

**CITY OF WRENS
CODE OF ORDINANCES
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CHAPTER 3

Malt Beverages and Wine

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Sec. 7-3-1 License required.

It shall be unlawful for any person to manufacture, sell or possess for the purpose of sale, any malt beverages or wine where such person does not have a license from the City to sell or possess for sale such beverages.

Sec. 7-3-2 Retail licensee qualifications.

- a. There is hereby created a malt beverage and wine license qualifications committee. This committee shall be composed of the Chief of Police, the City Administrator, the City Clerk and the Building Inspector. It shall be the responsibility of this committee to pass upon the legal sufficiency of every application for a license to sell malt beverages and wine at retail. In passing upon the application for such license, the committee must find that the applicant meets the following standards:
 - 1. The licensee shall not have been convicted within 10 years of the date of his application of any felony or any violation of the laws of this state, or any other state, relating to the sale of alcoholic liquor.
 - 2. The licensee shall be the owner of the premises for which the license is held or the holder of any lease thereon.
 - 3. The licensee shall be active in, and solely responsible for, the management and operation of the business for which the license is granted.

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4. The applicant shall make a sworn statement of his qualifications according to the above and shall place same on file with the City Clerk before any license is issued.
 5. If the application covers a partnership, all members of the partnership must be qualified to obtain a license and must make sworn statements of these qualifications.
 6. No person shall be granted a license to engage in the sale of malt beverages and wine at retail unless it shall appear to the satisfaction of the committee that such person, or the officers and directors of any corporation, shall be of good moral character.
 7. Any misstatement or concealment of fact in the application shall be grounds for revocation of the license issued and shall make the applicant liable to prosecution for perjury under the law of the State of Georgia.
- b. As a prerequisite to the issuance of any such license, the applicant shall furnish a complete set of fingerprints to be forwarded to the Georgia Bureau of Investigation, which shall search the files of the Georgia Crime Information Center for any instance of criminal activity during the two (2) years immediately preceding the date of the application. The Georgia Bureau of Investigation shall also submit the fingerprints to the Federal Bureau of Investigation under the rules established by the United States Department of Justice for processing and identification of records. The federal record, if any, shall be obtained and returned to the governing authority submitting the fingerprints.
 - c. If three (3) members of the committee endorse the application to the effect that the applicant meets the standards set forth above, the City Clerk shall forthwith issue the applicant a license upon the payment of the required fee.
 - d. If three (3) or more of the members of the committee do not favorably endorse the application for a license, the matter shall be referred to the mayor and council for further consideration, at which time, the mayor and council may approve or deny the application on the merits thereof.

Sec. 7-3-3 Wholesale permits; qualification.

Wholesale licenses shall be issued only to those parties who are licensed by the State of Georgia to sell and distribute malt beverages and wine at wholesale. Application shall be made with the City Clerk; and the applicant shall present evidence to show that all laws and regulations pertaining to such activities in this chapter are understood by the applicant.

Sec. 7-3-4 Authority to issue licenses.

All applications for licenses shall be presented to the City Clerk, who shall transmit a copy thereof to the chief of police. The chief shall investigate the applicant and within 30 days, endorse

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his recommendation thereon and transmit it to the committee for its approval or disapproval. If approved, the license shall be issued by the City Clerk upon payment of the required fee.

Sec. 7-3-5 License fees.

- a. The applicant for a wholesale license shall pay to the City Clerk at the time his license is issued the sum of \$50.00 as an annual license fee for operation for one (1) year beginning on April 1st, or one-half (½) of this amount if the license is issued during the last six (6) months of the license year.
- b. The applicant for a retail license shall pay to the City Clerk at the time his license is received the sum of \$260.00 as an annual license fee for operation for one (1) year beginning on April 1st or one-half (½) of this amount if the license is issued during the last six (6) months of the license year.
- c. In addition to the fees provided for above, each applicant for a retail license shall pay to the City Clerk a nonrefundable administrative fee of \$100.00, which sum shall be credited to the general revenues of the City and retained by it, whether or not a license is issued to the applicant.

Sec. 7-3-6 Licenses nontransferable.

Wholesale and retail licenses shall not be transferable from one person or business to another and shall not be transferable from one location to another except with the expressed approval of the mayor and council.

Sec. 7-3-7 Revocation; grounds and procedure.

A license shall be a mere grant or privilege to conduct business during the term of the license, subject to all terms and conditions imposed by this chapter, or any future ordinances, and is subject to revocation under the following procedures:

- a. Any license which has been issued or which may hereafter be issued by the City may be suspended or revoked for due cause as hereinafter defined after a hearing held for the purpose of considering each suspension or revocation. At least five (5) days prior to the hearing, written notice of time, place and purpose of such hearing shall be given to the holder of such license, which notice shall contain a statement of the charges upon which such hearing shall be held.
- b. "Due cause" for the suspension or revocation of any license shall consist of any of the following:
 1. The violation of any law, code section, ordinance or regulation made pursuant to lawful authority for the purpose of regulating such business.
 2. The change in circumstances of any licensee in such way that had such circumstances existed when the application was filed, a license would not have been granted.

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3. Any recurrent breaches of the peace, disturbances or altercations occurring on the licensed premises or the failure of the licensee or his employees promptly to report to the police department of the City any violation of the laws or ordinances governing the licensing and sale of malt beverages and wine of which he has knowledge.

Sec. 7-3-8 Denial; time limit on resubmission.

When any license or permit to sell malt beverages and wine at retail is rejected or revoked by the mayor and council, the City Clerk shall not accept or consider any application from the same applicant for license within 12 months from the time of such rejection or revocation, unless the council shall specifically direct the City Clerk to receive the same.

Sec. 7-3-9 Emergency suspensions.

The mayor and council is hereby authorized to suspend the sale of malt beverages and wine under any license issued hereunder for any emergency situation such as civil disorders or natural disasters or in any situation that the council deems such immediate suspension necessary for the protection of the health and welfare of the citizens of Wrens. Such suspension may be made effective immediately and shall remain in force until the council determines the emergency is over or until the next meeting of the council, at which time the suspension shall cease unless the same is extended by affirmative action of the council.

Sec. 7-3-10 Revocation for violations.

Any violation of the provisions of this chapter shall be grounds for revocation of a license by the mayor and council pursuant to the procedure established in Section 7-3-7.

Sec. 7-3-11 Deliveries to licensed retailers.

- a. Malt beverages and wine shall be received at or delivered to the premise of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the City to make deliveries in said City.
- b. Transportation of malt beverages and wine by any other means shall be grounds for revocation of a retail license or a wholesale permit.

Sec. 7-3-12 Type of sale.

Malt beverages and wine sold in the City shall be for off premises consumption only: and the purchaser of such beverages shall not open the can, bottle or other container in which the beverages are contained while on the premises of the licensee: nor shall the licensee permit or allow the purchaser of such beverages to open the can, bottle or other container in which the beverages are contained while the purchaser is on the premises of the licensee.

Sec. 7-3-13 Hours of operation.

The hours of operation of retail licensees for the sale of malt beverages and wine shall be between the hours of 7:00 a.m. and 12:00 midnight. The hours of operation of wholesale

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licensees for the distribution of malt beverages and wine within this City shall be between the hours of 7:00 a.m. and 5:00 p.m. There shall be no malt beverages or wine sold or distributed within the corporate City limits on Sundays, Christmas day, or any other days prohibited by state law.

Sec. 7-3-14 Regulations.

No holder of a license authorizing the sale of malt beverages and wine at retail in the City, nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:

- a. knowingly sell malt beverages or wine to a minor;
- b. knowingly sell malt beverages or wine to any person while such person is in an intoxicated condition;
- c. sell malt beverages or wine upon the licensed premises on any day or at any time when such sale is prohibited by law;
- d. permit on the licensed premises any disorderly conduct, breach of peace, or any lewd, immoral or improper entertainment, conduct or practices.

Sec. 7-3-15 Joint responsibility; sales to minors; possession by minors.

- a. Minor defined. The term minor as used in this chapter shall mean any person under the age of twenty-one (21) years.
- b. It shall be unlawful on behalf of a minor to attempt to purchase, to purchase, or for any other person to purchase alcoholic beverages for a minor.
- c. It shall be unlawful for a minor to exhibit faked, forged or borrowed credentials in an effort to obtain goods and services (alcoholic beverages) to which he is not legally entitled.
- d. It shall be illegal for a minor to loiter in an establishment selling alcoholic beverages at retail.
- e. It shall be unlawful for any minor to have alcoholic beverages in his or her possession.
- f. No person engaged in the business regulated hereunder shall make or permit to be made any sales to minors.

Sec. 7-3-16 Rules and regulations.

All the provisions of this chapter are and shall be subject to the regulations hereinafter prescribed by the mayor and council, as the same may be from time to time amended, setting forth the rules, terms and conditions upon which such licenses may be issued; the annual license fees; the pro-rated license fees, based on sales; the qualifications of licensees; the hours of

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operation of such licensees; the control of customers doing business with licensees; and any and all other matters which the mayor and council may deem advisable to set forth for the proper control and regulation of the sale and consumption of malt beverages and wine in this City; and all such licenses as may be hereafter issued shall be expressly subject to the provisions of such rules or regulations as may be then or thereafter in force; and all such licenses shall be nontransferable, except with express approval of the mayor and council, and shall convey to the licensee no property right, but only a privilege, which may be revoked by the council as set forth above.