Department in a timely basis in order to be processed.

11.0 COLLECTIONS PROCEDURES

After one hundred **eighty (180) days**, any outstanding account balance will be classified as delinquent and sent to a collection agency **contracted** and approved by the County.

12.0 CITIZEN COMPLAINTS

Resolution of citizen **billing** complaints shall generally be addressed **by the Fire Chief/Director of Dawson County Emergency Services**. If there is no resolution, or if there are complaints arising from conflicts, errors or omissions in this policy, complaints may be referred to the County Manager's office.

13.0 HIPAA COMPLIANCE

The DCES and the billing contractor shall follow all HIPAA guidelines regarding protected health information (PHI) and provide adequate training for all personnel.

14.0 **DEBT COMPLIANCE**

All attempts at debt collection shall be in compliance with applicable laws to include the Fair Debt Collection and Practices Act.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Senior Services

Work Session: 4-15-2021

Prepared By: Dawn Johnson

Voting Session: 5-06-2021

Presenter: Dawn Johnson

Public Hearing: Yes _____ No X

Agenda Item Title: Approval of FY 2021 Legacy Link Addendum #2

Background Information:

Legacy Link receives additional funding during the year from federal and state agencies.

Current Information:

Addendum #2 is an increase of \$327 in state funds that will go toward the senior client meal program.

Budget Information: Applicable: X Not Applicable: _____ Budgeted: Yes X No _____

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
5520						

Recommendation/Motion: Approve and ratify the FY 2021 Legacy Link Addendum #2.

Department Head Authorization: Dawn Johnson

Date: 4-5-2021

Finance Dept. Authorization: Vickie Neikirk

Date: 4/6/21

County Manager Authorization: David Headley

Date: 4/06/2021

County Attorney Authorization: _____

Date: _____

Comments/Attachments:



March 25, 2021

Mr. Billy Thurmond, Chairman
Dawson County Board of Commissioners
25 Justice Way Suite 2313
Dawsonville, GA 30534

Dear Mr. Thurmond:

Enclosed are two (2) original copies of the FY-2021 Addendum #2 Contract between The Legacy Link, Inc. and the Dawson County Commission for Nutrition Program Services. This Addendum is for the contract period of July 1, 2020 - June 30, 2021.

After the Addendums have been reviewed and approved, **please sign and notarize both copies and return both copies** to The Legacy Link, Inc.. Ms. Melissa Armstrong, Chief Executive Officer of The Legacy Link, Inc. will also sign them. A fully executed copy will then be returned to your office.

Please let me know if you have any questions about the enclosed. My phone number is (678) 677-8511 or e-mail at lgearls@legacylink.org.

Sincerely,

A handwritten signature in blue ink that reads "Linda Earls Clark". The signature is fluid and cursive.

Linda Earls Clark
Financial Specialist

Enclosure

**ADDENDUM NO. 2
TO
AGREEMENT**

BETWEEN THE LEGACY LINK, INC., AND DAWSON COUNTY COMMISSION
FOR THE PROVISION OF NUTRITION PROGRAM AND ENTERED INTO ON THE
FIRST DAY OF JULY, 2020.

Said agreement is amended to read as follows.

5. Compensation.

(b) The total compensation paid by the Legacy to the Contractor for nutrition site operation pursuant to this Agreement shall not exceed Eighty Seven Thousand Eight Hundred Eighty Seven Dollars (\$87,887.00).

(c) The Legacy agrees to provide federal and state funds for home-delivered meals in the amount of Sixty Thousand Three Hundred Fifty Eight Dollars (\$60,358.00).

6. Non-Federal Funds.

(b) The minimum cash requirement for the term of the Agreement Ninety Four Thousand Eighty Seven Dollars (\$94,087.00) for home-delivered meals.

The Contractor shall provide the necessary non-match local resources required for the provision of the services listed in Paragraph two (2) of this contract, this amount being Three Hundred Forty Six Thousand Six Hundred Sixty Dollars (\$346,660.00).

All other terms and conditions of this agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals the day and year first above written.

THE LEGACY LINK, INC.

By: _____

Chief Executive Officer

Subscribed and sworn to
in our presence:

Notary Public

CONTRACTOR:
Dawson COUNTY COMMISSION

By: _____
Chairman

Subscribed and sworn to
in our presence:

Notary Public



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Parks & Recreation

Work Session: 04/15/2021

Prepared By: Melissa Hawk

Voting Session: 05/06/2021

Presenter: Matt Payne

Public Hearing: Yes ☒ No ☐

Agenda Item Title: Use of SPLOST VI Overage Funds Request

Background Information:

During the Work and Voting Session meetings, much discussion was had between the Board, David McKee and myself of the board's intent to allow the Parks & Recreation Department to use portions of the SPLOST VI overage for projects needed by this department. One project specifically was the synthetic turf fields for Field 1 and Field 2 at Rock Creek Park.

Current Information:

Today I come before you to request funding for the following projects: floor renovations at the administration building, in offices, foyer and classrooms at Rock Creek Park; painting renovations at the administration building, in offices, foyer and classrooms at Rock Creek Park; the synthetic turf fields for Field 1 and Field 2 at Rock Creek Park; river park fencing; construction of new single restroom attachment to large playground and splash pad pavilion at Rock Creek Park; and construction of a new batting cage facility at Veterans Memorial Park. The total for these projects should not exceed \$1,595,000.

Budget Information: Applicable: ☒ Not Applicable: ☐ Budgeted: Yes ☒ No ☐

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
324	6120	541300			\$1,595,000	

Recommendation/Motion: To approve the projects requested at Rock Creek and Veterans Memorial Parks and to approve a budget not to exceed \$1,595,000 utilizing SPLOST VI Funds.

Department Head Authorization: Matt Payne

Date: 04/06/2021

Finance Dept. Authorization: Vickie Neikirk

Date: 4/6/21

County Manager Authorization: David Headley

Date: 4/06/2021

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

Presentation

415 Highway 53 E. Suite 100
Dawsonville, Georgia 30534



(706) 265-3256
(706) 265-4214
www.dawsonville-ga.gov



April 14, 2021

CERTIFIED MAIL

Mr. Billy Thurmond and Board of Commissioners Dawson County
25 Justice Way, Suite 2313
Dawsonville, GA 30534

Re: Annexation of Property of Horace J. Thurmond, Brenda F. Dean, Alexandria and Cody Tinsley, Fay and Sam Blackstone: ANX# C2100192

Dear Mr. Thurmond,

Please be advised that the City of Dawsonville, Georgia, pursuant to authority vested in the Mayor and Council of the City of Dawsonville by Article 2, Chapter 36, Title 36 of the Official Code of Georgia Annotated, received a petition to annex the property referenced above. This annexation petition will be heard during the public hearing segment of the following meetings: Planning Commission on May 10, 2021 and City Council on June 7, 2021. City Council for a decision on June 21, 2021.

This letter has been sent to you by certified mail, return receipt requested, upon receipt of the Annexation Petition of Property of Horace J. Thurmond, Brenda F. Dean, Alexandria and Cody Tinsley, Fay and Sam Blackstone. Said notice is in compliance with O.C.G.A. §§ 36-36-6, and 36-36-111. Please see the attached copy of the annexation petition and map of the site proposed to be annexed, which are included to allow you to identify the subject area, as well as the intended use of the property.

Pursuant to O.C.G.A. § 36-36-113, upon receipt of this notice Dawson County has thirty (30) calendar days to raise an objection to the proposed use of the above referenced land, and to specify the basis, therefore.

Finally, in accord with O.C.G.A. § 36-36-7, Dawson County has five (5) business days from the receipt of this notice to notify the City that there are County-owned public facilities within the area proposed for annexation.

Thank you for your time and attention to this matter, and I look forward to hearing from you regarding this issue. If I may be of assistance in this regard or any other, please do not hesitate to contact me.

Kindest regards,

Stacy Harris
Planning Administrative Assistant

Enclosures

cc: David Headley, County Manager
Jarrard & Davis, LLP, County Attorney
Bob Bolz, City Manager



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

Annexation Petition
into the
City of Dawsonville, GA

Annexation # Anx 2A C2100192

FEE \$250.00 (NONREFUNDABLE) Date Paid 4/13/2021 Cash ☐/Ck # CC

Please Print Clearly

ZONING AMENDMENT APPLICATION AND FEES RECEIVED ? ☒ YES ☐ NO

Applicant Name(s): Charles Alan Barge

Mailing Address 4663 Windsor Dr. City Smyrna State GA Zip 30082

E-Mail alan@aerosys.net

Applicant Telephone Number(s): 770-335-8703

Property Owner's Name(s): Horace James Thurmond

Mailing Address PO Box 932 City Dawsonville State GA Zip 30534

E-Mail _____

Property Owner's Telephone Number(s): 706-265-6335

Address of Property to be Annexed: 612 Duck Thurmond Rd ☐ VACANT LOT

Tax Map & Parcel # 070 050 Property Size in Acres: 2.98 Survey Recorded in Plat Book # 86 Page # 65

Land Lot # 289 District # 4th Section # 1st Legal Recorded in Deed Book # _____ Page # _____

Current Use of Property: Residential

County Zoning Classification: RSRMM City Zoning Classification: R-1

Land Use & Zoning Ordinance, Article VII. General Provisions Sec. 708. Annexation:

Any land area subsequently added to the incorporated area of Dawsonville shall automatically be classified R-1 (single-family residential district) until or unless otherwise classified by amendment to the official zoning map.

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- ☐ An 8 1/2 x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Dawsonville, GA.
- ☐ A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed.
- ☐ Survey **must** be signed and sealed by a Registered Land Surveyor.
- ☐ Survey **must** be signed, stamped recorded by Dawson County Clerk's Office, Superior Court

**Annexation Petition
into the
City of Dawsonville, GA**



City of Dawsonville
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534 Phone:
 (706) 265-3256

**Annexation Petition
 into the
 City of Dawsonville, GA**

Property Owner(s) Authorization

I / We the undersigned, being the owner(s) of real property of the territory described herein as
612 Duck Thurmond Rd. 070 050 (Address/Tax Map Parcel) , respectfully
 request that the Mayor and City Council of the City of Dawsonville, Georgia annex this property into the
 City and extend the City boundaries to include the same.

Upon signature of this document, I / We the undersigned certify that all the information provided is true
 and accurate to the best of our knowledge.

(1) *Horace J. Thurmond* *HORACE J. THURMOND*
 Property Owner Signature Property Owner Printed Name

(2) _____
 Property Owner Signature Property Owner Printed Name

(1) _____
 Applicant Signature Applicant Printed Name

(2) _____
 Applicant Signature Applicant Printed Name

Sworn to and subscribed before me
 this 2nd day of April 2021.

Kim Bishop
 Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

Annexation Application Received Date Stamp: Rec'd 4/12/2021 Completed Application with Signatures
 Rec'd 4/12/2021 Current Boundary Survey
 Rec'd 4/12/2021 Legal Description
 Rec'd 4/12/2021 ARC Population Estimate Information

Planning Commission Meeting Date (if rezone): _____

Dates Advertised: 4/21/2021 4/28/2021

1st City Council Reading Date: _____

2nd City Council Reading Date: _____

Approved: YES NO

Date Certified Mail to: 4/14/21 County Board of Commissioners & Chairman _____ County Manager 4/14/2021 County Attorney

☐ Letter Received from Dawson County Date: _____

GRAPHIC SCALE: 1"=100'

A horizontal graphic scale bar with alternating black and white segments. It is marked with '0', '100', and '200' at the ends. The text 'GRAPHIC SCALE: 1"=100'' is printed vertically to the left of the bar.

LEGEND

- IRV IRON PIN FOUND (NOT REBAR UNLESS NOTED OTHERWISE)
- IRN IRON PIN PLACED (NOT REBAR WITH PLASTIC CAP)
- OTR OPEN TOP PLACED
- OTP OPEN TOP PIPE
- HAU HAUER
- POW POWER TRANSFORMER BOX
- CB CABLE BOX
- PO POWER POLE
- STREET ADDRESS



PARCEL 070 050

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 4TH DISTRICT, 1ST SECTION, DAWSON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROCK MARKING THE COMMON CORNER OF LAND LOTS 255, 256, 289 & 290, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING

THENCE SOUTH 01 DEGREES 12 MINUTES 41 SECONDS WEST FOR A DISTANCE OF 779.90 FEET TO A POINT LOCATED ON THE NORTHERN RIGHT-OF-WAY OF DUCK THURMOND ROAD (HAVING A 40' RIGHT-OF-WAY), SAID POINT BEING REFERENCED BY AN IRON PIN FOUND (1/2" REBAR) 5.3' SOUTH 01 DEGREES 12 MINUTES 41 SECONDS WEST;

THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TURNING TO THE RIGHT FOR AN ARC LENGTH OF 206.72 FEET, HAVING A RADIUS OF 900.11 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 43 DEGREES 30 MINUTES 10 SECONDS WEST, AND A CHORD LENGTH OF 206.26 FEET TO A POINT;

THENCE NORTH 33 DEGREES 32 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 186.11 FEET TO A POINT;

THENCE ALONG A CURVE TURNING TO THE LEFT FOR AN ARC LENGTH OF 111.74 FEET, HAVING A RADIUS OF 591.90 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 39 DEGREES 01 MINUTES 47 SECONDS WEST, AND A CHORD LENGTH OF 111.57 FEET TO A POINT, SAID POINT BEING REFERENCED BY AN IRON PIN FOUND (1" CRIMPED TOP PIPE) 7.0 FEET SOUTH 40 DEGREES 29 MINUTES 31 SECONDS EAST;

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 40 DEGREES 29 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 510.63 FEET TO A ROCK FOUND, AND THE POINT OF BEGINNING.

SAID TRACT HAVING AN AREA OF 2.98 ACRES (129,911SQ. FT).



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Annexation # Anx 2A C2100192

FEE \$250.00 (NONREFUNDABLE) Date Paid 4/13/2021 Cash ☐/Ck # Ce

Please Print Clearly

ZONING AMENDMENT APPLICATION AND FEES RECEIVED ? ☒ **YES** ☐ **NO**

Applicant Name(s): Charles Alan Barge

Mailing Address 4663 Windsor Dr. City Smyrna State GA Zip 30082

E-Mail alan@aerosys.net

Applicant Telephone Number(s): 770-335-8703

Property Owner's Name(s): Horace J Thurmond

Mailing Address PO Box 932 City Dawsonville State GA Zip 30534

E-Mail _____

Property Owner's Telephone Number(s): 706-265-6335

Address of Property to be Annexed: 690 Duck Thurmond Rd ☐ VACANT LOT

Tax Map & Parcel # 070 004 Property Size in Acres: 2.95 Survey Recorded in Plat Book # 86 Page # 64

Land Lot # 289 District # 4th Section # 1st Legal Recorded in Deed Book # _____ Page # _____

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**Annexation Petition
into the
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**Annexation Petition
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Property Owner(s) Authorization

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 and accurate to the best of our knowledge.

(1) *Horace J. Thurmond*
 Property Owner Signature

HORACE J. THURMOND
 Property Owner Printed Name

(2) _____
 Property Owner Signature

 Property Owner Printed Name

(1) _____
 Applicant Signature

 Applicant Printed Name

(2) _____
 Applicant Signature

 Applicant Printed Name

Sworn to and subscribed before me
 this 2nd day of April 2021.

Kim Bishop
 Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

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Approved: YES NO

Date Certified Mail to: 4/14/2021 County Board of Commissioners & Chairman _____ County Manager 4/14/2021 County Attorney

☐ Letter Received from Dawson County Date: _____

ELEVATIONS
DESIGN GROUP LLC

SURVEYORS AND ENGINEERS
2035 SOUTHWEST ROAD
HUNTSVILLE, AL 35891
770-865-6774
ELEVATIONSLLC.COM

NO.	DATE	DESCRIPTION
1	01/15/2021	PRELIMINARY
2	02/10/2021	REVISED
3	03/05/2021	REVISED
4	04/01/2021	REVISED
5	05/01/2021	REVISED
6	06/01/2021	REVISED
7	07/01/2021	REVISED
8	08/01/2021	REVISED
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PARCEL 070 004

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 289 OF THE 4TH DISTRICT, 1ST SECTION, DAWSON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROCK MARKING THE COMMON CORNER OF LAND LOTS 255, 256, 289 & 290, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING

THENCE SOUTH 40 DEGREES 29 MINUTES 31 SECONDS WEST FOR A DISTANCE OF 510.63 FEET TO A POINT LOCATED ON THE NORTHERN RIGHT-OF-WAY OF DUCK THURMOND ROAD (HAVING A 40' RIGHT-OF-WAY), SAID POINT BEING REFERENCED BY AN IRON PIN FOUND (1" CRIMPED TOP PIPE) 7.0 FEET SOUTH 40 DEGREES 29 MINUTES 31 SECONDS WEST;

THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TURNING TO THE LEFT FOR AN ARC LENGTH OF 12.74 FEET, HAVING A RADIUS OF 591.90 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 45 DEGREES 03 MINUTES 15 SECONDS WEST, AND A CHORD LENGTH OF 12.74 FEET TO A POINT;

THENCE NORTH 45 DEGREES 40 MINUTES 15 SECONDS WEST FOR A DISTANCE OF 51.52 FEET TO A POINT;

THENCE ALONG A CURVE TURNING TO THE RIGHT FOR AN ARC LENGTH OF 158.63 FEET, HAVING A RADIUS OF 841.52 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 40 DEGREES 16 MINUTES 14 SECONDS WEST, AND A CHORD LENGTH OF 158.40 FEET TO A POINT;

THENCE NORTH 34 DEGREES 52 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 97.21 FEET TO A POINT;

THENCE ALONG A CURVE TURNING TO THE LEFT FOR AN ARC LENGTH OF 138.15 FEET, HAVING A RADIUS OF 1,336.12 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 37 DEGREES 49 MINUTES 57 SECONDS WEST, AND A CHORD LENGTH OF 138.09 FEET TO A POINT;

THENCE NORTH 40 DEGREES 47 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 29.47 FEET TO A POINT;

THENCE ALONG A CURVE TURNING TO THE LEFT FOR AN ARC LENGTH OF 16.12 FEET, HAVING A RADIUS OF 1,181.26 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 41 DEGREES 11 MINUTES 08 SECONDS WEST, AND A CHORD LENGTH OF 16.12 FEET TO A POINT, SAID POINT BEING REFERENCED BY AN IRON PIN FOUND (3" ANGLE IRON) 5.8 FEET NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST;

THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89 DEGREES 55 MINUTES 48 SECONDS EAST FOR A DISTANCE OF 649.98 FEET TO A ROCK FOUND AND THE POINT OF BEGINNING.

SAID TRACT HAVING AN AREA OF 2.95 ACRES (128,718 SQ. FT)



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Annexation # ANX ZA C2100192

FEE \$250.00 (NONREFUNDABLE) Date Paid 4/13/2021 Cash ☐/Ck # CC

Please Print Clearly

ZONING AMENDMENT APPLICATION AND FEES RECEIVED ? ☒ YES ☐ NO

Applicant Name(s): Charles Alan Barge

Mailing Address 4663 Windsor Dr. City Smyrna State GA Zip 30082

E-Mail alan@aerosys.net

Applicant Telephone Number(s): 770-335-8703

Property Owner's Name(s): Horace J Thurmond

Mailing Address PO Box 932 City Dawsonville State GA Zip 30534

E-Mail _____

Property Owner's Telephone Number(s): 706-265-6335

Address of Property to be Annexed: 694 Duck Thurmond Rd ☐ VACANT LOT

Tax Map & Parcel # 069 037 Property Size in Acres: 14.46 Survey Recorded in Plat Book # 86 Page # 63

Land Lot # 256 District # 4th Section # 1st Legal Recorded in Deed Book # _____ Page # _____

Current Use of Property: Residential

County Zoning Classification: RSRMM City Zoning Classification: R-1

Land Use & Zoning Ordinance, Article VII. General Provisions Sec. 708. Annexation:

Any land area subsequently added to the incorporated area of Dawsonville shall automatically be classified R-1 (single-family residential district) until or unless otherwise classified by amendment to the official zoning map.

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- ☐ An 8 ½ x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Dawsonville, GA.
- ☐ A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed.
- ☐ Survey **must** be signed and sealed by a Registered Land Surveyor.
- ☐ Survey **must** be signed, stamped recorded by Dawson County Clerk's Office, Superior Court



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Property Owner(s) Authorization

I / We the undersigned, being the owner(s) of real property of the territory described herein as
694 Duck Thurmond Rd. 069 037 (Address/Tax Map Parcel) , respectfully
request that the Mayor and City Council of the City of Dawsonville, Georgia annex this property into the
City and extend the City boundaries to include the same.

Upon signature of this document, I / We the undersigned certify that all the information provided is true
and accurate to the best of our knowledge.

(1) *Horace J. Thurmond* HORACE J. THURMOND
Property Owner Signature Property Owner Printed Name

(2) _____
Property Owner Signature Property Owner Printed Name

(1) _____
Applicant Signature Applicant Printed Name

(2) _____
Applicant Signature Applicant Printed Name

Sworn to and subscribed before me

this 27 day of April 2021.

Kim Bishop
Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

Annexation Application Received Date Stamp:

Rec'd _____ Completed Application with Signatures
Rec'd APR 12 2021 Current Boundary Survey
Rec'd _____ Legal Description
Rec'd _____ ARC Population Estimate Information
BY: *SK*

Planning Commission Meeting Date (if rezone): _____

Dates Advertised: 04.21.2021 04.28.2021

1st City Council Reading Date: _____

2nd City Council Reading Date: _____

Approved: YES NO

Date Certified Mail to: 04.14.2021 County Board of Commissioners & Chairman _____ County Manager 04.14.2021 County Attorney

☐ Letter Received from Dawson County Date: _____

PARCEL 069 037

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 256 OF THE 4TH DISTRICT, 1ST SECTION, DAWSON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROCK MARKING THE COMMON CORNER OF LAND LOTS 255, 256, 221 & 222, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING

THENCE SOUTH 00 DEGREES 15 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 1,248.21 FEET TO A ROCK FOUND MARKING THE COMMON CORNER OF LAND LOTS 255, 256, 289 & 290;

THENCE NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 649.98 FEET TO A POINT LOCATED ON THE NORTHERN RIGHT-OF-WAY OF DUCK THURMOND ROAD (HAVING A 40 FOOT RIGHT-OF-WAY), SAID POINT BEING REFERENCED BY AN IRON PIN FOUND (3" ANGLE IRON) 5.8 FEET NORTH 89 DEGREES 55 MINUTES 48 SECONDS WEST;

THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TURNING TO THE LEFT FOR AN ARC LENGTH OF 111.22 FEET, HAVING A RADIUS OF 1,181.26 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 44 DEGREES 16 MINUTES 26 SECONDS WEST, AND A CHORD LENGTH OF 111.18 FEET TO A POINT;

THENCE NORTH 46 DEGREES 43 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 193.06 FEET TO AN IRON PIN FOUND (1" CRIMPED TOP PIPE);

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 50 DEGREES 51 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 588.82 FEET TO AN IRON PIN FOUND (1" OPEN TOP PIPE);

THENCE NORTH 53 DEGREES 33 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 238.44 FEET TO AN IRON PIN FOUND (1" OPEN TOP PIPE);

THENCE NORTH 49 DEGREES 23 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 802.16 FEET TO A ROCK FOUND AND THE POINT OF BEGINNING.

SAID TRACT HAVING AN AREA OF 14.46 AC. (629,825 SQ. FT).



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Annexation # Anx 2A C2100192

FEE \$250.00 (NONREFUNDABLE) Date Paid 4/13/2021 Cash ☐/Ck # CC

Please Print Clearly **ZONING AMENDMENT APPLICATION AND FEES RECEIVED ?** ☒ YES ☐ NO

Applicant Name(s): Charles Alan Barge

Mailing Address 4663 Windsor Dr. City Smyrna State GA Zip 30082

E-Mail alan@aerosys.net

Applicant Telephone Number(s): 770-335-8703

Property Owner's Name(s): Brenda F Dean

Mailing Address 788 DUCK THURMOND RD City Dawsonville State GA Zip 30534

E-Mail _____

Property Owner's Telephone Number(s): _____

Address of Property to be Annexed: 788 DUCK THURMOND RD ☐ VACANT LOT

Tax Map & Parcel # 069 089 Property Size in Acres: 2.96 Survey Recorded in Plat Book # 86 Page # 62

Land Lot # 256 District # 4th Section # 1st Legal Recorded in Deed Book # _____ Page # _____

Current Use of Property: Residential

County Zoning Classification: RSRMM City Zoning Classification: R-1

Land Use & Zoning Ordinance, Article VII. General Provisions Sec. 708. Annexation:

Any land area subsequently added to the incorporated area of Dawsonville shall automatically be classified R-1 (single-family residential district) until or unless otherwise classified by amendment to the official zoning map.

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- ☐ An 8 ½ x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Dawsonville, GA.
- ☐ A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed.
- ☐ Survey **must** be signed and sealed by a Registered Land Surveyor.
- ☐ Survey **must** be signed, stamped recorded by Dawson County Clerk's Office, Superior Court

**Annexation Petition
into the
City of Dawsonville, GA**



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
Into the
City of Dawsonville, GA**

Property Owner(s) Authorization

I / We the undersigned, being the owner(s) of real property of the territory described herein as
788 Duck Thurmond Rd. 069 089 (Address/Tax Map Parcel) , respectfully
request that the Mayor and City Council of the City of Dawsonville, Georgia annex this property into the
City and extend the City boundaries to include the same.

Upon signature of this document, I / We the undersigned certify that all the information provided is true
and accurate to the best of our knowledge.

(1)	<u>Brenda F. Dean</u> Property Owner Signature	<u>Brenda F. Dean</u> Property Owner Printed Name
(2)	_____ Property Owner Signature	_____ Property Owner Printed Name
(1)	_____ Applicant Signature	_____ Applicant Printed Name
(2)	_____ Applicant Signature	_____ Applicant Printed Name

Sworn to and subscribed before me

this 8th day of April 2021.

Kim Bishop
Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

Annexation Application Received Date Stamp:

RECEIVED
APR 12 2021
BY: SA
Completed Application with Signatures
Current Boundary Survey
Legal Description
ARC Population Estimate Information

Planning Commission Meeting Date (if rezone): _____

Dates Advertised: 04.21.2021 04.28.2021

1st City Council Reading Date: _____

2nd City Council Reading Date: _____

Approved: YES NO

Date Certified Mail to: 04.14.2021 County Board of Commissioners & Chairman _____ County Manager 04.14.2021 County Attorney

☐ Letter Received from Dawson County Date: _____

BOUNDARY RETRACEMENT
SURVEY FOR:
CHARLES ALAN BARGE
LAND LOT 255,
4th DISTRICT, 1st SECTION,
DAWSON COUNTY, GEORGIA



TITLE	BOUNDARY SURVEY
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SHEET

CURRENT OWNER:
PARCEL NO. 089 069
BRENDA F. DEAN
D.B. 214, P. 637
P.B. 32, PG. 89

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS DESCRIBED IN THE FOREGOING DEED, AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF ALABAMA.

[Signature]

NOTARY PUBLIC FOR ALABAMA

JOY M HART CA 815 42864



PROJECT INFORMATION
FILE NUMBER
DATE RECEIVED
LOCAL PERIOD
OFFICER BY: AM
INITIALS BY: 178

CARRY TABLE			
CARVE	PARTS	WIG LENGTH	CHORD LENGTH
20	155.0"	34.1"	34.1"
21	156.1"	28.1"	28.1"
22	156.1"	28.1"	28.1"
23	156.1"	28.1"	28.1"
24	156.1"	28.1"	28.1"
25	156.1"	28.1"	28.1"
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46	156.1"	28.1"	28.1"
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58	156.1"	28.1"	28.1"
59	156.1"	28.1"	28.1"
60	156.1"	28.1"	28.1"
61	156.1"	28.1"	28.1"
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63	156.1"	28.1"	28.1"
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65	156.1"	28.1"	28.1"
66	156.1"	28.1"	28.1"
67	156.1"	28.1"	28.1"
68	156.1"	28.1"	28.1"
69	156.1"	28.1"	28.1"
70	156.1"	28.1"	28.1"
71	156.1"	28.1"	28.1"
72	156.1"	28.1"	28.1"
73	156.1"	28.1"	28.1"
74	156.1"	28.1"	28.1"
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77	156.1"	28.1"	28.1"
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80	156.1"	28.1"	28.1"
81	156.1"	28.1"	28.1"
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99	156.1"	28.1"	28.1"
100	156.1"	28.1"	28.1"

LTP TABLE	
LINE	DISTANCE
1	51.47
2	51.47
3	43.55

THE PLANTING SITE
DECLEARED FOR 15 MIN. AND
FOUND TO BE SUITABLE FOR

Address: _____
City: _____

1.) HORIZONTAL DATUM IS AND 81. VERTICAL DATUM IS NAVD 83.

1000

NOTES:

- 1. ALL MATTERS OF TITLE ARE EXCEPTED. THIS SURVEY WAS PREPARED WITHOUT A COMPLETE TITLE SEARCH.
- 2. CUSHS SHOWN AS FOR SURVEY FOR HOMAGE J. THURGOOD BY AQUARIUMLAND SURVEYING DATED MARCH 5TH, 2006 AND SURVEY FOR STEVEN M. HAME BY AQUARIUMLAND AND ASSOCIATES, INC DATED JULY 15, 1991 RECORDED IN PLATBOOK 29.

LEGEND

IPF - IRON PIN FOUND (1/2" REBAR UNLESS NOTED OTHERWISE)
 IPB - IRON BAR IN 3/4" (1/2" REBAR WITHIN 4" OF CAST)
 IBC - IRON BAR IN 3/4" (1/2" REBAR WITHIN 4" OF CAST)

- OPEN TOP PIPE
- CRUMPED TOP PIPE
- ANGLE IRON

CONTACT THE MANUFACTURER NOW

- POWER TRANSPORT
- CAULLE BOX
- POWER POLE

Filed 04/23/2021 03:34PM
 SA 00008 Pg 2062
 PVAL Case: PVAL

Only a 20% improvement rate was observed for the 100% water column.

PARCEL 069 037

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 256 OF THE 4TH DISTRICT, 1ST SECTION, DAWSON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROCK MARKING THE COMMON CORNER OF LAND LOTS 255, 256, 221 & 222;

THENCE SOUTH 49 DEGREES 23 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 802.16 FEET TO AN IRON PIN FOUND (1" OPEN TOP PIPE), SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 53 DEGREES 33 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 238.44 FEET TO AN IRON PIN FOUND (1" OPEN TOP PIPE);

THENCE SOUTH 50 DEGREES 51 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 588.82 FEET TO A N IRON PIN FOUND (1" CRIMPED TOP PIPE) LOCATED ON THE NORTHERN RIGHT-OF-WAY OF DUCK THURMOND ROAD (HAVING A 40' RIGHT-OF-WAY);

THENCE ALONG SAID RIGHT-OF-WAY NORTH 46 DEGREES 43 MINUTES 34 SECONDS WEST FOR A DISTANCE OF 51.47 FEET TO A POINT;

THENCE ALONG A CURVE TURNING TO THE LEFT FOR AN ARC LENGTH OF 94.15 FEET, HAVING A RADIUS OF 1,295.91 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 48 DEGREES 51 MINUTES 30 SECONDS WEST, AND A CHORD LENGTH OF 94.13 FEET TO A POINT;

THENCE NORTH 51 DEGREES 39 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 43.55 FEET TO A POINT;

THENCE ALONG A CURVE TURNING TO THE RIGHT FOR AN ARC LENGTH OF 29.16 FEET, HAVING A RADIUS OF 996.76 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 50 DEGREES 58 MINUTES 09 SECONDS WEST, AND A CHORD LENGTH OF 29.16 FEET TO AN IRON PIN FOUND (1" OPEN TOP PIPE);

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 49 DEGREES 14 MINUTES 12 SECONDS EAST FOR A DISTANCE OF 567.82 FEET TO AN IRON PIN FOUND (1" OPEN TOP PIPE) AND THE POINT OF BEGINNING.

SAID TRACT HAVING AN AREA OF 2.96 AC. (128,836 SQ. FT).



City of Dawsonville
415 Highway 53 East, Suite 100
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(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Annexation # ANX 30 C2100192

FEE \$250.00 (NONREFUNDABLE) Date Paid 4/13/2021 Cash ☐/Ck # Cc

Please Print Clearly

ZONING AMENDMENT APPLICATION AND FEES RECEIVED ? ☒ YES ☐ NO

Applicant Name(s): Charles Alan Barge

Mailing Address 4663 Windsor Dr. City Smyrna State GA Zip 30082

E-Mail alan@aerosys.net

Applicant Telephone Number(s): 770-335-8703

Property Owner's Name(s): Alexandria and Cody D Tinsley

Mailing Address PO BOX 317 City Dawsonville State GA Zip 30534

E-Mail _____

Property Owner's Telephone Number(s): _____

Address of Property to be Annexed: 840 DUCK THURMOND RD ☐ VACANT LOT

Tax Map & Parcel # 069 036 Property Size in Acres: 14.38 Survey Recorded in Plat Book # 86 Page # 66

Land Lot # 221,222,255,256 District # 4th Section # 1st Legal Recorded in Deed Book # _____ Page # _____

Current Use of Property: Vacant

County Zoning Classification: RSRMM City Zoning Classification: R-1

Land Use & Zoning Ordinance, Article VII. General Provisions Sec. 708. Annexation:

Any land area subsequently added to the incorporated area of Dawsonville shall automatically be classified R-1 (single-family residential district) until or unless otherwise classified by amendment to the official zoning map.

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- ☐ An 8 ½ x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Dawsonville, GA.
- ☐ A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed.
- ☐ Survey **must** be signed and sealed by a Registered Land Surveyor.
- ☐ Survey **must** be signed, stamped recorded by Dawson County Clerk's Office, Superior Court



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Property Owner(s) Authorization

I / We the undersigned, being the owner(s) of real property of the territory described herein as
840 Duck Thurmond Rd. Dawsonville 069 036 (Address/Tax Map Parcel) , respectfully
request that the Mayor and City Council of the City of Dawsonville, Georgia annex this property into the
City and extend the City boundaries to include the same.

Upon signature of this document, I / We the undersigned certify that all the information provided is true
and accurate to the best of our knowledge.

(1)	<u>Alexandria Tinsley</u> Property Owner Signature	<u>Alexandria Tinsley</u> Property Owner Printed Name
(2)	<u>Cody Tinsley</u> Property Owner Signature	<u>Cody Tinsley</u> Property Owner Printed Name
(1)	_____ Applicant Signature	_____ Applicant Printed Name
(2)	_____ Applicant Signature	_____ Applicant Printed Name

Sworn to and subscribed before me
this 3rd day of April 2021.

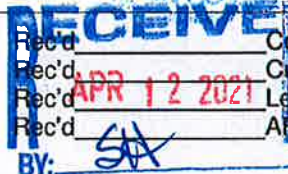
Kim Bishop
Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

Annexation Application Received Date Stamp:



Completed Application with Signatures
Current Boundary Survey
Legal Description
ARC Population Estimate Information

Planning Commission Meeting Date (if rezone): _____

Dates Advertised: 04.21.2021 04.28.2021

1st City Council Reading Date: _____

2nd City Council Reading Date: _____

Approved: YES NO

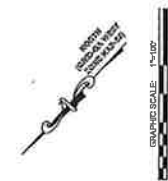
Date Certified Mail to 04.14.2021 County Board of Commissioners & Chairman _____ County Manager 04.14.2021 County Attorney

☐ Letter Received from Dawson County Date: _____

Not a member? [Click here to join now!](#)

1
SHEET

8VF = 800V PIN TOLUID (U2) RESINS UNLESS NOTED OTHERWISE
 8V9 = 800V PIN TOLUID (U2) RESINS UNLESS NOTED OTHERWISE
 CTP = CROCK TOP PIPE
 CTP = CROCK TOP PIPE
 A = ANGLES IRON
 [P5] = POWER TRANSFORMER BOX
 [B] = CABLE BOX
 [P] = POWER POLE

[illegible]

PARCEL 069 036

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 221, 222 & 256 OF THE 4TH DISTRICT, 1ST SECTION, DAWSON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROCK MARKING THE COMMON CORNER OF LAND LOTS 255, 256, 221 & 222 SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 49 DEGREES 23 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 802.16 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE SOUTH 49 DEGREES 14 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 567.82 FEET TO AN IRON PIN FOUND (1" OPEN TOP PIPE) LOCATED ON THE NORTHERN RIGHT-OF-WAY OF DUCK THURMOND ROAD (HAVING A 40' RIGHT-OF-WAY);

THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TURNING TO THE RIGHT FOR AN ARC LENGTH OF 81.03 FEET, HAVING A RADIUS OF 996.76 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 47 DEGREES 48 MINUTES 08 SECONDS WEST, AND A CHORD LENGTH OF 81.01 FEET TO A POINT;

THENCE NORTH 45 DEGREES 28 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 29.67 FEET TO A POINT;

THENCE ALONG A CURVE TURNING TO THE RIGHT FOR AN ARC LENGTH OF 161.44 FEET, HAVING A RADIUS OF 823.13 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 40 DEGREES 09 MINUTES 55 SECONDS WEST, AND A CHORD LENGTH OF 161.18 FEET TO A POINT;

THENCE NORTH 34 DEGREES 32 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 131.97 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 47 DEGREES 53 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 140.20 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE SOUTH 42 DEGREES 00 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 75.74 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE NORTH 47 DEGREES 57 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 1,647.02 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE SOUTH 16 DEGREES 03 MINUTES 55 SECONDS EAST FOR A DISTANCE OF 582.05 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE NORTH 88 DEGREES 57 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 239.95 FEET TO ROCK AND THE POINT OF BEGINNING,

SAID TRACT HAVING AN ARE OF 14.38AC. (626,373SQ. FT)



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Annexation # ANX 2A C2100192

FEE \$250.00 (NONREFUNDABLE) Date Paid 4/13/2021 Cash ☐/Ck # cc

Please Print Clearly

ZONING AMENDMENT APPLICATION AND FEES RECEIVED ? ☒ YES ☐ NO

Applicant Name(s): Charles Alan Barge

Mailing Address 4663 Windsor Dr. City Smyrna State GA Zip 30082

E-Mail alan@aerosys.net

Applicant Telephone Number(s): 770-335-8703

Property Owner's Name(s): Fay and Sam Blackstone

Mailing Address 1300 Smithdale Road City Cumming State GA Zip 30040

E-Mail _____

Property Owner's Telephone Number(s): _____

Address of Property to be Annexed: 914 Duck Thurmond Rd ☐ VACANT LOT

Tax Map & Parcel # 069 073 Property Size in Acres: 7.09 Survey Recorded in Plat Book # 86 Page # 60

Land Lot # 221,222,256,257 District # 4th Section # 1st Legal Recorded in Deed Book # _____ Page # _____

Current Use of Property: Residential

County Zoning Classification: RSRMM City Zoning Classification: R-1

Land Use & Zoning Ordinance, Article VII. General Provisions Sec. 708. Annexation:

Any land area subsequently added to the incorporated area of Dawsonville shall automatically be classified R-1 (single-family residential district) until or unless otherwise classified by amendment to the official zoning map.

Petition **MUST** include a completed application with signatures and **ALL** attachments.

- ☐ An 8 ½ x 11 copy of the current **RECORDED BOUNDARY SURVEY** of said property showing the contiguity of said property to the existing corporate limits of the City of Dawsonville, GA.
- ☐ A copy of the current metes and bounds **LEGAL DESCRIPTION** that matches the boundary survey of the property being annexed.
- ☐ Survey **must** be signed and sealed by a Registered Land Surveyor.
- ☐ Survey **must** be signed, stamped recorded by Dawson County Clerk's Office, Superior Court



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
Into the
City of Dawsonville, GA**

- ☐ Please answer the following questions to meet and comply with the United States Department of Justice, Civil Rights Division, Voting Section, Section 5 of the Voting Rights Act.

1. Intended Use of Land: _____ Residential _____ Commercial
_____ Existing Structure(s) _____ X _____ Vacant
_____ Other (specify) _____
2. Number of persons currently residing on the property: _____; ☒ VACANT
Number of persons 18 years or older: _____; Number of persons registered to vote: _____
3. The number of all residents occupying the property:
_____ American Indian _____ Alaskan Native
_____ Asian _____ Pacific Islander
_____ Black, not of Hispanic Origin _____ Hispanic
_____ White, not of Hispanic Origin _____ X _____ VACANT

- ☐ Please answer the following questions to meet and comply with the U. S. Department of Commerce, which requires this information to provide Population Estimates.

ARC Population Estimate Information

- A. Number of existing housing units: _____ 0 _____
- B. List of Addresses for each housing unit in the annexed area at the time of the annexation:
_____ N/A _____
- C. Disposition of existing structures (e.g. to stay the same, be demolished, moved or converted):
_____ N/A _____
- D. Names of affected Subdivision: _____ N/A _____
- E. Name of affected Multi-Family Complex: _____ N/A _____
- F. Names of Group Quarters (dormitories, nursing homes, jails, etc.):
_____ N/A _____
- G. Names of affected Duplexes: _____ N/A _____
- H. Names of Mobile Home Parks: _____ N/A _____



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534 Phone:
(706) 265-3256

**Annexation Petition
into the
City of Dawsonville, GA**

Property Owner(s) Authorization

I / We the undersigned, being the owner(s) of real property of the territory described herein as
914 Duck Thurmond Rd. 069 073 (Address/Tax Map Parcel) , respectfully
request that the Mayor and City Council of the City of Dawsonville, Georgia annex this property into the
City and extend the City boundaries to include the same.

Upon signature of this document, I / We the undersigned certify that all the information provided is true
and accurate to the best of our knowledge.

(1) Fay C Johns Fay C Johns
Property Owner Signature Property Owner Printed Name

(2) _____
Property Owner Signature Property Owner Printed Name

(1) _____
Applicant Signature Applicant Printed Name

(2) _____
Applicant Signature Applicant Printed Name

Sworn to and subscribed before me

this 3rd day of April 2021

Kim Bishop
Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

Annexation Application Received Date Stamp



Completed Application with Signatures
Current Boundary Survey
Legal Description
ARC Population Estimate Information

Planning Commission Meeting Date (if rezone): _____

Dates Advertised: 04.21.2021 04.28.2021

1st City Council Reading Date: _____

2nd City Council Reading Date: _____

Approved: YES NO

Date Certified Mail to: 04.14.2021 County Board of Commissioners & Chairman _____ County Manager 04.14.2021 County Attorney



Letter Received from Dawson County

Date: _____

1
SHEET

2021 01:25PM
Pg 0060
PLAT

There is one important note that is not on the page and that is:

GRAPHIC SCALE: 1"=100'

PREP • POWER TRANSFORMER BOX
 MD • CABLE BOX
 ♂ • POWER POLE
 FIVE • STREET ADDRESS

LEGEND

IPF - IRON PIN FOUND (1/2" REBAR UNLESS NOTED OTHERWISE)

IPP - IRON PIN PLACED (1/2" REBAR WITH PLASTIC CAP)

OPT HOTEL.

1.) HORIZONTAL, DATA IS 14.0 AND 15.1. VERTICAL, DATA IS 10.0 AND 11.1.

2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A CHOMAY 80 6.170 GPS BASE AND REVERA AND A MESA 2 DATA COLLECTOR. THE TECHNIQUE USED WAS CORRECTED MEASUREMENTS FROM HOMES SURVEY. THE DATA WAS CORRECTED USING THE CHOMAY 80 POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THE SURVEY WERE 6.0 FT. HORIZONTAL, AND 6.0 FT. VERTICAL AT THE SAME CONFIDENCE LEVEL.

WATER:

1. ALL MATTERS OF TITLE ARE EXCEPTED, THIS SURVEY WAS PREPARED WITHOUT A COMPLETE TITLE SEARCH.

2. CHARGE SHOWN AS FOR SURVEY FOR HORVATH & THORNTON BY BLACKMARLAND SURVEYING DATED MARCH 27TH 2003 AND SURVEY FOR STEVEN A. HAMEL BY ROBERTSON AND ASSOCIATES, INC. DATED JULY 15, 1987 RECORDED IN PLAT BOOK 25

Results

IFF - IRON PIN FOUND (1/2" REBAR UNLESS NOTED OTHERWISE)
 IPP - IRON PIN PLACED (1/2" REBAR WITH PLASTIC CAP)

CTP - OPEN TOP PIPE
CTP - CRUMPLED TOP PIPE

AU -ANGLE IRON
 PWR -POWER TRANSFO
 M -CABLE BOX

• POWER POLE

FILE - STREET ADDRESS -

1

1

There is one important note that is not on the page and that is:

194

PARCEL 069 073

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 221, 222, 256 & 257 OF THE 4TH DISTRICT, 1ST SECTION, DAWSON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A ROCK MARKING THE COMMON CORNER OF LAND LOTS 255, 256, 221 & 222 SAID;

THENCE SOUTH 88 DEGREES 57 MINUTES 13 SECONDS EAST FOR A DISTANCE OF 239.95 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE NORTH 16 DEGREES 03 MINUTES 55 SECONDS WEST FOR A DISTANCE OF 582.05 FEET TO AN IRON PIN FOUND (1/2" REBAR), SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 47 DEGREES 57 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 1,647.02 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE NORTH 42 DEGREES 00 MINUTES 47 SECONDS EAST FOR A DISTANCE OF 75.74 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE SOUTH 47 DEGREES 53 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 140.20 FEET TO AN IRON PIN FOUND (1/2" REBAR) LOCATED ON THE NORTHERN RIGHT-OF-WAY OF DUCK THURMOND ROAD (HAVING A 40' RIGHT-OF-WAY);

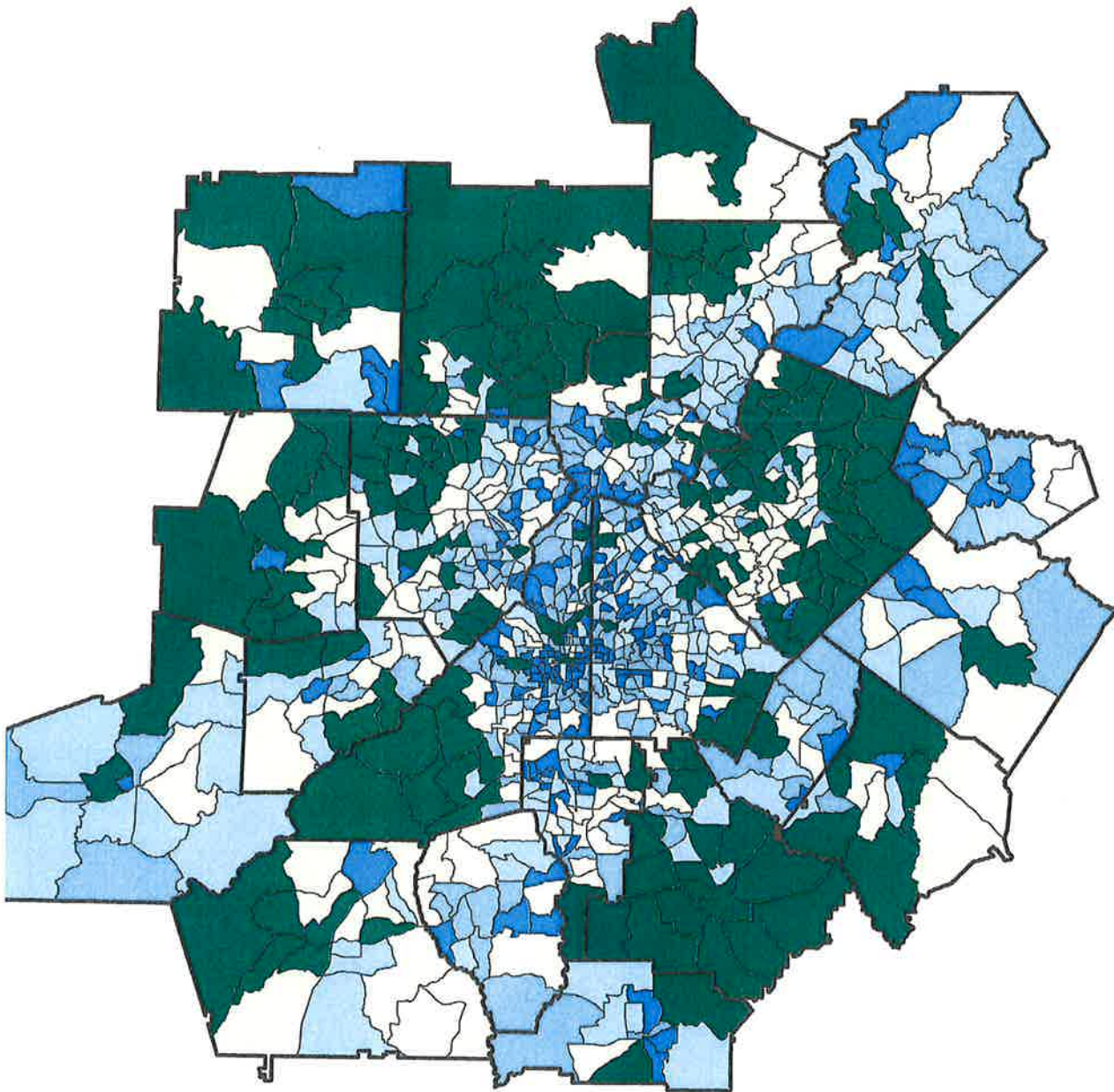
THENCE FOLLOWING SAID RIGHT-OF-WAY NORTH 33 DEGREES 40 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 100.37 FEET TO AN IRON PIN FOUND (1/2" REBAR);

THENCE LEAVING SAID RIGHT-OF-WAY NORTH 47 DEGREES 57 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 1,857.74 FEET TO AN IRON PIN FOUND (1/2" REBAR);

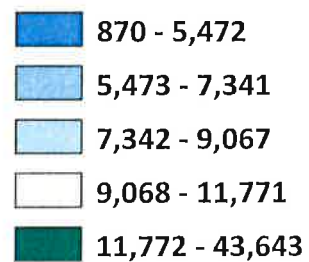
THENCE SOUTH 16 DEGREES 04 MINUTES 22 SECONDS EAST FOR A DISTANCE OF 194.47 FEET TO AN IRON PIN FOUND (1/2" REBAR), AND THE POINT OF BEGINNING.

SAID TRACT HAVING AN AREA OF 7.09ACRES (308,628SQ. FT).

ARC Population Forecasts (Series 16): Total Population, 2050



Total Population forecast
by Census Tract in 2050



Atlanta Regional Commission

[illegible]

197

NOTE: This map compiled from Deacon County tax maps and information supplied by the City of Dawsonville. It is to be used for zoning purposes only. Georgia Mountains RC assumes no responsibility for the accuracy of information contained herein.

Adopted July 19, 2004
Amended Through June 20, 2018

City Clerk, Beverly Bonnister



Map Prepared By: BJC, September, 2018



	City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 (706) 265-3256	Zoning Amendment Checklist
--	---	-----------------------------------

- ☒ All applicable blanks filled out on application.
- ☒ Completed property owner authorization (notarized)
- ☒ Completed adjoining property owners form with names and addresses.
- ☒ Completed campaign disclosure form.
- ☒ Detailed **Letter of Intent** requesting rezone with **Conceptual Plan**.
- ☒ Documentation of **CURRENT** zoning of parcel in the City (provided by City Hall)
- ☒ Site plan information, as specified.
- ☒ Recorded survey(s) by a GA registered surveyor and recorded at the Court House (11x17 and 8.5x11)
- ☒ Legal description
- ☐ Completed DRI: Development of Regional Impact, if applicable (for greater than 125 new lots or units)
- ☒ Notice of R-A Adjacency form (notarized) (if applicable)
- ☒ Check, credit card or money order made payable to "City of Dawsonville". — pd 4/13/2024 C.C.

The applicant, or designated agent, must attend the public hearings for the request to be considered. Failure to appear may result in denial.

Zoning Requested	Fee Schedule	*Per Acre Fee
AP	\$250.00 +	\$50.00 per acre
RA	\$500.00 +	\$50.00 per acre
R-1	\$250.00 +	\$50.00 per acre
R-2	\$250.00 +	\$50.00 per acre
R-3	\$350.00 +	\$50.00 per acre
R-3R	\$350.00 +	\$50.00 per acre
R-6	\$350.00	\$50.00 per acre
RHMT	\$250.00	\$50.00 per acre
PUD	\$500.00	\$50.00 per acre
TB	\$500.00	\$50.00 per acre
PCS	\$350.00	\$50.00 per acre
O	\$500.00	\$50.00 per acre
CBD	\$500.00	\$50.00 per acre
NB	\$500.00	\$50.00 per acre
LI	\$500.00	\$50.00 per acre
HB	\$500.00	\$50.00 per acre
CIR	\$500.00	\$50.00 per acre
INST	\$500.00	\$50.00 per acre
Variance	\$300.00	\$50.00 per acre
Conditional use permit	\$300.00	\$50.00 per acre
Appeals & change of zoning conditions	\$500.00	
Postponement, per occurrence	\$300.00	
Annexation, plus applicable rezoning fee	\$250.00	
Administrative fee	\$100.00	
Public Notice Certified Mail	\$6.90 per adjacent property owner	

*The fee for all rezoning applications regardless of zoning category is the base amount set forth in the table below plus \$50.00 per acre for each acre or part of an acre beyond one acre in the subject tract with a maximum fee of \$5,000.00 regardless of the number of acres involved.

**City of Dawsonville**

415 Highway 53 East, Suite 100
Dawsonville, GA 30534
(706) 265-3256

**Zoning Amendment
Application**Application#: ANX ZA - C2100192Applicant Name(s): Charles Alan BargeAddress: 4663 Windsor Dr. City: Smyrna Zip: 30082Phone: 770-335-8703 Email: alan@aerosys.netSignature(s): Charles Alan Barge Date: 4/5/21Property Address: See attached chartDirections to Property from City Hall: SR53 west to Duck Thurmond Property is just past AMP on the right.Tax Map # See attached chart Parcel # see attached chart Current Zoning: RSRMM (County)Land Lot(s): See attached chart District: 4th Section: 1stSubdivision Name: n/a Lot # n/aAcres: See attached chart Current use of property: ResidentialHas a past request of Rezone of this property been made before? no If yes, provide ZA# n/a**The applicant request:**Rezoning to zoning category: R-1 Conditional Use permit for: n/aProposed use of property if rezoned: Residential subdivision with septicResidential # of lots proposed: 34 Minimum lot size proposed: 10 AC. (Include Conceptual Plan)Amenity area proposed no, if yes, what n/aIf Commercial: total building area proposed: n/a (Include Conceptual Plan)Utilities: (utilities readily available at the road frontage): Water Sewer X Electric ___ Natural GasProposed Utilities: (utilities developer intends to provide) Water Sewer X Electric ___ Natural Gas

Road Access/Proposed Access: (Access to the development/area will be provided from)

Road name: Duck Thurmond Rd Type of Surface: Asphalt

- ♦ Failure to complete all sections will result in rejection of application and unnecessary delays.
- ♦ I understand that failure to appear at a public hearing may result in the postponement or denial of this application.

Charles Alan Barge
Signature of Applicant

4/5/21
Date

Office Use Only	
Date Completed Application Rec'd: <u>4/13/2021</u>	Amount Paid: \$ <u>2924.30</u> CK <u>cc on 4/13/2021</u> Cash
Date of Planning Commission Meeting: <u>5/10/2021</u>	Dates Advertised: <u>04.21.2021, 04.28.2021</u>
Date of City Council Meeting: <u>06/07/2021</u>	Rescheduled for next Meeting:
Date of City Council Meeting: <u>06/21/2021</u>	Approved by City Council: YES NO
Approved by Planning Commission: YES NO	Postponed: YES NO Date:

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please have the additional sheet notarized also.)

	<p align="center">City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 (706) 265-3256</p>	<p align="center">Zoning Amendment Adjacent Property Owners</p>
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Application # Amx ZA - C2100192 TMP# 070-050 069-037 069-036
070-004 069-089 069-073

It is the responsibility of the applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property. (Use additional sheets if necessary)

****Please note**** This information should be obtained at the Planning Office using the Tax Map Parcel Map listing any parcel(s) adjoining or adjacent to parcel where rezone is being requested.

TMP # _____ 1. Name(s): See attached chart
Address: _____

TMP # _____ 2. Name(s): _____
Address: _____

TMP # _____ 3. Name(s): _____
Address: _____

TMP # _____ 4. Name(s): _____
Address: _____

TMP # _____ 5. Name(s): _____
Address: _____

TMP # _____ 6. Name(s): _____
Address: _____

TMP # _____ 7. Name(s): _____
Address: _____

Adjacent Property Owner notification of a zoning amendment request is required.

PROPERTIES PROPOSED TO BE REZONED						
PIN	OWNER NAME	PROPERTY ADDRESS	MAILING ADDRESS	ACREAGE	Land Lot(s)	District Section
069 073	FAY C & SAM BLACKSTONE	914 DUCK THURMOND RD	1300 SMITHDALE ROAD CUMMING, GA 30040	7.09	121, 222, 256, 257	4th 1st
069 036	ALEXANDRIA & CODY D TINSLEY	840 DUCK THURMOND RD	PO BOX 317 DAWSONVILLE, GA 30534	14.38	121, 222, 255, 256	4th 1st
069 089	BRENDA F DEAN	788 DUCK THURMOND RD	788 DUCK THURMOND RD DAWSONVILLE, GA 30534	2.96	256	4th 1st
069 037	HORACE J THURMOND	694 DUCK THURMOND RD	PO BOX 932 DAWSONVILLE, GA 30534	14.46	256	4th 1st
070 004	HORACE J THURMOND	690 DUCK THURMOND RD	PO BOX 932 DAWSONVILLE, GA 30534	2.95	289	4th 1st
070 050	HORACE JAMES THURMOND	612 DUCK THURMOND RD	PO BOX 932 DAWSONVILLE, GA 30534	2.98	289	4th 1st

ADJOINING PROPERTIES			
PIN	OWNER NAME	PROPERTY ADDRESS	MAILING ADDRESS
069 035	MEGAN AND RICHARD GREEN	950 DUCK THURMOND RD	950 DUCK THURMOND RD DAWSONVILLE, GA 30534
069 035 001	TIMOTHY AND LAUREN J JACKSON	184 CATBRD LANE	184 CATBRD LN DAWSONVILLE, GA30534
069 032	STEPHEN LYNCH	659 NUGGET RIDGE RD	659 NUGGET RIDGE RD DAWSONVILLE, GA 30534
069 039	LOUIS R DAVIS	432 DAVIS RD	432 DAVIS RD DAWSONVILLE, GA 30534
070 049 001	ATLANTA MOTORSPORTS PARK LLC	20 DUCK THURMOND RD	20 DUCK THURMOND RD DAWSONVILLE, GA 30534
070 024	HELEN HORNE HORNE HAMRYKA	683 DUCK THURMOND RD	683 DUCK THURMOND RD DAWSONVILLE, GA 30534
070 002	JONATHAN MOORMAN	711 DUCK THURMOND RD	711 DUCK THURMOND RD DAWSONVILLE, GA 30534
055 074	JONATHAN MOORMAN	781 DUCK THURMOND RD	781 DUCK THURMOND RD DAWSONVILLE, GA 30534
055 084	DALLAS E AND SHIRLEY JACKSON	841 DUCK THURMOND RD	841 DUCK THURMOND RD DAWSONVILLE, GA 30534
055 083	DOAN AND GLENDA FERGUSON	877 DUCK THURMOND RD	877 DUCK THURMOND RD DAWSONVILLE, GA 30534
055 082	PATSY HAMBY	927 DUCK THURMOND RD	927 DUCK THURMOND RD DAWSONVILLE, GA 30534

070 - 003-001 touches corner - Hamryka, Donald 683 Duck Thurmond Rd

12 total



City of Dawsonville

415 Highway 53 East, Suite 100
Dawsonville, GA 30534
(706) 265-3256

**Zoning Amendment
Campaign Disclosure**

Disclosure of Campaign Contributions
(Applicant(s) and Representative(s) of Rezoning)

Pursuant to OCGA, Section 36-67 A-3. A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made with two years immediately preceding the filing of the applicant's request for rezoning, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following:

1. Name of local official to whom campaign contribution was made:

N/A

2. The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

Amount \$ N/A \$0.00 Date: _____

Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning: _____

Charles Alan Barr
Signature of Applicant / Representative of Applicant

4/5/21
Date

Failure to complete this form is a statement that no disclosure is required.

**City of Dawsonville**

415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 (706) 265-3256

**Zoning Amendment
Authorization****Property Owner Authorization**

I / We Horace J. Thurmond hereby swear that I / we own the property
 located at (fill in address and/or tax map & parcel #) 412 Duck Thurmond Rd.
Dawsonville GA 30534 070-050 as shown
 in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by the request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the
 rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations
 placed on the property will be binding upon the property regardless of ownership. The under signer below is
 authorized to make this application. The undersigned is aware that no application or reapplication affecting
 the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent HORACE J. THURMOND
 Signature of Applicant or Agent Horace J. Thurmond Date 4-2-21
 Mailing Address P.O. Box 932
 City Dawsonville State GA Zip 30534
 Telephone Number 706.265.6335

SUBSCRIBED AND SWORN BEFORE ME ON THIS

2nd DAY OF April 2021

Kim Bishop
 Notary Public, State of Georgia



My Commission Expires: 6/27/21

Notary Seal

**City of Dawsonville**

415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 (706) 265-3256

**Zoning Amendment
Authorization****Property Owner Authorization**

I / We Horace J. Thurmond hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 1090 Duck Thurmond Rd. Dawsonville, GA 30534 OTD-004 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by the request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent HORACE J. THURMOND
 Signature of Applicant or Agent Horace J. Thurmond Date 4-2-21
 Mailing Address P.O. Box 932
 City Dawsonville State GA Zip 30534
 Telephone Number 706-265-16335

SUBSCRIBED AND SWORN BEFORE ME ON THIS

2nd DAY OF April 2021

Kim Bishop
 Notary Public, State of Georgia



My Commission Expires: 6/27/21

Notary Seal



City of Dawsonville

415 Highway 53 East, Suite 100
Dawsonville, GA 30534
(706) 265-3256

Zoning Amendment Authorization

Property Owner Authorization

I / We Horace J. Thurmond hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 694 Duck Thurmond Rd. Dawsonville GA 30534 069 037 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by the request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent HORACE J. THURMOND
Signature of Applicant or Agent Horace J. Thurmond Date 4-2-21
Mailing Address P.O. Box 932
City Dawsonville State GA Zip 30534
Telephone Number 706-265-6335

SUBSCRIBED AND SWORN BEFORE ME ON THIS

2nd DAY OF April 2021

Kim Bishop
Notary Public, State of Georgia



My Commission Expires: 6/27/21

Notary Seal



City of Dawsonville

415 Highway 53 East, Suite 100
Dawsonville, GA 30534
(706) 265-3256

Zoning Amendment Authorization

Property Owner Authorization

I / We Brenda F Dean hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 788 Duck Thornd Rd Dawsonville, GA 30534 - 069 089 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by the request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Brenda F. Dean
Signature of Applicant or Agent Brenda F Dean Date 4.2.21
Mailing Address 788 Duck Thornd Rd.
City Dawsonville State GA Zip 30534
Telephone Number 706.265-7803

SUBSCRIBED AND SWORN BEFORE ME ON THIS

2nd DAY OF April 2021

Kim Bishop
Notary Public, State of Georgia



My Commission Expires: 6/27/21

Notary Seal

**City of Dawsonville**

415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 (706) 265-3256

**Zoning Amendment
Authorization****Property Owner Authorization**

I / We Alexandria and Cody Tinsley hereby swear that I / we own the property located at (fill in address and/or tax map & parcel #) 840 Duck Thunder Rd Dawsonville, GA 30534 069 036 as shown in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by the request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Alexandria Tinsley Cody Tinsley
 Signature of Applicant or Agent Alexandria Tinsley Cody Tinsley Date 4/3/21
 Mailing Address PO Box 317
 City Dawsonville State GA Zip 30534
 Telephone Number _____

SUBSCRIBED AND SWORN BEFORE ME ON THIS

3rd DAY OF April 2021

Kim Bishop
 Notary Public, State of Georgia



My Commission Expires: 6/27/21

Notary Seal



City of Dawsonville
 415 Highway 53 East, Suite 100
 Dawsonville, GA 30534
 (706) 265-3256

**Zoning Amendment
 Authorization**

Property Owner Authorization

I / We Fay C Johns hereby swear that I / we own the property
 located at (fill in address and/or tax map & parcel #) 914 Duck Thurmond Rd
Dawsonville, GA 30534 069 073 as shown
 in the tax maps and/or deed records of Dawson County, Georgia, and which parcel will be affected by the request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the rezoning requested on this property. I understand that any rezone granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action by the City Council.

Printed Name of Applicant or Agent Fay C Johns
 Signature of Applicant or Agent Fay C Johns Date _____
 Mailing Address 1300 Smithdale Rd
 City Cumming State GA Zip 30040
 Telephone Number _____

SUBSCRIBED AND SWORN BEFORE ME ON THIS

3rd DAY OF April 2021

[Signature]
 Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

	<p align="center">City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 (706) 265-3256</p>	<p align="center">Zoning Amendment Notice of R-A Adjacency</p>
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Notice of Residential-Agricultural District (R-A) Adjacency

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust, and other effects, which may not be compatible with adjacent development. Future abutting developers which are not in R-A land use districts shall be provided with this "Notice of R-A Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent R-A use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and / or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the R-A district constitute a nuisance against local governments and adjoining landowners whose property is located in an R-A district.

This notice and acknowledgement shall be public record.

Applicant Signature Harvey J. Zarned Date 4-2-21

Application Number: ANX 2A C2100192

SUBSCRIBED AND SWORN BEFORE ME ON THIS

2nd DAY OF April 2021

Kim Bishop
 Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

	<p align="center">City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 (706) 265-3256</p>	<p align="center">Zoning Amendment Notice of R-A Adjacency</p>
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Notice of Residential-Agricultural District (R-A) Adjacency

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This notice and acknowledgement shall be public record.

Applicant Signature Brenda J. Dean Date 4.2.21

Application Number: Anx 2A C2100192

SUBSCRIBED AND SWORN BEFORE ME ON THIS

2nd DAY OF April 2021
Kim Bishop
 Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534
(706) 265-3256

**Zoning Amendment
Notice of R-A Adjacency**

Notice of Residential-Agricultural District (R-A) Adjacency

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust, and other effects, which may not be compatible with adjacent development. Future abutting developers which are not in R-A land use districts shall be provided with this "Notice of R-A Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

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This notice and acknowledgement shall be public record.

Applicant Signature Jay C Johns Date 4-03-21
Application Number: ANX 2A C2100192

SUBSCRIBED AND SWORN BEFORE ME ON THIS

3rd DAY OF April 2021
Kim Bishop
Notary Public, State of Georgia

My Commission Expires: 6/27/21



	<p align="center">City of Dawsonville 415 Highway 53 East, Suite 100 Dawsonville, GA 30534 (706) 265-3256</p>	<p align="center">Zoning Amendment Notice of R-A Adjacency</p>
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Notice of Residential-Agricultural District (R-A) Adjacency

Agricultural districts include uses of land primarily for active farming activities and result in odors, noise, dust, and other effects, which may not be compatible with adjacent development. Future abutting developers which are not in R-A land use districts shall be provided with this "Notice of R-A Adjacency" prior to administrative action on either the land use district or the issuance of a building or occupancy permit.

Prior to administrative action the applicant shall be required to sign this waiver which indicates that applicant understands that a use is ongoing adjacent to his use which will produce odors, noise, dust and other effects which may not be compatible with the applicant's development. Nevertheless, understanding the effects of the adjacent R-A use, the applicant agrees by executing this form to waive any objection to those effects and understands that his district change and / or his permits are issued and processed in reliance on his agreement not to bring any action asserting that the adjacent uses in the R-A district constitute a nuisance against local governments and adjoining landowners whose property is located in an R-A district.

This notice and acknowledgement shall be public record.

Applicant Signature *Allyson J. Jinks* Date 4/13/21
Cef Jinks
 Application Number: ANX 2A C2100192

SUBSCRIBED AND SWORN BEFORE ME ON THIS

3rd DAY OF April 2021
Kim Bishop
 Notary Public, State of Georgia

My Commission Expires: 6/27/21



Notary Seal

Purchaser/Developer: Charles A. Barge

Dawsonville, GA Project

LETTER OF INTENT

The intent of the project is as follows:

The following land plats (Dawson County Tax ID Parcel Numbers), with current Owners' Contact Information, Address, and nominal acreage identified, are contemplated to be purchased by the Purchaser:

Parcel Numbers	Name/Contact Numbers	Dawson County Address	Acreage
070 050	Horace J. Thurmond	612 Duck Thurmond Rd	3.05 +/- Acres
070 004		690 Duck Thurmond Rd	3.05 +/- Acres
069 037		694 Duck Thurmond Rd	14.3 +/- Acres
069 089	Brenda S Dean 706-265-7803 (MOBILE HOME)	788 Duck Thurmond Rd	3 +/- Acres
069 036	Cody D. & Alexandria N. Tinsley	840 Duck Thurmond Rd	14.34 +/- Acres
069 073	Sam & Fay Blackstone	914 Duck Thurmond Rd	7.09 +/- Acres

The entire assemblage is to contain approximately 45.2 AC+/- . The properties will be combined into one large plat and annexed into the Dawson City Limits. Not all proposed plats are currently contiguous with Dawsonville City property; however, some are, they are all contiguous to each other, and as combined into a single plat will all be contiguous with the City. Once annexed, it is understood by the Purchaser/Developer that the current Dawson County property zoning of RSRMM, will automatically

convert to Dawsonville City Zoning classification of R1 (minimum 1 AC lots sizes). Which is not only acceptable, but desirable by the Purchaser/Developer.

Subsequent to, purchase, assemblage, annexation and rezoning, the Purchaser/Developer intends to subdivide the overall property into approximately 30 private lots, plus common areas such as: park areas, roadways, swimming pool and clubhouse areas.

The property was specifically chosen due to its immediate adjacency to the Atlanta Motorsports Park (AMP) – a private club for automotive enthusiast that includes a racetrack and go-karting facility. The Purchaser/Developer of the properties, being a long-standing member of the club has identified some needs of the club and the surrounding communities that can be achieved through the proposed project.

AMP is a terrific destination and a club that draws members and visitors from all over the world, the country, and especially the southeastern US. However, one of the single largest impediments to the growth or popularity of the track is local temporary housing for its out-of-town guests.

The Purchaser/Developer, intends to impact that issue by allowing up to an approximate 30 sub-purchasers to purchase lots and build homes that will be strictly governed by a Subdivision Architectural Committee. It is assumed that there will be minimum requirements such as:

For the Subdivision:

- Private Gated Community
- Privately Owned Roads
- Clubhouse
- Pool
- Park

For the Homeowners:

- Single Family Dwellings Only
- 1AC lot size Minimum
- 2,500 SQFT Minimum
- 3-Story Maximum
- Brick, Stone, Cement Board siding only, no vinyl siding
- Enclosed Garages

Additionally, one of the largest ongoing community complaints regarding the Club at AMP, is the noise generated by the racetrack. The Purchaser/Developer endeavors to positively impact that issue by the ultimate construction of a neighborhood subdivision of car and racetrack enthusiast who specifically desire to be located adjacent to a racetrack.

This will, in essence, build a 45+/- AC sound buffer between the racetrack and those existing AMP neighbors who are negatively impacted by the elevated sounds.

The ultimate goal will be to build back with structures that honor the history of the surrounding communities, yet attempt to enhance the growth potential of Dawsonville by requiring upper-scale homes be built.

This can all be achieved through a relatively revenue positive impact to the community. Specifically:

- For most of the proposed homeowners, this will not be their primary residence. i.e., they live somewhere else, and only utilize this dwelling for an occasional weekend residence, yet they still pay local property taxes here.
- These frequent visitors will support the local economy by frequenting shops and commercial business of all types on a frequent basis.
- These frequent visitors, along with their dwellings, will support the local economy by providing the requirements for routine maintenance of their facilities, i.e. landscape services, HVAC repairs, painting, plumbers, electricians, etcetera.
- These visitors do not materially increase the load on local government provided services, such as: 911 Emergency Services, Schools, Bussing, Etc.

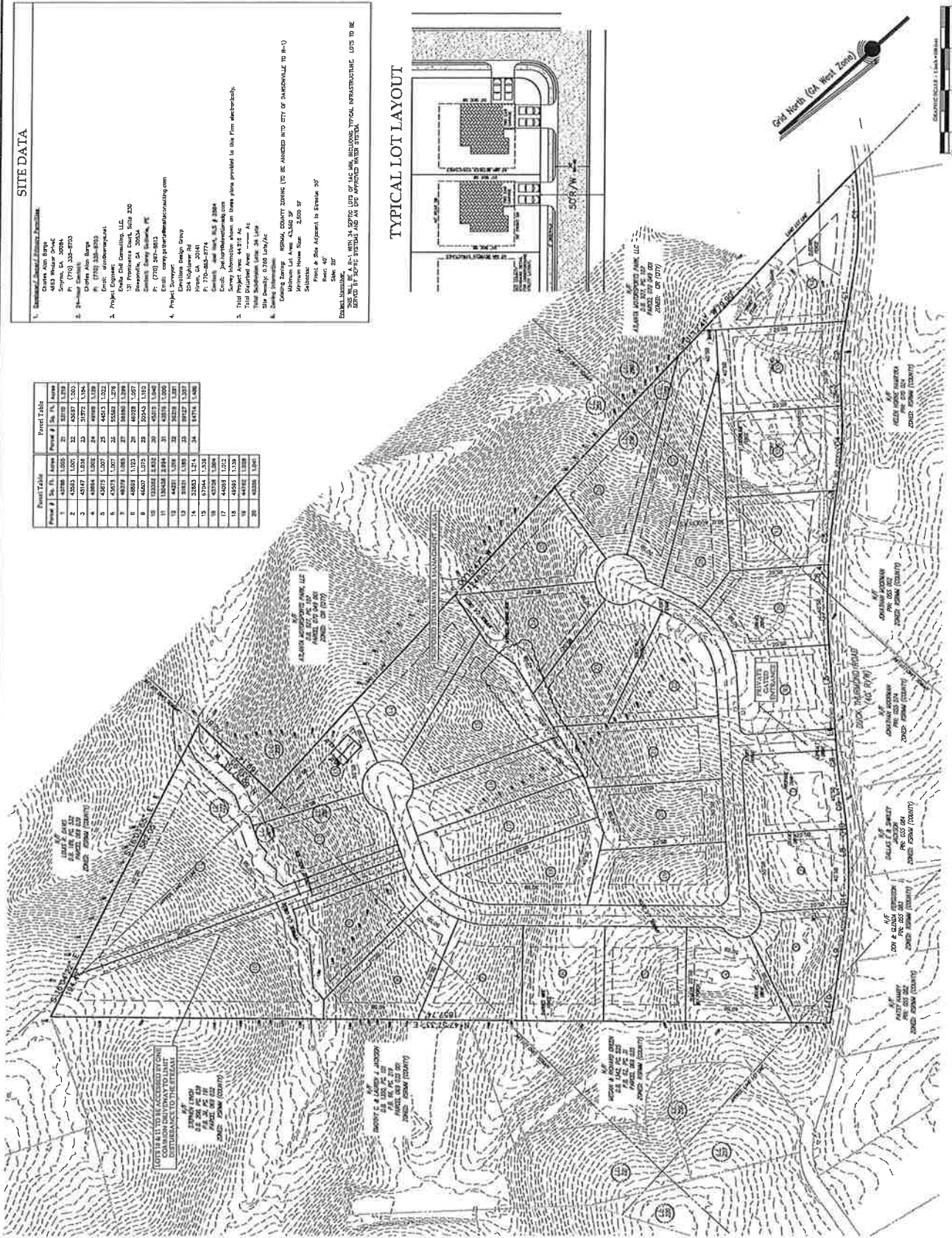
It is the Purchaser/Developer's desire that the proposed plan be a mutually beneficial relationship between him, the future home owners, the existing neighbors, and the city, and stands ready to address any concerns.

1. Combined Diesel Primary Facilities:

Parent Table				Forest Table			
	Parent	Child	Leaf	Parent	Child	Leaf	Leaf
1	427800	12000	21	427800	12000	21	427800
2	428200	12000	22	428200	12000	22	428200
3	431970	12000	23	431970	12000	23	431970
4	438840	12000	24	438840	12000	24	438840
5	445710	12000	25	445710	12000	25	445710
6	452580	12000	26	452580	12000	26	452580
7	459450	12000	27	459450	12000	27	459450
8	466320	12000	28	466320	12000	28	466320
9	473190	12000	29	473190	12000	29	473190
10	480060	12000	30	480060	12000	30	480060
11	486930	12000	31	486930	12000	31	486930
12	493800	12000	32	493800	12000	32	493800
13	500670	12000	33	500670	12000	33	500670
14	507540	12000	34	507540	12000	34	507540
15	514410	12000	35	514410	12000	35	514410
16	521280	12000	36	521280	12000	36	521280
17	528150	12000	37	528150	12000	37	528150
18	535020	12000	38	535020	12000	38	535020
19	541890	12000	39	541890	12000	39	541890
20	548760	12000	40	548760	12000	40	548760

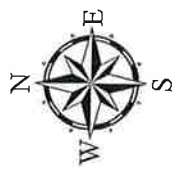
SITE DATA

1. Estimated Annual Production:
Gravel 400,000 Yds.
400,000 Material Sheds
Salem, VA 20084
(703) 530-0700
2. Business Contact:
Charles Alan Barga
(770) 330-8533
Email: charles@barga.com
3. Project Engineer:
Katie Gill Consulting LLC
10000 Highway 100, Suite 200
Brentsville, VA 22024
Email: katie@katiegill.com
(703) 991-9813
Email: katiegill@katiegillconsulting.com
4. Project Surveyor:
Eradition Design Group
(703) 552-5774
Email: info@eradition.com
5. Project Surveyor:
Survey Information Systems
4410 E. 1st
Tulsa, Oklahoma 74106
Site Density: 0.320 Lb/Ac
6. Project Location:
Dancing Springs, NORMAN COUNTY ZONING TO BE AMENDED INTO CITY OF RICHMONDVALE TO R-1
Midtown Loop Area 43,560 Sq
Midtown Home State 2,500 Sq
Salesman
Front & Site Agreement to Stream 50'
Back 40'
7. Project Location:
ONSITE 10.5 AC. WITH 2.5 AC. OFSITES LOT OF 146 ACRES INCLUDING TYPICAL INFRASTRUCTURE. LOTS TO BE ADJACENT TO 10.5 AC. WITHIN 10.5 AC. OFSITES LOT OF 146 ACRES INCLUDING TYPICAL INFRASTRUCTURE.



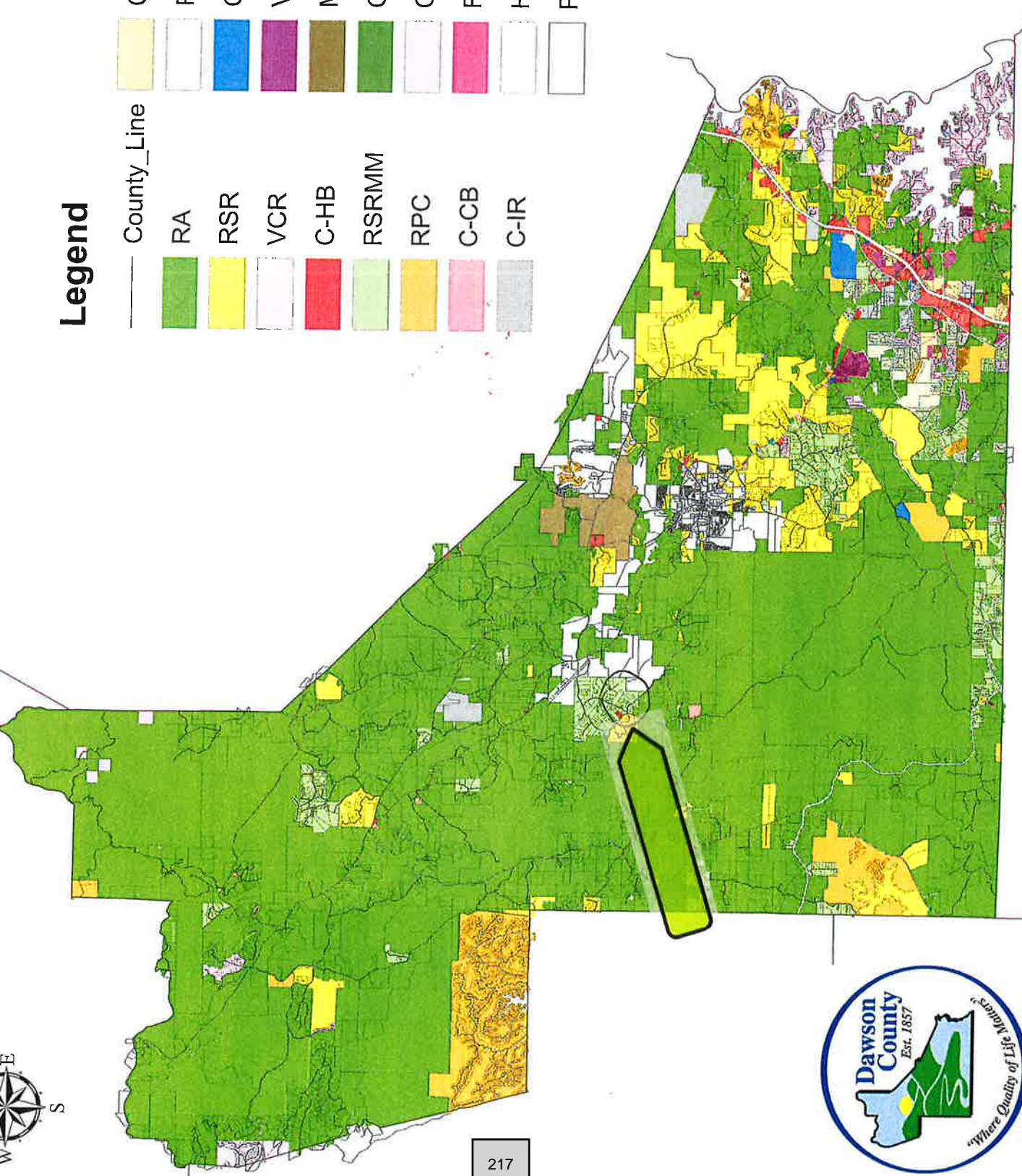
SHEET:
1 of 1

Dawson County Current Land Use/Zoning Map



Legend

County_Line	C-PCD
RA	RS
RSR	C-OI
VCR	VC
C-HB	MUV
RSRMM	CT
RPC	C-RB
C-CB	RMF
C-IR	HD
	Parcels



Dawson County

Sec. 121-76 - Dimensional requirements.

Table 3.2 Dimensional Requirements by Residential Zoning District*

Zoning District	Lot size ¹ (minimum, acres)		Lot Width ⁴ (minimum, feet)	Lot Depth (minimum, feet)	Principal Building Setback (minimum, feet)					Building Height (maximum, feet)	
					Front ⁵			Side	Rear		
	Septic Tank & Well	Septic Tank & Water ²			Sewer Tank & Water ³	Parkway	State Highway				Other Streets
RT	1.5	.75	.40	75	100	80	60	30	10	20	35
RL ⁶	1.5	.75	.75	75	100	80	60	40	10	20	35
RS ⁶	1.5	1	1	75	100	80	60	40	10	20	35
RS-2	—	—	.50	75	100	80	60	30	10	20	35
RS-3	—	—	.33	75	100	80	60	30	10	20	35
RSR ⁷	1.5	1	—	100	150	100	60	40	10	20	35
SRMM	1.5	1	—	100	150	100	60	40	10	20	35
RA ⁹	5.0 acres & 10		175	200	100	100	60	40	20	35	35
RAC	1.5 ¹⁰		175	200	100	100	60	40	20	35	35
RRE ¹¹	3.0 acres ⁸ Manufactured: 5.0 ¹⁰		150	200	100	100	60	40	20	35	35

* Requirements for VCR, VC, RPC and RMHP not incorporated into table; see respective sections that address these zoning districts for dimensional requirements.

¹ Minimum lot sizes may be less in Conservation Subdivisions, which are allowed by right in all single-family residential and agricultural districts (see Subdivision Regulations).

² Community or public water.

³ Public water and sewer.

⁴ Width at the building line.

⁵ Front yard setback applies to all frontages on publicly maintained streets with the exception of rear alleys.

⁶ In addition to the dimensional requirements in this table, all utilities shall comply with applicable regulations, and street lighting shall be included on all new public streets.

⁷ In addition to the dimensional requirements in this table, setbacks are required from U.S. Army Corps of Engineers line on Lake Lanier unless a road is involved.

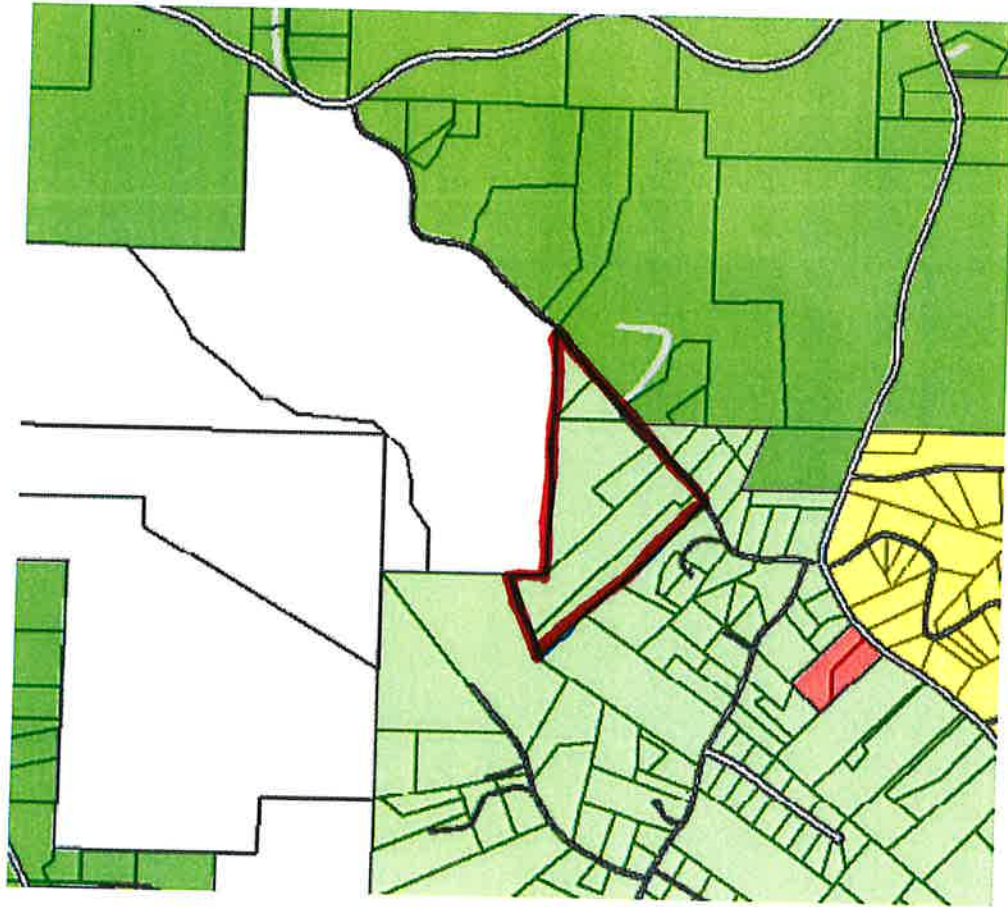
⁸ Or as determined by the Dawson County Health Department, whichever is greater.

⁹ In addition to the dimensional requirements in this table, the following shall apply: a) Major farm buildings shall be a minimum distance of 50 feet from the property line or 200 feet from the nearest residence, other than the residence of the owner, whichever is greater. b) The exhaust end of all poultry houses shall be located not less than 300 feet from any existing residence other than the applicant's. All poultry houses shall be located not less than 300 feet from a property line adjacent to residentially zoned property and 50 feet from the property line of any property located in an R-A or C-RB district. As an alternative to this requirement, the applicant may upon approval of the Planning Commission construct an earth berm, vegetative buffer or other barrier as specified and approved by the Planning Commission to shield the exhaust from any such residence. c) No setback is required from Lake Lanier Government Line. d) Health Department regulations require 10 feet from property line and 100 feet from a well for septic field lines.

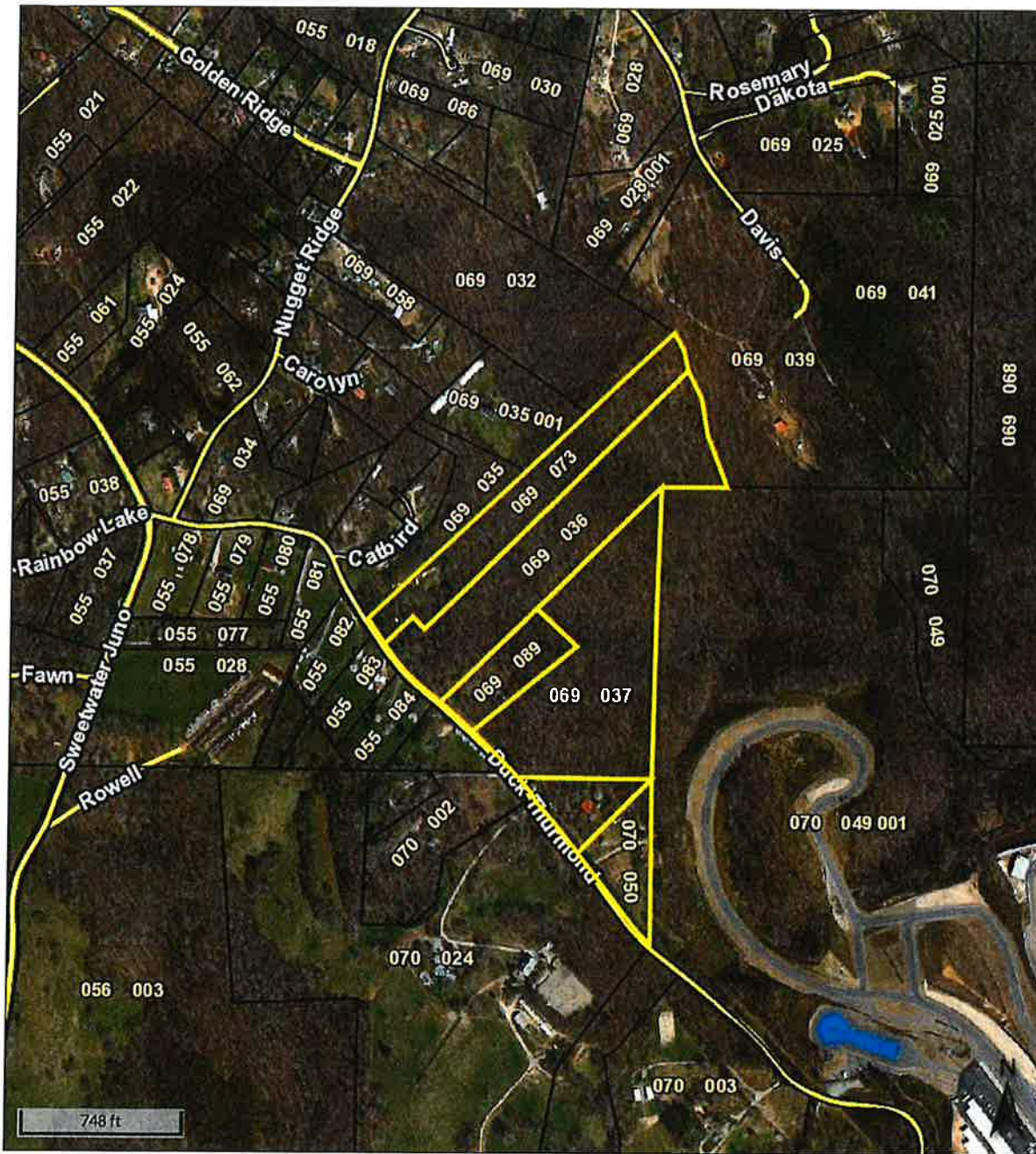
¹⁰ A manufactured home may be located on a tract of land that is less than 5 acres with Special Use Approval.

¹¹ In addition to the dimensional requirements in this table, the following shall apply: a) Major farm buildings (horse barns, etc.) shall be a minimum distance of 30 feet from the property line or 100 feet from the nearest residence, other than the residence of the owner, whichever is greater. b) No setback is required from Lake Lanier Government Line, but is encouraged. c) The height of farm related buildings and structures shall not be over 35 feet without approval by the Planning Commission.

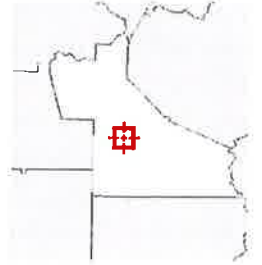
(Ord. of 8-5-2020(3), § 1(Exh. A, § 319))



Dawson County Zoning Map



Overview



Legend

□ Parcels

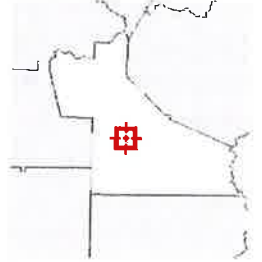
Date created: 4/8/2021

Last Data Uploaded: 4/8/2021 1:32:28 AM

Developed by  Schneider
GEOSPATIAL



Overview



Legend

□ Parcels

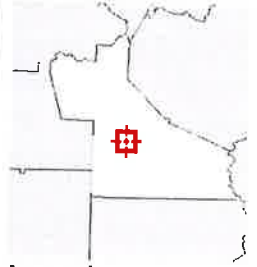
Parcel ID: 070 050
Alt ID: 5552
Owner: THURMOND HORACE JAMES
Acres: 3.05
Assessed Value: \$220390

Date created: 4/8/2021
Last Data Uploaded: 4/8/2021 1:32:28 AM

Developed by  Schneider
GEOSPATIAL



Overview



Legend

□ Parcels

Parcel ID: 070 004

Alt ID: 5510

Owner: THURMOND HORACE J

Acres: 3.05

Assessed Value: \$182700

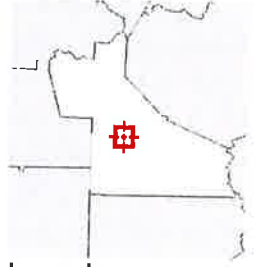
Date created: 4/8/2021

Last Data Uploaded: 4/8/2021 1:32:28 AM

Developed by  Schneider
GEOSPATIAL



Overview



Legend

□ Parcels

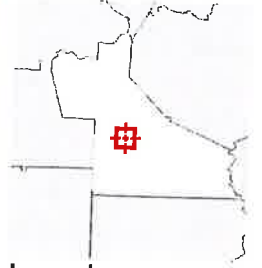
Parcel ID: 069 037
Alt ID: 5468
Owner: THURMOND HORACE J
Acres: 14.3
Assessed Value: \$271140

Date created: 4/8/2021
Last Data Uploaded: 4/8/2021 1:32:28 AM

Developed by  Schneider
GEOSPATIAL



Overview



Legend

□ Parcels

Parcel ID: 069 089

Alt ID: 9241

Owner: DEAN BRENDA F

Acres: 3

Assessed Value: \$98130

Date created: 4/8/2021

Last Data Uploaded: 4/8/2021 1:32:28 AM

Developed by  Schneider
GEOSPATIAL



Overview



Legend

□ Parcels

Parcel ID: 069 036

Alt ID: 5467

Owner: TINSLEY ALEXANDRIA & CODY D

Acres: 14.34

Assessed Value: \$186200

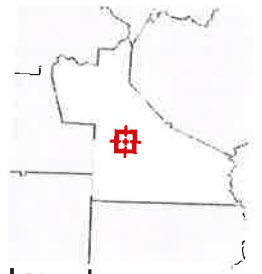
Date created: 4/8/2021

Last Data Uploaded: 4/8/2021 1:32:28 AM

Developed by  Schneider
GEOSPATIAL



Overview



Legend

□ Parcels

Parcel ID: 069 073

Alt ID: 5501

Owner: BLACKSTONE FAY C & SAM

Acres: 7.09

Assessed Value: \$63811

Date created: 4/8/2021

Last Data Uploaded: 4/8/2021 1:32:28 AM

Developed by  Schneider
GEOSPATIAL



City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534

ATTN: Beverly Banister, City Clerk
(706)265-3256

INVOICE #

I2101143

INVOICE DATE: 04/08/21

DUE DATE: 05/08/21

ACCOUNT ID: P-000561 PIN: 974753

CHARLES ALAN BARGE
4663 WINDSOR DRIVE
SMYRNA, GA 30082

PERMIT INFORMATION

PERMIT NO: C2100192

LOCATION: 612 DUCK THURMOND RD

OWNER: THURMOND HORACE JAMES

QUANTITY/UNIT	SERVICE ID	DESCRIPTION	UNIT PRICE	AMOUNT
		Permit No: C2100192		
1.0000	P-0145	Zoning Request to R1		
		Permit No: C2100192	250.000000	250.00
1.0000	P-0154	ANNEXATION		
		Permit No: C2100192	250.000000	250.00
44.8300/ACR	P-0159	ZONING REQUEST TO R-1 PER ACRE		
		Permit No: C2100192	50.000000	2,241.50
1.0000/EA	P-0155A	ADMINISTRATIVE FEES		
		Permit No: C2100192	100.000000	100.00
12.0000/EA	P-0155	CERTIFIED MAIL FEE		
		Permit No: C2100192	6.900000	82.80
			TOTAL DUE:	\$ 2,924.30
				<hr/>
				-2,924.30
			BALANCE:	\$ 0.00
				<hr/>

Prn Payment: 04/13/21 CR 3804225565

PAYMENT COUPON - PLEASE DETACH AND RETURN THIS PORTION ALONG WITH YOUR PAYMENT

City of Dawsonville
415 Highway 53 East, Suite 100
Dawsonville, GA 30534

CHARLES ALAN BARGE
4663 WINDSOR DRIVE
SMYRNA, GA 30082

INVOICE #: I2101143
DESCRIPTION: Permit No: C2100192
ACCOUNT ID: P-000561 PIN: 974753
DUE DATE: 05/08/21
TOTAL DUE: \$ 0.00



GENERAL RELEASE AND SETTLEMENT AGREEMENT

THIS GENERAL RELEASE AND SETTLEMENT AGREEMENT (“Agreement”) is made as of this ____ day of _____, 2021, by and between **DAWSON FOREST HOLDINGS, LLC, a Georgia limited liability company** (“Plaintiff”) and **DAWSON COUNTY BOARD OF COMMISSIONERS; and BILLY THURMOND, SHARON FAUSETT, CHRIS GAINES, JIMMY HAMBY, TIM SATTERFIELD and JULIE HUGHES NIX, both individually and in their official capacities as Members of the DAWSON COUNTY BOARD OF COMMISSIONERS** (collectively referred to as the “County” and together with Plaintiff sometimes collectively referred to as the “Parties”).

RECITALS

WHEREAS, the Parties are involved in certain litigation in the Superior Court of Dawson County, Georgia known as Dawson Forest Holdings, LLC, a Georgia limited liability company v. Dawson County Board Of Commissioners; Billy Thurmond, Sharon Fausett, Chris Gaines, Jimmy Hamby, Tim Satterfield, and Julie Hughes Nix both individually and in their official capacities as Members of the Dawson County Board of Commissioners, Superior Court of Dawson County, Georgia, Civil Action Number 2018-CV-0050 (“Litigation”), arising out of application for a rezoning number ZA 17-07 (“Application”);

WHEREAS, Plaintiff owns approximately 15.828 acres of property commonly known as 20 Hughes Court, Dawsonville, Georgia 30534, also known as Tax Parcel 114-019 in Dawson County, Georgia, as more fully depicted in the Rezoning Exhibit by Alliance Engineering and Planning for dated February 1, 2021 (“Site Plan”) attached hereto as Exhibit “A” and incorporated by reference herein, (“Property”);

WHEREAS, Miles Hansford & Tallant, LLC filed the Application on October 13, 2017, as well as a revised Application on November 9, 2017, seeking to rezone the Property from RA to RMF, for a proposed residential community consisting of 95 attached town home units;

WHEREAS, the County denied the Application on January 18, 2018;

WHEREAS, in the Litigation, Plaintiff seeks to rescind the County’s denial of the Application and to have the Property rezoned from RA to RMF; and

WHEREAS, the Parties hereto now desire to effect a negotiated settlement of each and every dispute between and among them, entered into voluntarily, for the purpose of resolving the Litigation without further trouble and expense, and to provide for a mutual general release of claims, all as hereinafter set forth;

NOW, THEREFORE, for and in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is

hereby acknowledged, all the parties hereto, intending to be legally bound, hereby agree as follows:

1. The County agrees to promptly initiate and diligently pursue a proposed rezoning of the Property, subject to all applicable rules and regulations of the Dawson County Zoning Ordinance, with an RMF zoning designation to be developed in substantial compliance with the site plan attached hereto and incorporated herein as Exhibit "A". The proposed rezoning shall also include a variance to Code § 306.C.6.B to allow two (2) car garages and driveways up to sixteen (16) feet wide as opposed to the access to an individual townhouse or residential unit being restricted to a single driveway of no more than 10 feet in width.
2. In addition, the rezoning of the Property, if approved, shall be subject to the conditions set forth on Exhibit "B" attached hereto and incorporated herein by reference.
3. The Parties agree that contract zoning is not permissible in Georgia. The Parties agree that the County's willingness to enter into this Agreement shall not be construed as the County's advance agreement to (and the County is specifically not agreeing to) rezone the Property to any particular zoning designation or to rezone the Property at all. Plaintiff agrees that the County shall retain full legislative discretion to approve, approve with conditions, or deny outright the contemplated rezoning. This Agreement simply reflects the County's agreement to proceed with a County-initiated rezoning of the Property for further consideration of the public and the Board of Commissioners.
4. If the rezoning is approved as specified in Paragraphs 1 and 2 (to include conformance with Exhibits "A" and "B"), to include the conditions incorporated therein, Plaintiff shall file a Dismissal with Prejudice of the Litigation with the Clerk of the Superior Court within five (5) business days of the County's approval of the above-described rezoning. All Parties shall bear their own respective fees and costs, including attorney's fees. For purposes of this Agreement, zoning "approval" shall mean final approval by the County without appeal (i.e., upon expiration of the applicable 30-day appeal period) or as such approval stands at the conclusion of any such appeal.
5. **NOTICE.** All notices required or permitted to be given hereunder shall be in writing, delivered in person or mailed postage prepaid by certified or registered mail, return receipt requested, and shall be effective from the date of mailing or upon delivery by hand. Notices shall be directed as follows:

To Plaintiff:	Joshua A. Scoggins, Esq. Lauren C. Giles, Esq. Miles Hansford Tallant, LLC 202 Tribble Gap Road, Suite 200 Cumming, Georgia 30040
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To the County:	Dawson County Board of Commissioners ATTN: David Headley, County Manager
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25 Justice Way, Suite 2236
Dawsonville, Georgia 30534

Copy to: Angela E Davis, Esq.
Jarrard & Davis, LLP
222 Webb Street
Cumming, Georgia 30040

6. **ENTIRE AGREEMENT.** This Agreement sets forth the entire agreement among the Parties and all previous discussions, understandings, and agreements with respect to the matters included in this Agreement are merged herein. This Agreement may not be changed orally but only in writing, signed by the Parties hereto, and shall be binding upon and inure to the benefit of the Parties, their respective heirs, successors, assigns, affiliates, partnerships, corporations, legal representatives, shareholders, directors, officers, employees, agents, contractors, attorneys, and insurers.
7. **CONSULTATION WITH COUNSEL.** The Parties affirm that they have consulted with counsel, that they have been advised of their rights, and that the terms of this Agreement have been completely read and are fully understood and are voluntarily accepted for the purpose of making a full and final compromise, adjustment, and settlement of any and all claims, disputed or otherwise, on account of the claims above-mentioned.
8. **RIGHT TO ENFORCE THIS AGREEMENT.** The Parties' releases contained herein shall not be a bar to enforcing this Agreement.
9. **COMPROMISE OF DISPUTES; NO ADMISSION OF LIABILITY.** This Agreement represents the compromise of disputed claims and is not an admission of liability by any Party. Neither the existence of this Agreement, nor the settlement and release accomplished by this Agreement, shall be cited, used, construed, or interpreted as an admission of liability by any Party. Further it is understood and agreed by the Parties that the consideration given pursuant to this Agreement is not to be construed in any way as an admission of liability by any Party but, rather, that said consideration is given in compromise and settlement of the disputes identified herein. This Agreement is given by the Parties voluntarily and is not based upon any representation or statement of any kind made by any Party or their representatives as to the merits, legal liability or value of any claim against any Party (and all subsidiaries, divisions and related companies) or any matter relating thereto. It is expressly agreed that all liability of any kind whatsoever to the other Parties is denied and that the sole purpose of this Agreement is to avoid the costs and risks attendant to litigation.
10. **MUTUAL RELEASE.** As of the date of the final execution of this Agreement by all Parties and effective and contingent upon finalization of a rezoning in compliance with Paragraphs 1 and 2 of this Agreement (to include conformance with Exhibits "A" and

“B”), each Party, on behalf of itself, its directors, officers, elected and appointed officials, employees, parent companies, wholly-owned subsidiaries, partners, shareholders, insurers, heirs, successors and assigns, agents, affiliates, representatives, servants, attorneys and each of them, does voluntarily hereby fully and forever mutually release, acquit, and discharge each of the other Parties and those Parties’ respective directors, officers, elected and appointed officials, employees, parent companies, wholly-owned subsidiaries, partners, shareholders, insurers, successors and assigns, agents, affiliates, representatives, servants, and attorneys from any and all past, present or future claims, debts, compensation, liabilities, demands, obligations, damages, costs, statutory penalties, expenses, attorneys’ fees, judgments, suits, grievances, actions and causes of action whatsoever, of every nature, character or description, whether in law or in equity, whether known or unknown, whether contingent or non-contingent or whether past, present or future, which a Party may now or hereafter have or assert related to the disputes described herein and/or in the Litigation.

11. **FUTURE ACTION.** The Parties agree if the rezoning is approved pursuant to Paragraphs 1 and 2 of this Agreement (to include conformance with Exhibits “A” and “B”) that they will not hereafter commence any civil action or make any claim against each other arising out of or related to the disputes released herein.
12. **HEIRS, SUCCESSORS AND ASSIGNS.** The terms and conditions of this Agreement shall be binding upon and shall inure to the benefit of the Parties, their respective heirs, executors, administrators, legal representatives, successors, agents, elected and appointed officials and assigns. Further, the Parties represent and warrant that no claims, rights or obligations related to the disputes addressed by this Agreement have been assigned or transferred, expressly or impliedly by operation of law, to any other person or party, and no person or parties are subrogated to the rights of the Parties in this matter, and all claims released herein are owned exclusively by the Parties with sole authority to release them.
13. **BROADLY CONSTRUED.** The Parties intend that this Agreement be construed as broadly as possible to effectuate their intention that complete, mutual releases be exchanged. Nothing contained in the releases, however, shall affect any claim arising under or related to this Agreement, pursuant to which these mutual releases are given, arising on or after the date of final execution of this Agreement.
14. **INVALIDITY OF PROVISIONS; SEVERABILITY.** Should any article(s) or section(s) of this Agreement, or any part thereof, later be deemed illegal, invalid or unenforceable by a court of competent jurisdiction, the offending portion of this Agreement should be severed, and the remainder of the Agreement shall remain in full force and effect to the extent possible, as if the Agreement had been executed with the invalid portion hereof eliminated and, if applicable, compliant language inserted, it being the intention of the Parties that they would have executed the Agreement without including any such part, parts, or portions that may for any reason be hereafter declared invalid.

15. **AGREEMENT CONSTRUCTION AND INTERPRETATION.** The Parties represent that they have reviewed and become familiar with this Agreement and have notified the other party of any discrepancies, conflicts or errors. The Parties hereto agree that, if an ambiguity or question of intent or interpretation arises, this Agreement is to be construed as if the Parties had drafted it jointly, as opposed to being construed against a Party because it was responsible for drafting one or more provisions. In the interest of brevity, the Agreement may omit modifying words such as “all” and “any” and articles such as “the” and “an,” but the fact that a modifier or an article is absent from one statement and appears in another is not intended to affect the interpretation of either statement. Further, as used in this Agreement, the plural includes the singular, and the singular includes the plural.
16. **ATTORNEYS’ FEES.** Each Party shall bear its own costs and attorneys’ fees, including all costs, attorneys’ fees and expenses, related to the settlement of the disputes described herein.
16. **AMENDMENTS.** This Agreement may be amended, modified or altered at any time only upon the approval of all Parties; any such amendment must be in writing and signed by all Parties in order for such amendment to be of any force and effect.
17. **SURVIVAL.** All representations and warranties contained herein shall survive the execution and delivery of this Agreement, and the execution and delivery of any other document or instrument referred to herein.
18. **APPLICABLE LAW.** This Agreement shall be subject to and governed by the laws of the State of Georgia, without regard to conflict of law rules. The Parties hereby consent that jurisdiction is proper in the State of Georgia for any action arising out of, under, or in connection with this Agreement, and that venue is proper exclusively in the Superior Court of Dawson County, Georgia, for any action arising out of this Agreement.
19. **COUNTERPARTS.** This Agreement may be signed and executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one Agreement. Delivery of an executed counterpart of a signature page of this Agreement by facsimile or email shall be effective as delivery of an originally executed counterpart of this Agreement.
20. **NOT EVIDENCE.** This Agreement shall not be used as evidence in any proceeding other than one to enforce this Agreement, or one seeking damages arising from a breach of this Agreement.
21. **FURTHER ACTS.** In addition to the acts recited in this Agreement, the Parties agree to perform, or cause to be performed on the date of this Agreement, or thereafter, any and all such further acts as may be reasonably necessary to consummate this Agreement. Each of the Parties agrees to execute and deliver all such documents and

instruments as may be necessary and appropriate to effectuate the terms of this Agreement.

22. **AUTHORITY.** Each person(s) executing this Agreement as an agent or in a representative capacity warrants that he or she is duly authorized to do so.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in their respective names and caused their respective seals to be hereunto affixed, all to be effective as of the day and year first above-written.

PLAINTIFF:

DAWSON FOREST HOLDINGS, LLC

By: 

Its: Manager

COUNTY:

DAWSON COUNTY, GEORGIA

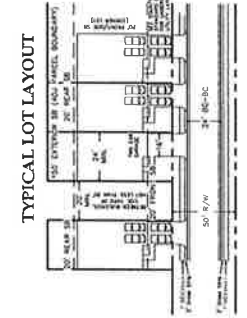
By: _____

Billy Thurmond, Chairman
Board of Commissioners

[SEAL]

ATTEST:

Clerk, Board of Commissioners



SITE DATA

Site Area: 15.828 AC
Existing Zoning: RA
Proposed Zoning: RMF
Total Lots: 89
Density: 5.62 Units/Acre
Linear Feet Of Street: 1,853 LF
Open Space:
Required: 3.96 AC (25.0%)
Provided: 3.96 AC (25.0%)

VARIANCE
 1. ACCESS FROM A STREET TO AN INDIVIDUAL TOWNHOUSE OR RESIDENTIAL UNIT SHALL PERMIT A SINGLE DRIVEWAY OF MORE THAN 10 FEET IN WIDTH. TWO SUCH UNITS MAY COMBINE AND SHARE THEIR DRIVEWAYS ALONG A COMMON PROPERTY LINE WITH THE WIDTH OF THE COMMON DRIVE PERMITTED TO EXCEED 10 FEET FOR EACH UNIT. SEC-BY-502 PARKING SPACES BETWEEN A STREET AND A TOWNHOUSE IS ALLOWED.

**Proposed Zoning Conditions
Hughes Court
Application # ZA17-07**

1. The property shall be developed in general accordance with the conceptual site plan prepared by Alliance Engineering & Planning dated 02-01-2021 ("Site Plan") unless otherwise approved by staff; however, the main entrance must be accessed from Beartooth Parkway and in substantially the same location shown on the Site Plan, the secondary "emergency" access must be from Hwy 53 and in substantially the same location and connected to a cul-de-sac as shown on the Site Plan, and the final development shall include not less than the same number of "guest parking" spots as shown on the Site Plan.
2. The development shall be restricted to 89 townhomes with a minimum width of 24 feet.
3. The setbacks on each lot shall be at least 20 feet in the front, 20 feet in the rear and 0 feet on the sides with no less than 20 feet between buildings.
4. Each home in the development shall have not less than a two-car, enclosed garage.
5. The minimum heated floor area per dwelling unit shall be 1,600 square feet.
6. All utilities shall be underground.
7. The developer shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exteriors, setbacks and other similar techniques to provide a more pleasing appearance to the subdivision. The front facades of the homes shall be a mixture of brick, stone or cement fiber material with the sides and rear the same or of fiber cement siding.
8. There shall be a landscaped entrance with a monument type sign.

9. Development shall have covenants that require maintenance of the landscaped entrance area, open space and the amenity area. Membership in the homeowners association is mandatory for all owners of properties and all properties within the development shall be subject to the covenants.