

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION AGENDA - THURSDAY, MAY 3, 2018
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
6:00 PM**

A. ROLL CALL

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ANNOUNCEMENTS

E. APPROVAL OF MINUTES

[Minutes](#) of the Voting Session held on April 19, 2018

F. APPROVAL OF AGENDA

G. PUBLIC COMMENT

H. PUBLIC HEARING

[1. Revised](#) Alcohol Ordinance (*1st of 1 hearing*)

I. NEW BUSINESS

- [1.](#) Consideration of Request for Merit Salary Increase for Chief Appraiser Kurt Tangel
- [2.](#) Consideration of Year End Budget Request for Juvenile Court
- [3.](#) Consideration of IFB #314-18 - Ram 5500 4x4 Crew Cab Dump Flatbed Work Truck for Public Works
- [4.](#) Consideration of IFB #313-18 - Milling Machine Rental Services
- [5.](#) Consideration of IFB #311-18 - Paver Special Lowboy
- [6.](#) Consideration of Proposed Misdemeanor Probation Contract Addendum
- [7.](#) Consideration of Resolution Requesting Speed Limit Reductions from the Georgia Department of Transportation on State Highways Within the City of Dawsonville
- [8.](#) Consideration of Board Appointment:
 - a. Parks & Recreation Board**
 - i. Heather Tierney- *reappointment* (Term: May 2018 through December 2023)

J. PUBLIC COMMENT

K. ADJOURNMENT

Backup material for agenda item:

Minutes of the Voting Session held on April 19, 2018

DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – APRIL 19, 2018
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE
6:00PM

ROLL CALL: Those present were Chairman Thurmond; Commissioner Fausett, District 1; Commissioner Gaines, District 2; Commissioner Nix, District 4; County Manager Headley; County Attorney Frey; County Clerk Cloud; and interested citizens of Dawson County. Commissioner Hamby was not present.

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

Chairman Thurmond announced that the next Board of Commissioners meeting, a work session, would be held at 4 p.m. Tuesday, April 24.

APPROVAL OF MINUTES:

Motion passed unanimously to approve the minutes from the Voting Session held on April 5, 2018. Nix/Fausett

APPROVAL OF AGENDA:

Motion passed unanimously to approve the agenda with the following change:

- Addition of Executive Session for the purpose of Real Estate

Gaines/Fausett

PUBLIC COMMENT:

None

NEW BUSINESS:

Consideration to move forward with a Public Hearing on May 3, 2018, regarding the Revised Alcohol Ordinance

Motion passed unanimously to approve moving forward with a Public Hearing on May 3, 2018, regarding the Revised Alcohol Ordinance. Nix/Gaines

Consideration of 2018 Arbor Day Proclamation

Motion passed unanimously to approve the 2018 Arbor Day Proclamation as presented. Fausett/Gaines

Consideration of Request for New Computers and Additional Scanners for Tax Commissioner's Office

Motion passed unanimously to approve the purchase of eleven computers and four scanners for the Tax Commissioner's Office in the amount of \$15,425, money of which will come from Special Purpose Local Option Sales Tax (SPLOST) VI. Nix/Fausett

Consideration of Donation of Architectural and Engineering Services for Veterans Memorial Park Gym Renovations

Motion passed unanimously to approve the Donation of Architectural and Engineering Services for Veterans Memorial Park Gym Renovations from Robertson Loia Roof, a donation valued at approximately \$15,000. Nix/Gaines

Consideration of Application for Parade & Assembly - National Day of Prayer

Motion passed unanimously to approve the Application for Parade & Assembly - National Day of Prayer. Gaines/Fausett

Consideration of Special Event Business License Application - Amicalola Regional Farmers Market

Motion passed unanimously to approve the Special Event Business License Application - Amicalola Regional Farmers Market. Fausett/Gaines

Consideration of Special Event Business License Application - Hacienda Cinco de Mayo Event

Motion passed unanimously to approve the Special Event Business License Application - Hacienda Cinco de Mayo Event. Gaines/Nix

Consideration of Special Event Business License Application - Motorcycle Endurance Event

Motion passed unanimously to approve the Special Event Business License Application - Motorcycle Endurance Event. Fausett/Gaines

Consideration of South 400 Center Lane Road Acceptance

Motion passed unanimously to approve the acceptance of South 400 Center Lane Road. Nix/Gaines

Consideration to move forward with a Public Hearing on May 3, 2018, regarding the Partial Abandonment of Will Hall Road

Motion passed unanimously to approve moving forward with a Public Hearing regarding the Partial Abandonment of Will Hall Road at the earliest possible date following the item being properly advertised. Gaines/Fausett

Consideration of Board Appointments:

- Industrial Building Authority
 - Calvin Byrd- replacing Brian Sticker (Term: April 2018 through December 2019)
 - Brian Trapnell- replacing Randy Harris (Term: April 2018 through June 2018)
- Library Board
 - Tom Harter- term amendment (Term: July 2018 through June 2022)

Motion passed unanimously to appoint Calvin Byrd to the Industrial Building Authority of Dawson County with a term of April 2018 through December 2019 and Brian Trapnell to the Industrial Building Authority of Dawson County with a term of April 2018 through June 2018. Nix/Fausett

Motion passed unanimously to amend Tom Harter's term on the Dawson County Library Board to July 2018 through June 2022. Fausett/Nix

PUBLIC COMMENT:

None

EXECUTIVE SESSION:

Motion passed unanimously to go into Executive Session for the purpose of Real Estate. Gaines/Nix

Motion passed unanimously to come out of Executive Session. Gaines/Nix

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk

Backup material for agenda item:

Revised Alcohol Ordinance (*1st of 1 hearing*)



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: County Attorney

Work Session: 03.22.18

Prepared By: Lynn Frey

Voting Session: 04.05.18

Presenter: Lynn Frey

Public Hearing: Yes No

Agenda Item Title: Revised Alcohol Ordinance

Background Information:

We have discussed various potential changes to the Alcohol Code of Dawson County, including definitions, licenses, permits, fees, administration, disciplinary issues, distance requirements, microbreweries, and the roles to be played by the director, staff and the Board of Commissioners. The revisions have been compiled in the form of a new ordinance embodying the modified text integrated into the appropriate locations within the Code.

Current Information:

The revised version of Chapter Six (the Alcohol Code) of the Dawson County Code of Ordinances will be presented to the Board of Commissioners in the March 22, 2018, Work Session, with possible adoption at the Voting Session of April 5, 2018. It is thought that, due to the extensive and detailed nature of the modifications, the changes should be further discussed at another follow-up Work Session so as to view any additional changes to the current draft prior to a Voting Session.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Approve Revised Ordinance

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 3.16.18

County Manager Authorization: DH

Date: 3/16/2018

County Attorney Authorization: MLF

Date: 3.16.18

Comments/Attachments:

The current version of the Revised Code will be made available prior to the meeting and any additional revisions will be made available prior to further meetings for discussion or adoption.

MEMORANDUM

**TO: Chairman Billy Thurmond
Commissioner Sharon Fausett
Commissioner Chris Gaines
Commissioner Jimmy Hamby
Commissioner Julie Hughes Nix**

FROM: County Attorney Lynn Frey

**CC: County Manager
County Clerk**

DATE: March 22, 2018

RE: Executive Summary of Proposed Revisions to Dawson County Alcohol Code

I have drafted revisions to consider making to our local alcoholic beverage licensing ordinance, which is Chapter 6 of the Dawson County Code of Ordinances. This memo is intended to serve as an Executive Summary of the ordinance and the changes, which is probably a good way to save you some time in your review of the revised ordinance. The revisions are more extensive than I originally planned, and particularly when the marked-up version with changes is in front of you it is so voluminous as to be the late-night equivalent of a large dose of morphine. Once you have reviewed the summary you may wish to discuss the possibilities and give direction to me as to where you wish to go with this. Then I can fine tune it and present you with a cleaned up final version to read and consider before voting.

The summary is organized the same way the Alcohol Chapter is, by Articles. There are presently sixteen articles.

Article I. General

The general provisions consist primarily of many definitions. I have cleaned up a number of those and added more that deal with new terms or terms that were not defined and thus perhaps were open to dispute. New terms include administrative/application fee (as distinguished from the license fee itself), alcohol caterer, brewpub/microbrewery, Director, growler (container for package sale from a brewer), package, private club, mead wine/honey mead, and others.

Article II. Types of licenses and Fees

§6-23. A license is a privilege (not a right, though the courts have made this less than clear at times) to sell alcoholic beverages in unincorporated Dawson County per specified terms and for a stated period of time. A state license is also required (it is issued after the local one but is required prior to commencing sale).

§6-24. Licenses are for a single location and expire at midnight on December 31 each year. A license or permit issued in error may be recalled as invalid (giving the holder notice and an opportunity to be heard before final action).

§6-25. Types include wholesalers and retailers, for wine, beer and liquor, and both for on premise/by the drink consumption, and for off premise consumption/ by the package. Generally, each type requires a separate fee, application and license, though there are some combinations. In general the same location is not authorized for both on premise and package sales. There are also licenses for caterers, farm winery tasting rooms, hotel/motel in room service (which is currently only by way of “mini-bar” stocked with beer/wine – I have not added anything to permit delivery to a room though you could do that), and special event alcohol permits.

§6-26. Fees are set in a schedule to be determined by the BOC in a public meeting, with no waivers or reductions except according to written regulation or

the Fee Schedule. The Director determines the fee amounts per the published Schedule. The license is only valid for up to a year, ending on 12/31. It used to say it was for a calendar year which conflicted with the 12/31 expiration. Separate applications and fees are required for each license and for renewals.

Article III. Excise Tax

This is the tax paid by wholesalers on the containers of liquor, beer and wine they sell to retailers, and is in addition to license fees. It is based on the capacity/volume of the container (basically \$0.22 per liter). It is also paid by all on-premise consumption licensees for liquor drinks they sell to customers and is based on the gross revenue derived from sales of such drinks (but not of beer for some reason).

Article IV. General Rules – All Licenses

§6-90. Applications are made to the Director on a form he/she prescribes and must include a diagram illustrating distances to certain other uses, such as churches, schools, and the like (new to this section), and a diagram showing the layout of the premises so as to make clear what part of the premises are the area where sales and consumption are permitted (which is new to the ordinance). Applicants must cooperate and, currently, a failure to provide information results in “dismissal with prejudice.” This arguably means it cannot be renewed but is effectively a denial (and the ordinance precludes a denied applicant from re-applying for two years). Short of that it might be changed to say that the application will be held without further action until the applicant provides the requested info or records. We could provide that after 30 days the application would lapse and the applicant must start over, including paying new application fees. This would give teeth without being too severe.

The section (6-90) also provides that liquor license applications require notice to be published in the paper, and I've added that if proper publication does not happen then consideration must be delayed to correct the failure. If an applicant is told to appear before the Director or the Board and fails to appear, an unexcused absence may result in denial or, in the case of proposed disciplinary action, a presumption that there is no opposition to the suspension, revocation or action. Here I would insert a reference to "probation" if we add a provision for another category of adverse action, probation in lieu of or in addition to a period of suspension. That would be best included in §6-106 dealing with suspensions.

Revised §6-90 includes the provision clarifying the issue that lead me to look at the alcohol ordinance in the first place. The ordinance needs to plainly say who is to decide each type of action on alcohol licenses, either staff (the Director), or the Board, or staff with appeal to the Board. My initial understanding was that you wanted to have all initial applications, renewal applications, transfers of location or ownership, and disciplinary matters come before the Board for decision. It would seem that renewals, where there has been no problem during the year, and simple changes of ownership (where the new owners are approved by the Director in processing, and the location remains the same) could be handled at the staff level, with a right of appeal to the Board. I can tell you that the Planning staff are prepared to and would, I believe, welcome the task of determining any of these matters (with the possible exception of suspensions and revocations) for you, subject to the right to appeal. Thus far I have simply written it up as I was originally told you preferred, but I will be pleased to make such changes as you feel appropriate to put decisions at the desired level.

The revision, in this same section, also adds a provision for the potential of an emergency decision by the Sheriff, Fire Chief, or County Manager to protect the public until the Board can meet to consider s suspension or revocation. I'd like to clarify this to include the Building Official/Director as well. This is also addressed in the suspension section (6-106) below.

Finally, §6-90 allows the Director or Board to table or postpone action to get more information before acting.

§6-91. This section provides for the unusual situation in which a decision must be made between two applicants when only one can be approved. It may be there because of some old provision that has been deleted. I'm not actually sure just what would bring this into play. Even a conflict regarding the one mile separation rule for package liquor stores applies to issuing a license for a location which is "within one mile of any other business *licensed* to sell packaged liquor" might well be resolved, in the case of two new applicants within a mile of each other but over a mile from any existing package store, by looking at either whose application was submitted (complete) first, or whose is acted upon first (in the sense that whoever is acted on first has an *existing* license. I read that word "licensed" as referring to a place for which there is an existing license, so it's not ordinarily going to be a matter of choosing between new applicants. In any event, it may be best to leave it as it is now worded. I will discuss an ambiguity in the language of §6-131, which contains the one mile rule, when I get to it below.

The next part of §6-91 lists some matters to be considered (some "shall" and some "may" consider) and I have added a new subsection, §6-91(c), which says the BOC may set restrictions on the operation as a condition to granting a license, or to permitting a licensee to continue operating at the time they consider renewal or consider discipline.

§6-92 deals with denials and the key point is that a denial requires a writing to the applicant with reasons given.

§6-93 establishes qualifications of applicants and registered agents. It sets forth how partnerships and corporations are handled as well as a number of offenses that would disqualify an individual, primarily recent (within two years) felonies and crimes of "moral turpitude." The registered agent rule as revised will require an applicant which is a corporate entity or partnership, or an individual

residing outside the county, to name a qualified registered agent residing in this county to serve as agent for administrative purposes relating to the license.

§6-94 provides for requests for transfer of ownership or location of licenses, which requires an application, fee, and approval. While ownership changes may be minor (a change in division of profits, partnership or corporate officers or shares and the like) location changes are significant to the point they are committed to the BOC for approval/disapproval as you have indicated was the preference. The procedure for ownership changes is not determined as yet and may be handled at staff or commission level as you may direct.

§6-95 confronts the problem of non-use of a license. The rule (which I haven't modified) is that just thirty days of non-use is deemed an abandonment. You may wish to give more time on that before a license is forfeited. A license which is granted with the expectation that the licensee will have to build or renovate before opening for business needs to have some cut-off at which point an abandonment occurs, though it needn't be as short a time frame as the one mentioned above. Currently it gives two full years, and my idea was to say one year, but instead I framed it as a time for moving the work forward coupled with a time for completing the work and opening for business. I believe Jason is considering making a recommendation as to shortening the time frame for abandonment of conditional uses in the zoning context for similar reasons.

Under §6-96 licensees must maintain a copy of the Ordinance on-site and assure employees are familiar with it. The licensee is responsible and the license is at risk if failure leads to violations of the rules. The license, according to §6-97, must be displayed, and may be confiscated as part of enforcement action. I have clarified that it is property of the County and must be surrendered on demand. §6-98 regulates signage and other advertising; I've suggested converting the maximum sign size allowed from six by four feet to its square footage equivalent, 24 square feet.

Selling beyond the boundaries of the premises, or without a license, or bars allowing customers to take drinks off premises are all significant problems addressed in §6-99, and the requirements for checking identification to prevent sales to minors are set forth in §§6-101 and 102. §6-102 also tracks State law in forbidding sale to noticeably intoxicated persons. Employees may be charged with offenses and licensees may be charged and are also subject to losing the license. Also, it is an offense for a person under 21 to purchase or possess, or attempt to do so, alcohol. I have added that it is likewise an **offense to do so through a surrogate**/ “straw man.” I think including a specific provision that selling to an adult when there is good reason to believe the sale is being made as a surrogate for a minor is to be treated as a sale to the minor.

Disciplinary matters are serious and the grounds and procedures are laid out in §§6-105, 106 and 107. Offenses may be reason for adverse action such as revocation or non-renewal, or perhaps less serious such that suspension or conditions of probation are sufficient. I have added provisions to allow for authority and flexibility in determining the appropriate course of action, a determination to be made by the Commission, and only done so after the licensee is given notice and an opportunity to be heard. I have also added “operation as a nuisance” as grounds for discipline/non-renewal and provisions that allow for the Sheriff, Fire Chief, County Manager or Building Official to do an emergency form of temporary closure under certain circumstances until the Commission can meet.

Article V. Package liquor sales.

Some rules are peculiar to particular categories of licenses, such as liquor licenses. Liquor stores are only allowed in C-HB (Highway Business Commercial) and CPCD (Commercial Planned Comprehensive Development) zones under §6-130. I have combined old §6-131 regarding distances and put it under another section for the combination of all distance rules in the same place in the code.

This should make it simpler for the staff and the public. I have attempted to simplify the confusing mix of measurement methods to the extent possible.

Similarly, I combined §6-132 and §6-195, dealing with employee qualifications (such as permitting and minimum age) in one new section, to eliminate unnecessary duplication. Basically the age minimums (unchanged) are 18 for sale by-the-drink employees, 21 for package stores, and 18 for convenience store beer/wine sales. The age rules do not apply to janitors, bus boys, dishwashers and cooks. Employee permits and discipline fall under the authority of the Director.

Under package sales there are unchanged provisions as to hours of operation, prohibition of on-premises consumption, prohibition of drive-through window sales, posting of license number, listing of prices, and types of outlets where sales by the package may take place. I am looking at the impact of a potential rule concerning the delivery of purchased goods such as groceries to vehicles at curbside. The trend towards this mode of delivery makes it appropriate to consider a specific rule prohibiting curbside delivery outside the package store, grocery store, convenience store or drug store, so as to avoid any confusion or dispute. See §§6-132 through 6-138.

ARTICLE VI. Package Sales of Malt Beverages and Wine.

These rules are brief and unchanged except for putting the distance and employee age rules in a more convenient, consolidated section.

ARTICLE VII. Alcohol By-The-Drink; General Provisions.

The rules here are a bit more extensive, though less so after I have eliminated some redundancy.

The changes are relatively minor and aimed at clarification of just what constitutes the “licensed premises” and that drinks cannot be taken off-premises to, for example, the parking lot. Employees cannot allow that to happen, and rules for outdoor service (patio, etc.) take this into account. See §§6-193 through 6-198. I added a provision, §6-199, that “brown-bagging” or BYOB practices are prohibited at any establishment under suspension (to keep them from circumventing the suspension), as they already are in general, and that no sale or service of alcohol of any kind is permitted during suspension. §6-200 deals with the specification of the premises and §6-201 forbids employees from soliciting drinks from customers. §6-202 prohibits certain bothersome noise, and § 6-203 mandates record-keeping and authorizes county audits; §6-206 authorizes inspections. Storage of inventory still cannot be off-site, and only permit-holding employees may serve by-the-drink. §6-207.

§6-207 prohibits certain types of entertainment from occurring at licensed premises. Among these are live or film entertainment which features sexual intercourse or simulations of sex, or entertainment consisting of nude dancing. The existing rules generally prohibit nudity though there is an exception for naturist clubs and resorts. Also excepted are museums and theatres which are not primarily operated for drinking (similar to provisions for private clubs and sports bars, which cannot be simple “drinking clubs”).

§6-208 regulates and limits what can be done in terms of “happy hour” and similar drink specials. For example no free drinks, not more than one drink at a time, no “all you can drink” deals, and no container/mug, etc. (other than pitchers) over 32 oz. capacity. These rules are already in place though many people, including some licensees (since they are responsible) may need to be reminded of this.

ARTICLE VIII. Distilled Spirits By the Drink.

ARTICLE IX. Malt Beverages and Wine By the Drink.

These Articles contain general provisions as to location, hours of operation and the like that are left intact. The basic rule is that to serve by-the-drink a licensee must have a kitchen, offer food during all hours they are open for business, and derive at least half their annual gross revenue from food and non-alcoholic beverage sales. I understand there may be some interest in providing for micro-breweries to be excepted from the eating establishment requirement, as farm wineries, non-profits, and golf courses are at present. I have not done so at this point but will be happy to follow the Board's direction on this.

ARTICLE X. Catering.

Other than some minor clean-up I have not changed the provisions for catering events with alcohol service. Essentially, caterers must have an on-premise consumption license, have their employee permits in order, and cater off-premise events only at places with permits for special event alcohol service under Article XII.

ARTICLE XI. Private Clubs.

Two forms of private clubs are recognized (under §6-314); "private clubs" and "sports clubs." The former parallels the State definition for "bona fide private clubs" which can serve alcohol during defined hours so long as they have a kitchen, serve food, aren't organized just for the purpose of drinking alcohol, have at least 75 dues-paying members and have been in existence for at least a year. Sports clubs don't have a membership requirement but must be oriented toward

participation in sporting activities (so a “football club” that plays soccer would qualify, but one that simply involved drinking and watching games on television would not). There is no kitchen/food sales requirement in the sports club definition as there is for “private clubs” (and I have made this existing absence of a requirement an express exception to clarify this, though if you prefer it can be changed the other way, that is, by adding a requirement for eating establishment Status). On the other hand the current rule is that sports clubs must have been in existence at least two years prior to application. Golf clubs are an existing exception to the two year rule, and I have not altered that. Certain groups, such as non-profit veterans or fraternal groups which are qualified under Federal tax law do not require a food service, though the same section says that to sell alcohol they must comply with all provisions for licensing generally and for by-the-drink service. I have not yet attempted to clarify that situation but will appreciate your guidance.

ARTICLE XII. Special Event Permits.

This set of rules deals with permits to serve alcohol at special events such as festivals and the like. The rules are separate from the Special Event Business Licenses under the business license Chapter of the Code, which do not deal with or authorize sale of alcoholic beverages. I have made no significant changes in the Article, but would point out that State law requires a State issued permit with separate rules and application forms available through the State revenue department.

ARTICLE XIII. Hotel In-room service.

There is not much to this Article, which I have not altered. Just keep in mind that it deals only with in-room service and only authorizes such service to be

done by way of a locked mini-bar type cabinet – it does not presently allow for “room service” type delivery of package or by-the-drink alcohol to a guest room.

ARTICLE XIV. Farm Wineries.

Farm wineries are permitted by the State to sell wine wholesale and retail, for on-premise and off-premise consumption. They are not required to have an eating establishment and must be on a site devoted to a significant extent on agriculture such as producing or processing grapes or the like for use in wine. Our §§6-401 through 6-408 include definitions, licensing, hours of operation and fees, and track state law; I have not changed those sections.

ARTICLE XV. Incorporation of State Statutes.

This is an odd part of the code that incorporates State rules that have to some extent already been declared invalid by the Courts. I think the rules, which deal with the same subjects as we already treat in the “prohibited conduct” section I discussed relating to adult entertainment, either apply or not independent of whether our code purports to incorporate them, so they could be eliminated. I have not done that but can if you want me to do so.

ARTICLE XVI. Social Hosting and Consumption of Alcoholic Beverages by Minors.

This Article, as its heading suggest, prohibits individuals from allowing gatherings of minors to drink, or allowing them to be served alcohol at a party, or to serve themselves at a gathering even if alcohol is not offered to them. The social host must take reasonable steps to keep minors from drinking, including monitoring the supply, checking identification, and supervising the minors. Fines

and community service are available as penalties for violations, and there are exceptions for family gatherings.

I will be pleased to discuss any aspects of the revision with you now or at your convenience.

M. L. Frey

DAWSON COUNTY ALCOHOLIC BEVERAGE ORDINANCE

AN ORDINANCE TO AMEND CHAPTER SIX OF THE CODE OF ORDINANCES OF DAWSON COUNTY, GEORGIA (“ALCOHOLIC BEVERAGES”); TO PROVIDE A COMPREHENSIVE CODE OF REGULATIONS FOR THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES; TO PROVIDE DEFINITIONS; TO PROVIDE FOR LICENSING AND PERMITTING REQUIREMENTS; TO PROVIDE FOR FEES; TO PROVIDE QUALIFICATIONS AND CONDITIONS FOR LICENSEES, PERMITTEES, EMPLOYEES AND LOCATIONS; TO PROVIDE MINIMUM DISTANCES BETWEEN LOCATIONS FOR SALES OR SERVICE OF ALCOHOLIC BEVERAGES AND CERTAIN OTHER CATEGORIES OF FACILITIES AND ESTABLISHMENTS; TO PROVIDE FOR CONDITIONS OF OPERATION UNDER LICENSES AND PERMITS; TO PROVIDE FOR COUNTY ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; TO PROVIDE FOR DISCIPLINARY AND ADVERSE ACTION; TO PROVIDE PENALTIES FOR VIOLATIONS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia 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, 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;

WHEREAS, in the interests of the health, safety and general welfare of the citizens of Dawson County, the Board of Commissioners of Dawson County desires to exercise its authority to amend Chapter Six of the Code of Ordinances of Dawson County (Alcoholic Beverages) to provide for licensing of sales and service of alcoholic beverages, for regulation of the operation of licensed establishments and related matters, for administration and enforcement of such regulations, for prohibition of specified conduct, and for fees and for penalties, and desires to provide for severability and to repeal conflicting ordinances; and

WHEREAS, appropriate notice and hearing on this amendment of the Dawson County alcoholic beverage code having been carried out.

NOW, THEREFORE, the Dawson County Board of Commissioners does hereby ordain that:

SECTION ONE.

The current Dawson County Alcoholic Beverage Ordinance, which is presently codified as Chapter Six of the Dawson County Code of Ordinances, is deleted and a new Chapter Six is hereby substituted therefor, which shall provide as follows.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Title.

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

Sec. 6-2. - Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 ordinance 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 ordinance 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 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 (10) 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 ordinance.

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 in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation and other limitations prescribed in OCGA §3-5-36 as amended for retail consumption on the premises. May be referred to as a "micro-brewery." A brewpub may obtain a by-the-drink license only or both a by-the-drink license and an off-premises consumption license for package sales. 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 Marshall, 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 Six 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 ordinance 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. An employee permit is also required of any employee or volunteer working at a special event in a capacity described in Section 6-340(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.

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 ordinance, 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 ordinance 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 fourteen percent (14%) by volume or total solids content that exceeds thirty-five (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 Six 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 Article 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 Sec. 6-91 and Sec. 6-95 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 ordinance 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, bitcoin, 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.

Special event alcohol permit means a temporary permit issued pursuant to Article XII 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.

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.

State Law reference— Definitions, O.C.G.A. § 3-1-2.

Sec. 6-3. 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.

Secs. 6-3—6-22. - Reserved.

ARTICLE II. - TYPES OF LICENSES AND FEES

Sec. 6-23. - License is a privilege.

- (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. Renewal is subject to the discretion of the Board.

- (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.

Sec. 6-24. - Licenses generally; expiration and application dates; transferability.

- (a) All licenses issued under this Chapter shall:
 - (1) Permit the licensee to sell or distribute the beverage for which the license is issued 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
- (b) 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.
- (c) 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. 6-25. - Types of licenses and permits issued.

- (a) Only the following licenses and/or permits shall be issued under this Chapter:
 - (1) Malt beverages, wholesale.
 - (2) Malt beverages, retail package.
 - (3) Malt beverages, by the drink for consumption on the premises.
 - 4) Wine, wholesale.

- (5) Wine, retail package.
 - (6) Wine, by the drink for consumption on the premises.
 - (7) Distilled spirits, wholesale.
 - (8) Distilled spirits, retail package.
 - (9) Distilled spirits, by the drink for consumption on the premises.
 - (10) Licensed alcoholic beverage caterer.
 - (11) Farm winery tasting room.
 - (12) Special event alcohol permit.
 - (13) Employee permit.
 - (14) Hotel-motel in-room service permit.
 - (15) Brewpub/microbrewery, which is separate from and in addition to the on premises and off-premises licenses required for authorization to sale in either manner as the case may be.
- (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. 6-26. - 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, 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 % (twenty percent) of the total license and administrative fees otherwise payable. If the license application is received after January 1, such application shall be treated as an initial application, and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held, 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. However, if a renewal application is filed later than March 31, all distance requirements must be met as well.

- (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.

Secs. 6-27—6-55. - Reserved.

ARTICLE III. - EXCISE TAX

Sec. 6-56. - 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.

State Law reference— Excise tax on malt beverages, O.C.G.A. § 3-5-80 et seq.; excise tax on wine, O.C.G.A. § 3-6-60; excise tax on distilled spirits, O.C.G.A. § 3-4-80.

Sec. 6-57. - 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.

State Law reference— Exis se tax on distilled spirits sold by the drink, O.C.G.A. § 3-4-131 et seq.; penalties for ordinance violations, O.C.G.A. § 36-1-20.

Sec. 6-58. - 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 6-56 (wine and distilled spirits).

Secs. 6-59—6-89. - Reserved.

ARTICLE IV. - GENERAL PROVISIONS; ALL LICENSES

Sec. 6-90. – Applications; Procedures, Including Diagram; Initial Issuance and other Decisions; Whether for Commission or Director; Notices and Delivery of same; Appeals

- (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 6-93 hereof if Section 6-93 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 6-94 hereof if Section 6-94 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 6-94 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 6-106 (c) 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 §6-95 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.

(6) 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. 6-91. - 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 6-93 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. 6-92. - 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 C 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. 6-93. - 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 partnership, limited partnership, limited liability company, 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. 6-94. - 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 6-93 and must file an application as provided in section 6-90 and tender with the application the investigative and administrative fee as provided in section 6-26 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. 6-95. - Automatic license forfeiture for nonuse; Conditional or Provisional Issuance.

- (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 ninety 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 Sec. 6-108(b).

Sec. 6-96. - Licensees to maintain a copy of this Chapter; employees to be familiar with terms; licensee responsible for violations; age requirements; employees and managers generally

(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 eighteen (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 twenty-one (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 eighteen (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 se q.), 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. 6-97. - Display of license, license certificate belongs to County

The County alcoholic beverage license shall at all times be kept plainly exposed to view to the public at 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. 6-98. - 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 twenty-four (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.

Sec. 6-99. - 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. 6-100. - 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. - 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. 6-102. - 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.

State Law reference— Similar provisions, O.C.G.A. § 3-3-23 et seq.

Sec. 6-103. - 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.

State Law reference— Similar provisions, O.C.G.A. § 3-3-23.

Sec. 6-104. - Regulations.

The County Commission shall have the authority to supplement or amend any section of this Chapter from time to time and reserves the right to promulgate appropriate written regulations for implementation of the Chapter.. Any such supplementation, amendment, regulation or implementation may be done by the Commission at any public meeting thereof in compliance with the Open Meetings Act. Likewise, the Fee Schedule may be amended at any public meeting by vote of the Commission. Authorization or designation of any County staff member or entity to carry out any action on behalf of the County pursuant to this Chapter may also be done by the County Commission at any public meeting. In no event shall any of the foregoing actions or designations by the Commission require more than one meeting or “reading” before adoption by the Commission.

Sec. 6-105.1 Progressive Discipline

a) There is available to the Director and Commission a range of potential disciplinary options concerning actions, misconduct, violations of this Ordinance 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, 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**
- 6) Suspension for remainder of current term of license/permit**
- 7) Revocation or non-renewal of license or permit**

b) The steps outlined above are examples of what may happen 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.

Sec. 6-105. - 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 6-94;
 - (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.

(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 be set forth in subsection 6-106(b)(2) below.

Sec. 6-106. - 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 6-105(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.

(c) Any license suspension for greater than thirty days shall require the licensee to remove all alcoholic beverages from the licensed premises. For any suspension of thirty 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.

(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 (10) 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. 6-107. - Hearings.

(a) No adverse action other than an emergency suspension pursuant to the provisions of Section 6-106, 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 provide 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.

Secs. 6-108. 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 twelve (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 Sec. 6-340 as to approval of permit applications for commercial and non-commercial locations.

ARTICLE V. - PACKAGE SALES OF DISTILLED SPIRITS

Sec. 6-130. - Zoning district.

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).

State Law reference— Sale of alcoholic beverages near churches, school buildings, or other sites, O.C.G.A. § 3-3-21;

Penalties for ordinance violations, O.C.G.A. § 36-1-20.

Sec. 6-131. - Posting of license number.

Every licensee shall have legibly posted 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. _____."

Sec. 6-132. - 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. 6-133. - Types of outlets/establishments where package sales are permitted; types of items which may be sold.

- (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.
- (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. 6-1346. - Hours of sale.

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.

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.

State Law reference— Hours of sale, O.C.G.A. § 3-3-20.

Sec. 6-1357. - Consumption on the premises prohibited.

It shall be unlawful for any person to 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.

Sec. 6-1368. - Prohibited sales.

No licensee shall do any of the following acts upon the licensed premises:

- (1) 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;
- (23) 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
- (34) Sell any distilled spirits, malt beverages, wine or any other beverage through a drive-through window or door.

State Law reference— Similar provisions, O.C.G.A. § 3-3-22 et seq.

Secs. 6-139—6-159. - Reserved.

ARTICLE VI. - PACKAGE SALES OF MALT BEVERAGES AND WINES

Sec. 6-160. - Zoning District.

- (a) Licenses are permitted only for locations which are zoned commercial in accord with the Land Use Resolution of Dawson County.

State Law reference— Sale of alcoholic beverages near churches, school buildings, or other sites, O.C.G.A. § 3-3-21.

Sec. 6-161. - Hours of operation.

- (a) The hours of operation of retail licenses for the sale of malt beverages and wines 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 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.

- (b) 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.

State Law reference— Hours of sale, O.C.G.A. § 3-3-20.

Sec. 6-162. - Age of employees.

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. 6-162. – Brewpubs, Microbreweries

A brewpub will be considered licensed only for on-premise consumption sales unless a separate license is applied for and issued for package sales of malt beverages.

6-192. - Reserved.

ARTICLE VII. - ALCOHOL BY THE DRINK; GENERAL PROVISIONS

Sec. 6-193. Zoning District.

Licenses shall be issued only for locations in areas zoned commercial.

State Law reference— Sale of alcoholic beverages near churches, school buildings, or other sites, O.C.G.A. § 3-3-21.

Sec. 6-194. - Employment of underage persons as entertainers prohibited; exceptions.

e.

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. 6-195. – Reserved.State Law reference— Penalties for ordinance violations, O.C.G.A. § 36-1-20.

Sec. 6-195. - 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 3½ 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. 6-196. - No consumption outside premises.

- (a) It is prohibited for customers to leave the approved portion of the premises with open alcoholic beverages except as permitted pursuant to sections 6-198 and 6-199 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. 6-197. - 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.

State Law reference— Similar provisions, O.C.G.A. § 3-6-4.

Sec. 6-198. - Bring your own bottle.

- (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 non-licensed location, nor at any licensed establishment as to which the license is suspended. No alcoholic beverage of any kind may be sold or served on any licensed premises during any period of suspension.

- (b) Licensed establishments may charge a "corking" fee for bottles brought in by patrons. Fee amounts shall be the discretion of the establishment.

Sec. 6-199. - 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. 6-200. - 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. 6-201. - 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. 6-202. - 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. 6-203. - 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. 6-204. - 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. 6-205. - 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. 6-206 - 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 twenty-four (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.

State Law reference— Penalties for ordinance violations, O.C.G.A. § 36-1-20.

Secs. 6-209—6-226. - Reserved.

ARTICLE VIII. - DISTILLED SPIRITS BY THE DRINK

Sec. 6-227. – Zoning Districts where permitted; eating establishment requirement.

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

- (1) 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;
- (2) 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

- (3) 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.

State Law reference— Sale of alcoholic beverages near churches, school buildings, or other sites, O.C.G.A. § 3-3-21.

Sec. 6-228. - Hours and days of sale.

- (a) 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.
- (b) Distilled spirits shall not be sold for consumption at any time in violation of any local ordinance or regulation or of any special order of the governing authority.

State Law reference— Hours of sale, O.C.G.A. § 3-3-20.

Sec. 6-229. - Consumption sales only.

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.

Secs. 6-230—6-251. - Reserved.

ARTICLE IX. - MALT BEVERAGES AND WINE BY THE DRINK

Sec. 6-252. - Type of retail establishment where permitted.

No beer or wine shall be sold for consumption on the premises where sold except in sites in areas zoned commercial and which are being used as one of the following:

- (1) 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;
- (2) 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;
- (3) 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

- (4) 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.

Sec. 6-253. - 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.
- (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.

State Law reference— Hours of sale, O.C.G.A. § 3-3-20.

Secs. 6-254—6-285. - Reserved.

ARTICLE X. - CATERING

Sec. 6-286. - Requirements.

Requirements for a "licensed alcoholic beverage caterer" license:

- (1) Eating establishments and indoor commercial recreation establishments located in unincorporated Dawson County and that hold an alcohol by the drink license in accordance with articles VII, VIII, and IX of this Chapter are the only establishments authorized to cater in the unincorporated areas of Dawson County. Such restaurants and indoor commercial recreation establishments must also comply with all provisions of this article.
- (2) The applicant shall hold a valid State license to sell malt beverages, wine, distilled spirits or some combination thereof by the drink for consumption on the premises.
- (3) The applicant shall hold a valid local County license to sell malt beverages, wine, distilled spirits, or some combination thereof, by the drink for consumption on the premises.
- (4) The applicant must be a licensed alcoholic beverage caterer pursuant to O.C.G.A. § 3-11-1 et seq.
- (5) The applicant must hold all required food service permits required by the County environmental health office.

Sec. 6-287. - 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. 6-288. - 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:

- (1) The distribution of alcoholic beverages is in connection with an "authorized catered event" for which a special event alcohol permit has been granted authorizing said event. The requirements for special event alcohol permits are detailed in article XII of this Chapter.
- (2) A licensed alcoholic beverage caterer may sell only that type of alcoholic beverage authorized by the caterer's local alcoholic beverage license.
- (3) 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.
- (4) 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.
- (5) The licensed alcoholic beverage caterer complies with the requirements of O.C.G.A. § 3-11-1 et seq.
- (6) The licensed alcoholic beverage caterer complies with the requirements contained in articles II through IV of this Chapter and sections 6-193 and 6-195.

Sec. 6-289. - Restaurants.

Eating establishments which hold an alcohol by the drink license in accordance with articles VII, VIII and/or IX of this Chapter may cater events within the unincorporated areas of Dawson County so long as said establishments comply with this article.

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.

Secs. 6-291—6-313. - Reserved.

ARTICLE XI. PRIVATE CLUBS.

Sec. 6-314. - 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. 6-315. - 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 fifty 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. 6-316. - 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. 6-317. - 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.

Secs. 6-319—6-339. - Reserved.

ARTICLE XII. - SPECIAL EVENT PERMITS

Sec. 6-340. - 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) Special event alcohol permits shall be obtained for the following: Events catered pursuant to the regulations established in article X of this Chapter.
- (c) 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.
- (d) 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 article X of this Chapter and must be 21 years of age or older as pursuant to O.C.G.A. § 3-11-4.
- (e) 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.
- (f) 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.
- (g) The Director shall issue the temporary special event permit to the applicant upon compliance with the terms hereof.
- (h) 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. 6-341. - 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 subsections (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 6-340.

State Law reference— Issuance of temporary permits for sale by nonprofit civic organizations of alcoholic beverages for consumption only on premises, O.C.G.A. § 3-9-3.

Secs. 6-342—6-370. - Reserved.

ARTICLE XIII. - HOTEL IN-ROOM SERVICE

Sec. 6-371. - 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. 6-372—6-400. - Reserved.

ARTICLE XIV. - FARM WINERIES⁽⁵⁾

Sec. 6-401. - 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. 6-402. - 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. 6-403. - Licensee qualifications.

The qualifications for the license for sale by farm winery tasting room shall be the same as set forth in section 6-404.

Sec. 6-403. - 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:

Article I, definitions.

Article IV, general provisions; all licenses.

Article VI, package sales of malt beverages and wines.

Article VII, alcohol by the drink—general provisions.

Sec. 6-404. - 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. 6-405. - 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. 6-406. - 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.

State Law reference— Sunday sales at farm wineries, O.C.G.A. § 3-6-21.2.

Sec. 6-407. - 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 6-407 herein.

Secs. 6-409—6-429. - Reserved.

ARTICLE XV. - SOCIAL HOSTING AND CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS

Sec. 6-451. - 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. 6-452. - 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. 6-453. - Penalties.

- (a) Any person who violates this ordinance 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 ordinance 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 ordinance 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. 6-454. - 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.

SECTION TWO. SEVERABILITY.

In the event any article, section, sentence or other part of the foregoing ordinance shall be held unconstitutional, invalid or unenforceable for any reason, it is the intent of this Board that all remaining portions of the ordinance be upheld and enforced to the fullest extent possible.

SECTION THREE. REPEALER.

Any ordinances, resolutions or portions thereof which are inconsistent with the terms and provisions of this ordinance are hereby repealed.

SECTION FOUR. EFFECTIVE DATE.

This ordinance shall become effective immediately upon approval by the Board of Commissioners of Dawson County.

SO ORDAINED, this _____ day of _____, 2018, upon motion duly made and approved by this the Dawson County Board of Commissioners.

Billy Thurmond, Chairman

ATTEST:

Kristen Cloud, County Clerk

Vote: _____ Yea
_____ Nay

Backup material for agenda item:

1. Consideration of Request for Merit Salary Increase for Chief Appraiser Kurt Tangel



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Tax Assessors

Work Session: 4-24

Prepared By: Sam Gutwene

Voting Session: 8-3

Presenter: Sam & Jim Perdue

Public Hearing: Yes No

Agenda Item Title: Merit Salary Increase

Background Information:

Kurt Tangel is the Dawson County Chief Appraiser and holds the state title of Appraiser 4. He has been a county employee for 12 years and Chief Appraiser for 5 years. He is very well regarded by the Dept. of Revenue.

Current Information:

Kurt's present salary is \$68,000 and based on the salary of other dept heads he is near the bottom. A 12% increase would put up around the middle of the group of other dept. heads. Since Kurt does most of our legal work, we have it in our budget.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: to approve

Department Head Authorization: _____

Date: 4-11-18

Finance Dept. Authorization: Vicki Nisbet

Date: 4-17-18

County Manager Authorization: SA

Date: 4-17-18

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

Empty box for comments or attachments.

Backup material for agenda item:

2. Consideration of Year End Budget Request for Juvenile Court



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Finance

Work Session: 4/24/18

Prepared By: Vickie Neikirk

Voting Session: 5/3/18

Presenter: Vickie Neikirk

Public Hearing: Yes _____ No x

Agenda Item Title: 2017 Year End Budget Amendment

Background Information:

State law requires that all governmental funds (at the department level) are to be at or under budget at the end of the fiscal year. If a department is found to be over budget, a finding is issued by the auditors. At the end of 2017, an amendment is needed for Juvenile Court.

Current Information:

The Juvenile Court budget was amended during 2017, but because of increased case load and the requirement that each child have an attorney, the cost was more than what was budgeted. An amendment of \$6,463 is needed in order to put the departmental budget in a positive position for 2017. The budget adjustment will come from contingency.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
100	2600	521201-000			\$6,463.00	

Recommendation/Motion: To approve the amendment of \$6,463 to the Juvenile Court budget for the year ending 2017

Department Head Authorization: Vickie Neikirk

Date: 4.16.18

Finance Dept. Authorization: _____

Date: _____

County Manager Authorization: DH

Date: 4/17/2018

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

Backup material for agenda item:

3. Consideration of IFB #314-18 - Ram 5500 4x4 Crew Cab Dump Flatbed Work Truck for Public Works



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Fleet

Work Session: 04/24/2018

Prepared By: Melissa Hawk

Voting Session: 05/03/2018

Presenter: Shannon Harben/Melissa Hawk

Public Hearing: Yes No

Agenda Item Title: IFB #312-18 Ram 5500 4x4 Crew Cab Dump Flatbed Work Truck for Public Works – Roads Department - Rebid Presentation

Background Information:

During the Fiscal Year 2018 budget process, \$700,000 was approved from the SPLOST VI tax revenue to be spent on Public Works equipment. The current F700 dump truck with 152,654 IN was approved to be surplus at the March 15, 2018, voting session.

Current Information:

An IFB was released on March 14, 2018, for the aforementioned item, no bids were received. A re-bid IFB was released on March 29, 2018. One bid was received at the April 12, 2018, opening in the amount of \$56,306 from Don Jackson Chrysler Dodge Jeep Ram.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
324	4220	542100	\$700,000.00	\$223,599.00	\$56,306.00	\$167,293.00

Recommendation/Motion: To accept the bid received and to issue a Purchase Order to Don Jackson Chrysler Dodge Jeep Ram for the procurement of a dump flatbed work truck in the amount of \$56,306.

Department Head Authorization: Shannon Harben

Date: 04/12/2018

Finance Dept. Authorization: Vickie Neikirk

Date: 4/17/18

County Manager Authorization: DH

Date: 4/17/2018

County Attorney Authorization:

Date:

Comments/Attachments:

Presentation

IFB #312-18 RAM 5500 4X4
CREW CAB DUMP FLATBED
WORK TRUCK FOR PUBLIC
WORKS – ROAD DEPARTMENT

WORK SESSION APRIL 24, 2018



Background

- ▶ During the FY2018 Budget process, the Board of Commissioners approved the expenditure of SPLOST VI funds in the amount of \$700,000.00 by the Public Works Department for equipment in accordance to the resolution.
- ▶ The Board of Commissioners approved the current Ford F700 dump truck with 152,654 IN, to be surplusd at the March 15, 2018 voting session.
- ▶ Researched on-line at Ram Trucks – Build & Price website to create a price comparison. The estimated base price is \$57,845 plus estimated price of \$7,082.00 for the Knapheide Dump Bed.
- ▶ Bid according to policy

Acquisition Strategy & Methodology

- ▶ Advertised in Legal Organ
- ▶ Posted on County Website
- ▶ Posted on GLGA Marketplace
- ▶ Posted on Georgia Procurement Registry
- ▶ Emailed notification through vendor registry
- ▶ Notification through County's Facebook and Twitter accounts
- ▶ Notification through Chamber of Commerce
- ▶ Notified previous vendors
- ▶ **1 bids received**

Product Description

- ▶ **GVW Rating – 19,500 pounds**
- ▶ **White to match current Fleet colors**
- ▶ **Purpose:**
 - ▶ **Haul materials for various projects of the County**
 - ▶ **Haul waste produced at various projects by the County**



- ▶ **Underbody
Toolbox**



Pricing

Don Jackson Chrysler Dodge Jeep Ram	
2018 Ram 5500 4x4 Crew Cab Dump Flatbed Work Truck	Vehicle Pricing (Quantity – 1 EA)
Base Price	\$48,806.00
All additional add-ons/options	\$7,500.00
BASE + Additional Equipment Price TOTAL PRICE	\$56,306.00
Delivery time from order	Within 2 weeks of order
FOB Charge	\$0.00
WARRANTY (Circle one)	<input checked="" type="checkbox"/> Comply <input type="checkbox"/> Does not Comply
Cut-Off Date for Purchase Order	N/A
Miles on Vehicle	56
Year of Vehicle	2018
Warranty Work to Be Performed By:	<u>Knapheide Truck Equipment Center</u> Contact Name: <u>Mike Prince</u>
Phone Number: <u>770-842-0564</u>	Address: <u>2570 N. Expressway, Griffin, GA 30223</u>

Recommendation

Staff respectfully requests the Board to accept the bid received and to issue a Purchase Order to Don Jackson Chrysler Dodge Jeep Ram for the procurement of a dump flatbed work truck in the amount of \$56,306.00. Total funds to come from SPLOST VI in accordance with SPLOST VI Resolution.

Backup material for agenda item:

4. Consideration of IFB #313-18 - Milling Machine Rental Services



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Public Works

Work Session: 04/24/2018

Prepared By: Melissa Hawk

Voting Session: 05/03/18

Presenter: David McKee/Melissa Hawk

Public Hearing: Yes No

Agenda Item Title: IFB #313-18 Milling Machine Rental Services Presentation

Background Information:

The Public Works – Roads Department has had the need to rent various sized milling machine with crew to prepare the roads for repairs from time to time each year. This work is random resulting in Public Works requirement to request unsealed quotes. A consensus was taken and a decision was made to release an IFB to create an on-call milling machine rental service contract to better facilitate the needs of the department.

Current Information:

The Purchasing Department released an IFB for services on March 14, 2018. Pricing was requested for three (3) different sized milling machines with crew to operate the equipment. A fourth (4th) sized milling machine pricing was received as well. 2 bids were received.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
Various	4220	Various	Depending on Project			

Recommendation/Motion: To accept the offers submitted for the IFB #313-18 Milling Machine Rental Services and award a contract to Griffin Contracting as the primary contractor and Allied Paving as the secondary contractor for a one (1) year term with two (2) optional renewal year terms.

Department Head Authorization: David McKee

Date: 04/12/2018

Finance Dept. Authorization: Vickie Neikirk

Date: 4/17/18

County Manager Authorization: DH

Date: 4/17/2018

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

Presentation

IFB #313-18 Milling Machine Rental Services

WORK SESSION 04/24/2018



Background

- ▶ Bid according to policy.
- ▶ Standard Service Contract
 - ▶ Term – Award date through December 31, 2018
 - ▶ Up to two (2) renewal option years
 - ▶ No guaranteed minimum/maximum value for the contract.
 - ▶ County to award a primary and a secondary contract to guarantee service availability
 - ▶ Primary contract awarded to the lowest combined overall price.

Acquisition Strategy & Methodology

- ▶ Advertised in Legal Organ
- ▶ Posted on County Website
- ▶ Posted on GLGA Marketplace
- ▶ Posted on Georgia Procurement Registry (GPR)
- ▶ Emailed notification through Vendor Registry (VR)
- ▶ Notification through County's Facebook and Twitter accounts
- ▶ Notified previous vendors
- ▶ **2 bids received**

Scope of Work

- ▶ Services shall consist of but, not limited to:
 - ▶ Provide the milling machine rental services as requested typically w/ a two (2) week notice
 - ▶ County reserved the right to retain ability to request the machine services w/ no less than a seventy-two (72) hours of notice to the Contractor
 - ▶ Provide the proper number of crew to complete the requested task
 - ▶ Warranty concrete against failure for a period of one (1) year after installation

Cost Proposals

Item No.	Description	Unit of Measure	Allied Paving Contractors	Griffin Contracting
			Unit Price	Unit Price
1	Mobilization	EA	\$1,000.00	\$2,000.00
2	1/2 Milling Machine w/Crew	DAY	No Bid	\$4,200.00
3	2' Milling Machine w/Crew	DAY	No Bid	\$3,600.00
4	6' Milling Machine w/Crew	DAY	\$5,500.00	\$4,200.00
			Point of Contact Info:	Point of Contact Info:
			Bryan Jones	Troy Davis
			Bjones@paveone.com	troy@griffincontracting.com
			706-693-4042	912-965-0111
				* 1 day rental shall not exceed a 10 hour day
				4' Mill Head - \$3,800.00 per day

Recommendation

Staff respectfully requests the Board to accept offers received for IFB #313-18 Milling Machine Rental Services and award a contract to Griffin Contracting as the primary contractor and Allied Paving as the secondary contractor for a one (1) year term with two (2) optional renewal year terms.

Backup material for agenda item:

5. Consideration of IFB #311-18 - Paver Special Lowboy



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Public Works

Work Session: 04/17/2018

Prepared By: Melissa Hawk

Voting Session: 05/03/2018

Presenter: David McKee/Melissa Hawk

Public Hearing: Yes No

Agenda Item Title: IFB #311-18 Paver Special Lowboy for Public Works Presentation

Background Information:

The BOC approved \$700,000 to be spent from the SPLOST VI revenue on February 1, 2018, on Public Works equipment. The county currently contracts with heavy equipment movers to transport machinery from site to site for the Public Works staff to perform duties. If a mover is not available the staff is must drive equipment causing undue wear and tear and hours/mileage.

Current Information:

An IFB was released for a lowboy trailer, which received 2 bids. The lowest, most responsive and responsible bidder is Tractor & Equipment Company (TEC), which matched the requested manufacturer and model – Etnyre – P3 Trailer in the amount of \$79,350.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
324	4220	542100	\$700,000.00	\$302,949.00	\$79,350.00	\$223,599.00

Recommendation/Motion: To accept bids received for IFB #311-18 Paver Special Lowboy Trailer for Public Works – Roads Department and to issue a purchase order for procurement of same in the amount of \$79,350 to Tractor & Equipment Company.

Department Head Authorization: David McKee

Date: 04/12/2018

Finance Dept. Authorization: Vickie Neikirk

Date: 4/17/18

County Manager Authorization: DH

Date: 4/17/2018

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

Presentation

IFB #311-18 PAVER SPECIAL LOWBOY TRAILER FOR PUBLIC WORKS – ROAD DEPARTMENT

WORK SESSION APRIL 24, 2018



Background

- ▶ During the FY2018 Budget process, the Board of Commissioners approved the expenditure of SPLOST VI funds in the amount of \$700,000.00 by the Public Works Department for equipment in accordance to the resolution.
- ▶ The staff currently moves its heavy equipment from site to site by contracting with a transport company or drives the equipment to the site. The procurement of this equipment will remove this undue wear and tear and hours/mileage on the heavy equipment owned by the County.
- ▶ Bid according to policy

Acquisition Strategy & Methodology

- ▶ Advertised in Legal Organ
- ▶ Posted on County Website
- ▶ Posted on GLGA Marketplace
- ▶ Posted on Georgia Procurement Registry
- ▶ Emailed notification through vendor registry
- ▶ Notification through County's Facebook and Twitter accounts
- ▶ Notification through Chamber of Commerce
- ▶ Notified previous vendors
- ▶ **2 bids received**

Item Description

- ▶ Load capacity – 55 tons distributed
- ▶ Hydraulic Gooseneck
 - ▶ Removable High lift
- ▶ Three axles
- ▶ Auto/manual air ride suspension
- ▶ Wood-filled adjustable front
Folding ramps



- ▶ Purpose: Used to move heavy equipment from each job site which will save drive time, staffing time and unnecessary wear on the equipment prolonging its life.

Pricing

ITEM DESCRIPTION	Holden Industries, Inc.	Tractor & Equipment Company (TEC)
Paver Special Lowboy Trailer	Vehicle Pricing (Quantity – 1 EA)	Vehicle Pricing (Quantity – 1 EA)
Manufacturer, Model	Holden - HPD55	Etnyre - RTN55ETD3-PS Trailer
Base Price	\$81,439.00	\$79,350.00
Estimated Delivery Time	120 days	30 days from PO Number
FOB Delivery Charge:	Delivered	N/A \$0.00
Total Cost:	\$81,439.00	\$79,350.00
Warranty Coverage:	1 year all parts and labor	1 year from date of delivery
Warranty Work to Be Performed By:		
Company Name:	County Boy Trailer	Tractor & Equipment Company
Contact Name:	Rob Brook	Andrew Pettit
Address:	1550 Atlanta Highway Cumming, GA 30040	160 Robinson Road Calhoun, GA 30701
Phone Number:	800-488-4487	706-879-6200

Recommendation

Staff respectfully requests the Board to accept bids received for IFB #311-18 Paver Special Lowboy Trailer for Public Works – Roads Department and to issue a Purchase Order for procurement of same in the amount of \$79,350.00 to Tractor & Equipment Company. Total funds to come from SPLOST VI in accordance with SPLOST VI Resolution.

Backup material for agenda item:

6. Consideration of Proposed Misdemeanor Probation Contract Addendum



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: County Attorney

Work Session: 04.24.18

Prepared By: Lynn Frey

Voting Session: 05.03.18

Presenter: Lynn Frey

Public Hearing: Yes No

Agenda Item Title: Proposed Misdemeanor Probation Contract Addendum

Background Information:

The Georgia Department of Community Supervision’s (DCS) Misdemeanor Probation Oversight Unit (MPOU) has reviewed the Contract for Probation Supervision and Rehabilitation Services, which was executed by and between Dawson County and Northeast Georgia Probation Services Inc. (NGPSI) in 2017 and requires that we modify the contract’s period of service (See attached DCS contract emo).

Current Information:

According to DCS Board Rules, misdemeanor probation contracts must contain, “Default and contract termination procedures with specific expiration date not to exceed 5 years unless authorized by statute.” Attached is a contract addendum for the county’s review and execution. The addendum has already been reviewed by Trial Court Administrator Reggie Forrester and signed by Chief Judge Andrew Fuller, Judge Jennifer Burt and NGPSI’s president. A copy of the current contract also is attached.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Approve Misdemeanor Probation Contract Addendum

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: NJ

Date: 4/19/18

County Manager Authorization: DH

Date: 4/19/2018

County Attorney Authorization: MLF

Date: 04/19/18

Comments/Attachments:



Nathan Deal
Governor

Department of Community Supervision

2 Martin Luther King, Jr. Drive SE
Suite 458, Balcony Level, East Tower
Atlanta, Georgia 30334
www.dcs.georgia.gov



Michael W. Nail
Commissioner

January 17, 2018

TO: Keith Ward, Director
Professional Probation Services Inc.

FROM: John Coar, Compliance Monitor
Misdemeanor Probation Oversight Unit

REF.: Dawson County Superior Court Service Agreement

A thorough review of the PPS/NGPSI- Dawson County Superior Court service agreement was conducted and it was found to be:

Aligned with Service Agreements Standards for 2018 (rule 102-2-.08)

Not aligned with Service Agreements Standards for 2018 (rule 102-2-.08) (Please see below)

These requirements must be met as of Jan 31, 2018

Missing items and/or specific areas of noncompliance:

-There should be a specific expiration date on the service agreement (specifically not to exceed 5 years) without having an unlimited automatic renewal in place.

Cc: Barbara Neville, Director

**CONTRACT FOR PROBATION SUPERVISION
AND REHABILITATION SERVICES**

THIS CONTRACT made and entered into this 8th day of February, 2017, by and between Dawson County, Georgia (hereinafter referred to as the "County") and Northeast Georgia Probation Services, Inc. (hereinafter referred to as "NGPSI"), upon the request and consent of the Chief Judge of the Dawson County Superior Court and the Dawson County Probate Court (hereinafter referred to as the "Courts").

WITNESSETH:

WHEREAS, the County, authorized by O.C.G.A. §42-8-101, wishes to enter into this agreement with NGPSI with the consent of the Courts, and recognizes its responsibility to provide professional and effective sentencing alternatives for citizenry and offenders of the community; and

WHEREAS, NGPSI is uniquely qualified and experienced in providing such comprehensive professional services and is willing to contract with the County with the approval of the Courts; and

WHEREAS, the parties hereto deem it in their respective best interests and each will best be served by entering into said Contract for the provision by NGPSI of such probation services as ordered by the Courts.

NOW THEREFORE, in consideration of the premises and the mutual benefits and covenants provided under the terms and conditions of this Contract, the parties hereto agree as follows:

DESIGNATION BY THE COUNTY

The County shall designate NGPSI as the sole private entity to coordinate, provide and direct probation programs and services to offenders sentenced by and under the jurisdiction of the Superior and Probate Courts.

SCOPE OF SERVICES

NGPSI shall provide the services and programs for the misdemeanor offenders placed on probation by the Courts which shall include the following particulars:

- A. Comply with the standards and qualifications as set forth by the Board of Community Supervision and the Laws of the State of Georgia.
- B. Operate under the conditions as agreed to by and between NGPSI and the County, as more fully set forth in the Specifications for Probation Services attached hereto and incorporated herein by reference.
- C. Provide such services as specifically set forth in the Specifications for Probation Services for the provisions of services to offenders under the jurisdiction of the Courts.
- D. Meet, maintain, and comply with all rehabilitation program offerings as specified in the Specifications for Probation Services.

- E. Maintain individual files for each offender participating in NGPSI's programs. The files will be maintained in a secured area, in a secure file cabinet, or electronically. NGPSI shall maintain the confidentiality of all files, records, and papers relative to the supervision of probationers under this agreement.
- F. Provide timely and prompt reports as are, or may be required by the Courts during the period of the Contract, which include, but are not limited to, statistical reports, caseload data, and other records documenting the types of program services provided and the identity of the offenders receiving such services.
- G. Provide counseling and supervision services for all persons ordered by the Courts to participate in such programs during the period of the Contract and assure that NGPSI is providing program services and maintaining records reflective of good business practice.
- H. Make fiscal and program records available within ten (10) working days for review and maintain financial records reflective of good business practice. Records shall be maintained in accordance with O.C.G.A. §42-8-109.2.
- I. Bill the offender for program services provided on such forms and in such manner to conform to acceptable business practice. The accuracy of billing is to be confirmed by providing a copy of the services and attending cost to the offender.
- J. Charge each offender participating in rehabilitation programs the reasonable cost of the program as reflected in the Specifications for Probation Services attached hereto and incorporated herein by reference. Each offender shall be charged a maximum not to exceed the program costs as specified in the Specifications for Probation Services unless it is approved in advance by the Court. Those offenders the Courts shall determine to be indigent shall be ordered as such and shall be supervised at no cost.
- K. Collect restitution, fines, court costs and fees, program fees, and probation fees as ordered by the Courts. NGPSI shall prioritize the collection of restitution before the collection of fines and probation fees. NGPSI shall collect funds for the Georgia Crime Victims Emergency Fund, as applicable, and forward them directly to the Georgia Crime Victims Compensation Board by the end of each month along with a corresponding remittance report pursuant to O.C.G.A. §17-15-13(f).
- L. Submit a written report to the Courts as frequently as the Courts require on the amount of Court fines, costs, fees, and restitution ordered and collected from each offender. The report shall include the total dollar amount applied to Courts' ordered fines, fees, restitution, and other conviction related costs.
- M. Tender all Court fines and costs ordered and collected from offenders to the Courts as frequently as the Courts require.
- N. Comply with all laws regarding confidentiality of offender records.
- O. Furnish a fidelity bond or letter of credit in the amount of not less than one hundred thousand (\$100,000.00) dollars as surety for the satisfactory performance of the Contract.

- P. Not profit or attempt to profit from any fines, restitution, or Court cost collected from the offenders.
- Q. The Courts shall assist NGPSI in obtaining access to criminal histories in the Georgia Crime Information Center and National Crime Information Center through local law enforcement in order for NGPSI to conduct pre-sentence or probationer investigations as may be requested. NGPSI may obtain a Georgia Crime Information Center (GCIC) Originating Agency Identifier (ORI) number. The Federal Bureau of Investigation (FBI) CJIS Security Addendum is, therefore, attached hereto and incorporated herein by reference.
- R. NGPSI shall employ competent and able personnel to provide services rendered hereunder and to appropriately administer this caseload. All staff shall meet qualifications as prescribed by O.C.G.A. §42-8-107.
- S. NGPSI shall have a criminal history records check made of all staff in accordance with O.C.G.A. §42-8-106.1 and §42-8-107.
- T. NGPSI staff shall comply with the orientation and continuing education training required per annum as prescribed by O.C.G.A. §42-8-107.
- U. NGPSI shall make a supervision assessment of each offender and determine the reporting schedule, type of contact(s), and frequency of contact(s) pursuant to the direction of the Court. There are no minimally required contacts for pay-only cases. Probation officers shall supervise no more than 250 probationers under Basic Supervision. There are no caseload size limitations regarding pay-only cases.
- V. NGPSI shall coordinate and ensure compliance with community service by each probationer as ordered by the Courts. NGPSI will maintain records of community service participation and completion.
- W. NGPSI shall coordinate with certified vendors the evaluation and assessment of probationers for drug/alcohol rehabilitation, mental health, psychological counseling, or educational programs mandated by the Courts and shall require probationer's compliance. NGPSI shall not specify, directly or indirectly, a particular DUI Alcohol or Drug Use Risk Reduction Program, which a probationer may or shall attend. NGPSI shall conduct on-site drug and alcohol screens as determined necessary by the Courts, the costs for which shall be paid by the offender as fully set forth in the Specifications for Services, attached hereto.
- X. The term "pay-only probation" means a defendant has been placed under probation supervision solely because such defendant is unable to pay the courts' imposed fine and statutory surcharges when such defendant's sentence is imposed. Such term shall not include circumstances when restitution has been imposed or other probation services are deemed appropriate by the court. When pay-only probation is imposed, the probation supervision fees shall be capped so as not to exceed three months of ordinary probation supervision fees.
- Y. Consecutive misdemeanor sentences shall be supervised in accordance with O.C.G.A. §42-8-103.1.

- Z. NGPSI shall prepare probation violation warrants, orders, and petitions for modification/revocation of probation for submission to the Courts. NGPSI shall recommend the modification or revocation of probation whenever the probationer fails to substantially comply with the terms and conditions of probation. The Courts shall determine what constitutes a substantial failure to comply with probation terms and conditions. Modification/Revocation proceedings shall be conducted in accordance with O.C.G.A. §42-8-102 and the Courts' Judicial Procedures.

PERIOD OF SERVICE

The performance of the aforementioned services shall commence on the 15th day of January, 2017, and shall continue with a specific expiration date of the 31st day of December, 2017, which shall be the anniversary date of this contract. The contract shall automatically renew for specific one year terms on January 1st each year, thereafter, under the same terms and conditions as provided herein, unless written notice to the contrary is directed to the other party within 30 days of the current term's expiration in accordance with O.C.G.A. §36-60-13.

PAYMENTS FOR SERVICES

Fees for basic services are set out in the Specifications for Probation Services, which fees are payable not by the County, but by sentenced offenders. No fees accrued pursuant to the Specifications for Probation Services shall be obligation of the County. The County shall have no obligation for fees incurred during this contract term and none in subsequent renewals in accordance with O.C.G.A. §30-60-13.

DEFICIENCIES IN SERVICE, TERMINATION

In the event the County determines there are deficiencies in the service and work provided by NGPSI, the County shall notify NGPSI in writing as to the precise nature of any such deficiencies. Within ten (10) working days of receipt of such notice, NGPSI shall correct or take reasonable steps to correct the deficiencies complained of, including, if necessary, increasing the work force and/or equipment, or modifying the policies and procedures used by NGPSI in performing services pursuant to this Contract. If NGPSI fails to correct or take reasonable steps to correct the deficiencies within ten (10) working days, the County may declare NGPSI in default and this Contract shall be declared terminated upon receipt by NGPSI of notice thereof. NGPSI agrees that in the event it disputes the County's right to invoke the provisions of this paragraph, it will not seek injunctive or other similar relief, but will either negotiate a settlement of the matter with the County or seek, as its remedy, monetary damages in a Court of competent jurisdiction.

DISPUTES

In the event of any controversy, claim or dispute as to the services and work performed or to be performed by NGPSI, or the construction or operation of or rights and liabilities of the parties under this Contract, where the County is the complaining party, each such question shall be submitted to the Chief Judge of the Dawson County Superior Court for resolution; provided, however, in the event either party disagrees with the decisions of the Judge, that party shall have the right to litigate the matter in its entirety in a Court of competent jurisdiction. The party wishing to submit a matter to the Judge shall do so by written notice to the other party and to the Judge, which shall specify the nature of the controversy, claim or dispute. The Judge shall schedule a hearing within fifteen (15) days of such notice, at which time both parties shall present their positions. The Judge shall render a decision within seven (7) days after the date of the hearing. In the event the Judge is the complaining party, the Presiding Judge of the Dawson County Superior Court, or his/her designee, shall be asked to resolve the issues presented.

TRANSFER OF OPERATIONS

In the event NGPSI defaults for any reason in the service provided for by this Contract, the County may, at its election and upon five (5) working days' prior written notice to NGPSI, take possession of all records and other documents generated by NGPSI in connection with this Contract, and the County may use the same in the performance of the services described herein. NGPSI agrees to surrender peacefully said records and documents. The County shall provide NGPSI with a written receipt of those items over which the County assumes exclusive control. NGPSI agrees that in the event it disputes the County's right to invoke the provisions of this paragraph, it will not seek injunctive or other similar relief, but will either negotiate a settlement of the matter with the County, or seek monetary damages as its remedy in a court of competent jurisdiction.

RIGHT TO REQUIRE PERFORMANCE

The failure of the County at any time to require performance by NGPSI of any provisions hereof shall in no way affect the right of the County thereafter to enforce same. Nor shall waiver by the County of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself.

ACCESS TO BOOKS AND RECORDS

The County's representatives shall have access on a weekday, other than a legal State holiday, upon forty-eight (48) hours prior written notice to NGPSI's representative, to all NGPSI's books, records, correspondence, instructions, receipts, vouchers, and memoranda of every description pertaining to work under this Contract, for the purpose of conducting a complete independent fiscal audit for any fiscal year within the immediately preceding two (2) years.

INSURANCE

NGPSI shall provide and maintain during the life of this Contract, workers' compensation insurance and general liability with the following limits of liability:

Workers' Compensation	- Statutory
Bodily Injury Liability	- \$ 100,000 each accident
	- \$ 500,000 each occurrence
General Liability	- \$1,000,000 each occurrence
Personal & Advertising Injury	- \$1,000,000 each occurrence
Professional Liability	- \$1,000,000 each occurrence

INDEMNIFICATION/HOLD HARMLESS

With regard to the work to be performed by NGPSI, neither the County nor the Courts shall be liable to NGPSI, or to anyone who may claim a right resulting from any relationship with NGPSI, for any negligent act or omission of NGPSI, its employees, agents, or participants in the performance of services conducted on behalf of the County. In addition, NGPSI agrees to indemnify and hold harmless the County and the Courts, their officials, employees, agents, or participants with the Courts and the Probation Services described herein, from any and all claims, actions, proceedings, expenses, damages, liabilities or losses (including, but not limited to, attorney's fees and court costs) arising out of or in connection with any negligent act or omission of NGPSI, including wrongful criminal acts of NGPSI, or NGPSI's employees, agents, or representatives. Further, the County is to be named as an additional named insured on NGPSI's liability insurance policies.

ASSIGNMENT

The duties and obligations assumed by NGPSI are professional services unique to NGPSI and are therefore not transferable or assignable without prior consent of the County and the Courts. Consent, however, shall not be unreasonably withheld.

VALIDITY

This Contract shall be binding on any successor to the undersigned official of the County or Courts. The provisions enumerated in this Contract shall be deemed valid insofar as they do not violate any City, State, or Federal laws. In the event any provision of this Contract should be declared invalid, the remainder of this Contract shall remain in full force and effect.

NOTICE

Any notice provided for in this Contract shall be in writing and served by personal delivery or by registered or certified mail addressed to:

As to the County: Dawson County Board of Commissioners
25 Justice Way, Suite 2313
Dawsonville, GA 30534

As to NGPSI: John C. Cox, President
Northeast Georgia Probation Services, Inc.
81 Crown Mountain Place, Suite C, Unit 500
Dahlonega, Georgia 30533

Notices sent by registered or certified mail shall be deemed delivered/received upon actual receipt or three (3) days from mailing, whichever is shorter. The above addresses may be modified by written notice to the other party.

ENTIRE AGREEMENT


This Contract, including all exhibits attached hereto and incorporated herein by reference, constitutes the entire understanding and agreement between the parties hereto and supersedes any and all agreements, whether written or oral, that may exist between the parties regarding the same. No representations, inducements, promises, or agreements between the parties not embodied herein shall be of any force and effect. No amendment or modification to this Contract or any waiver of any provisions hereof shall be effective unless in writing and signed by the County and NGPSI.

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

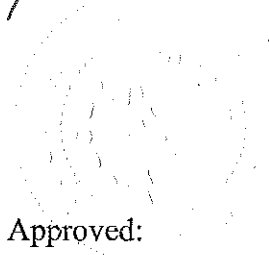
Dawson County Board of Commissioners

BY: 
Billy Thurmond, Chairman

Northeast Georgia Probation Services, Inc.

BY: 
John C. Cox, President

(Corporate Seal)



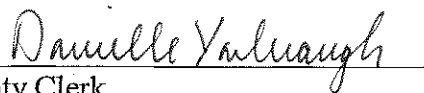
Approved:

Dawson County Superior Court

BY: 
C. Andrew Fuller, Chief Judge

Dawson County Probate Court

BY: 
Jennifer Burt, Judge

BY: 
County Clerk

(County Seal)

NGPSI

Specifications for Services

Pay-Only Probation Supervision	\$38.00 per month Pay-only probation supervision fees shall be capped so as not to exceed three months of ordinary probation supervision fees, unless otherwise ordered by the Courts.
Basic Probation Supervision	\$38.00 per month
Indigent Supervision	\$0.00 – As determined and ordered by the Courts
Pre-Trial/Diversion Supervision	\$38.00 per month
Under the Influence Alcohol Course (for adults)	\$75.00
Alcohol-Wise JV Course (for juveniles)	\$75.00
Marijuana 101 Drug Education Course (for adults)	\$75.00
Marijuana 101 JV Drug Education Course (for juveniles)	\$75.00
STOPLifting Course (for adults)	\$75.00
STOPLifting JV Course (for juveniles)	\$75.00
Parent Alcohol and Drug Education Course (Parent-Wise)	\$0.00
Electronic Monitoring	<p><u>Random Breath Alcohol Monitoring (\$9.00 per day + \$50.00 Activation Fee)</u> Defendant is summoned randomly to a SCRAM remote breath device to give a breath test.</p> <p><u>GPS Monitoring (\$10.00 per day + \$50.00 Activation Fee)</u> A GPS device actively monitors the defendant's movements 24/7 via satellite. Can set exclusionary and inclusionary zones</p> <p><u>Trans-dermal Alcohol Monitoring (\$12.00 per day + \$50.00 Activation Fee)</u> The defendant's alcohol consumption is monitored 24/7 through a cellular receiver.</p>
On-Site, Standard Multi-Panel Drug Screen	\$20.00
ETG Screens	\$35.00 (If applicable)
Community Service Work Coordination	No Cost
Restitution Collection - Direct Disbursement to Victim	No Cost
Court and On-Line Access to the NGPSI Offender Management Computer Program	No Cost
Transfer of Supervision	For 24/7 Internet Access to all Offender Data and Activity No Cost to any of our more than 40 locations nationwide
Domestic Violence Workshop	No Cost referral to a Certified Treatment Provider
Anger Control Workshop	No Cost referral to a Certified Treatment Provider
Youthful Offender Workshop	No Cost referral to a Certified Treatment Provider
Resume and Interview Skills Development with Job Placement Assistance	No Cost
Indemnification of the County, and Naming the County as an Additional Insured	No Cost – Professional and General Liability

State of Georgia
County of Dawson

**ADDENDUM TO CONTRACT FOR PROBATION SUPERVISION
AND REHABILITATION SERVICES BY AND BETWEEN
DAWSON COUNTY, GEORGIA AND NORTHEAST GEORGIA
PROBATION SERVICES, INC.**

WHEREAS, Dawson County and Northeast Georgia Probation Services, Inc. (NGPSI) have heretofore entered into a Contract bearing the date of February 8, 2017, for Probation Supervision and Rehabilitation Services pursuant to which the County has retained NGPSI to coordinate and provide certain probation services to the Dawson County Superior and Probate Courts; and

WHEREAS, Dawson County and NGPSI desire to amend the terms of said Contract;

NOW THEREFORE, in consideration of the promises and mutual covenants hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Dawson County and NGPSI do hereby enter into this Addendum of said Contract and hereby incorporate this Addendum into said Contract:

Modification of the Period of Service

This Addendum shall serve as a modification of the language describing the period of service contemplated by the original Contract as follows:

The performance of the aforementioned services shall be controlled by this Addendum commencing on April 1, 2018, and shall continue with a specific expiration date of midnight December 31, 2018, which is the close of the calendar and the Dawson County fiscal year. The contract shall terminate absolutely and without further obligation on the part of the County at midnight of that date unless renewed in accordance with the terms of this Addendum. Any renewals of the Contract shall likewise expire at midnight of December 31st of each renewal year. The Contract shall automatically renew for specific one year terms each year on January 1, 2019, and on January 1st of each year immediately following in the event there has been no termination prior to December 31st of the renewal year. There may be up to four auto renewals of the contract in accordance with the foregoing terms, such that if the Contract is renewed each year the final renewal shall be for calendar/fiscal year 2021, and shall expire and terminate on December 31, 2021, unless otherwise terminated at an earlier time.

The automatic renewal provided for above shall occur, and the Contract shall continue under the same terms and conditions of the written Contract and this Addendum, unless written notice of non-renewal is directed to the other party not less than thirty (30) days prior to the current term's normal December 31st expiration. Said renewals may continue for a maximum of four renewal periods.

Notwithstanding anything else herein, either party may terminate this contract upon thirty (30) days' written notice with or without cause. The County may terminate this Contract immediately for cause, including without limitation material breach of this Contract, insolvency of NGPSI, or filing of a voluntary or involuntary case in bankruptcy or for receivership.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum this ____ day of _____, 2018.

Dawson County Board of Commissioners

Northeast Georgia Probation Services, Inc.

By: _____

By: _____

Billy Thurmond, its Chairman

John C. Cox, President

Approved by the Dawson County Superior Court:



Hon. C. Andrew Fuller, Chief Judge

Approved by the Dawson County Probate Court:



Hon. Jennifer Burt, Chief Judge

Attest: _____

Kristen Cloud, County Clerk

Backup material for agenda item:

7. Consideration of Resolution Requesting Speed Limit Reductions from the Georgia Department of Transportation on State Highways Within the City of Dawsonville



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: County Attorney

Work Session: 04.24.18

Prepared By: Lynn Frey

Voting Session: 05.03.18

Presenter: Lynn Frey

Public Hearing: Yes No

Agenda Item Title: Resolution Requesting Speed Limit Reductions from the Georgia Department of Transportation on State Highways Within the City of Dawsonville

Background Information:

The city of Dawsonville has requested that Dawson County support its application to the Georgia Department of Transportation to lower the speed limit on some state roads within the city limits. The city council has approved a resolution to support its efforts, and it is my understanding that the Dawson County Board of Education will support the city's application.

Current Information:

The accompanying resolution would lend the county's support to the city's efforts.

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

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: To adopt this resolution

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: NJ

Date: 4-19-18

County Manager Authorization: DH

Date: 4/19/2018

County Attorney Authorization: MLF

Date: 04/19/18

Comments/Attachments:

**A RESOLUTION OF THE DAWSON COUNTY BOARD OF COMMISSIONERS
REQUESTING SPEED LIMIT REDUCTIONS FROM THE GEORGIA DEPARTMENT
OF TRANSPORTATION ON CERTAIN STATE HIGHWAYS LOCATED WITHIN THE
CITY LIMITS OF DAWSONVILLE, IN DAWSON COUNTY**

WHEREAS, it is the desire of the Dawson County Board of Commissioners to see safe and orderly movement of both pedestrian and vehicular traffic through the County and through the City of Dawsonville;

WHEREAS, over the past decade the City has experienced significant growth in population;

WHEREAS, as a consequence of and to accommodate that growth, the Dawson County Board of Education has erected two new schools (Dawson County High School and Dawson County Middle School) and done improvements and renovations to the existing Elementary School (Robinson), and Lanier Tech has opened a campus in the City resulting in increased vehicular and pedestrian school traffic;

WHEREAS, portions of State Highway 9 and State Highway 53 go through the City limits in areas that are increasingly populated with pedestrians and in particular by school children as well as by vehicles including school buses;

WHEREAS, the Board of Commissioners are of the view that public safety would be increased by reduction of speed limits on the state highways in the City that are adjacent to areas of increased growth and development that are in need of both sidewalks and crosswalks; and

WHEREAS, the Mayor and Council of the City of Dawsonville, Georgia, requested the Georgia Department of Transportation to reduce speed limits on State Highway 9 and State Highway 53 in the City limits in the following locations:

Highway 9 North- Reduce the speed limit from 45 mph to 35 mph beginning at Bruce Road (just north of First Baptist Church) and traveling south to the intersection with Highway 53 (stop sign).

Highway 9 South- Reduce the speed limit from 45 mph to 35 mph beginning approximately ¼ mile south of Perimeter Road (near Dawsonville Florist) and traveling north to the intersection with Highway 53 (historic courthouse round-about).

Highway 53 East- Reduce the speed limit from 45 mph to 35 mph beginning at Acorn Road (approximately ¼ mile east of Perimeter Road) and traveling west to the intersection with Highway 9 (stop sign).

Highway 53 West- Reduce the speed limit from 45 mph to 35 mph beginning at Creekstone Lane and continuing to the east until it reduces to 25 mph at the present location near Maple Street.

NOW, THEREFORE, BE IT RESOLVED, that the Dawson County Board of Commissioners does hereby endorse and respectfully urge the Georgia Department of Transportation to approve the request made by the City of Dawsonville and reduce the said speed limits accordingly.

SO RESOLVED, upon motion duly made and approved this ____ day of _____, 2018.

Billy Thurmond, Chairman

Attested to:

Kristen Cloud, County Clerk

(seal)

Vote: ____ Yea
____ Nay

Backup material for agenda item:

8. Consideration of Board Appointment:

a. Parks & Recreation Board

i. Heather Tierney- *reappointment* (Term: May 2018 through December 2023)

DAWSON COUNTY BOARD OF COMMISSIONERS
APPLICATION FOR APPOINTMENT TO COUNTY
BOARDS AND AUTHORITIES



The Dawson County Board of Commissioners accepts applications for appointments. Interested parties should submit this form and supporting documentation to the County Clerk.

Board or Authority Applied for Park Board

Name Heather Tierney

Home Address 11 Scarlet Oak Lane

City, State, Zip Dawsonville, GA 30534

Mailing Address (if different) _____

City, State, Zip _____

Telephone Number _____ Alternate Number _____

Fax Telephone Number _____

E-Mail Address heather@bestnetga.com

Additional information you would like to provide:

I've served on the park board for a number of years. I've truly enjoyed serving Dawson County and would love to continue my board appointment for another term.

Signature Heather Tierney dotloop verified 03/19/18 5:32PM EDT HGJ-1L1L-MJMQ-1151 Date 03/19/2018

Please note: Submission of this application does not guarantee an appointment.

**Return to: Dawson County Board of Commissioners
Attn: County Clerk
25 Justice Way, Suite 2335
Dawsonville, GA 30534
(706) 344-3501 FAX: (706) 344-3504**