

ARTICLE H. ALCOHOLIC BEVERAGES*

***Cross references:** Closing of existing alcohol establishments, § 6-2427; transport of alcoholic beverages into or out of a designated controlled zone, § 6-2428.

State law references: Alcoholic beverages, O.C.G.A. § 3-1-1 et seq.

Sec. 6-1201. Title of article.

This article shall be known and may be cited as "The Alcoholic Beverage Ordinance of 1998."

(Ord. of 12-8-1998, § 6-1201)

Sec. 6-1202. Purpose; privilege, not a right.

(a) *Purpose.* This article is enacted for the purposes, among others, of promoting the health, safety, and general welfare of the community; establishing reasonable and ascertainable standards for regulation and control of licensing and dispensing of alcoholic beverages; giving effect to zoning and land use plans; preserving residential areas, with reasonable consideration to the character of the areas and their suitability for particular uses; protecting and preserving schools, churches, and other public institutions; reducing congestion in roads and streets; and with a general intent of promoting desirable living conditions and sustaining stability of neighborhoods and property values.

(b) *Privilege, not a right.* Nothing in this article shall be construed as giving a person a right to sell or otherwise deal in alcoholic beverages. The manufacture, distribution, sale, and dispensing of alcoholic beverages is declared to be a privilege in the City of Savannah, not a right.

(Ord. of 12-8-1998, § 6-1202)

Sec. 6-1203. Definitions.

These words and terms shall have the following meanings when used in this article:

(a) *City of Savannah; city.* The mayor and aldermen of the City of Savannah, a municipal corporation of the State of Georgia; such definition to include all geographical area within the corporate limits of the City of Savannah.

(b) *City council; council.* The mayor and aldermen of the City of Savannah in council assembled, the legislative body of the city.

(c) *Alcohol; alcoholic beverage.* Any beverage which contains alcohol in any quantity or percentage, including but not limited to distilled spirits, liquor, beer and other malt beverages, wine, fortified wine, and any other form of alcoholic beverage as defined by Georgia law.

(d) *Sale by the drink for consumption on the premises.* The sale or dispensing of alcoholic beverages by the drink or in broken packages for consumption on the licensed premises.

(e) *Sale by package.* The sale or dispensing of alcoholic beverages in unbroken original containers for consumption in a location other than the licensed premises.

(f) *Premises.* One physically identifiable place of business consisting of one room or two or more contiguous rooms operating under the same trade name and ownership where alcoholic beverages are sold or otherwise dispensed to the public, such premises to be within the confines of the licensed building structure; provided, however, that any outside patio area on private property or on privately leased public property that is actually and permanently attached to the main building may be considered premises for the purpose of serving alcoholic beverages from a bar or other dispensing facility located within the confines of the building structure. A hotel or inn shall be considered one premises if all alcohol dispensing facilities and rooms within said hotel or inn operate as a part of one business under one ownership and management; provided, however, that any separately owned and operated alcoholic beverage facility or facilities within a hotel or inn shall require an additional license for each such facility.
(Ord. of 12-8-1998, § 6-1203)

Sec. 6-1204. Application for license; applicant; contents of application.

(a) *Application for license.* It shall be unlawful to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law without first applying for and obtaining a license therefor from the City of Savannah. A separate license shall be required for each establishment. No license shall be transferred without the approval of the mayor and aldermen upon proper application being made.

(b) *The applicant.* The applicant for an alcoholic beverage license shall be a citizen of the United States and the owner of the business; or if the owner of the business is a corporation, partnership or other legal entity, the applicant may be a substantial and major partner or stockholder or the manager of the business responsible for the regular operation of said business on the premises for which the license is issued. The person who will have day-to-day operating responsibility for the business and who shall actively operate the business on a day-to-day basis, either the applicant or a person designated by the applicant as the manager, shall be a resident of Chatham County.

(c) *Contents of application; contents to be furnished under oath.* An application containing the following information shall be completed and filed with the city by each applicant for a license to conduct any business involving the sale or distribution of beer, wine, or intoxicating liquor, and by each applicant for a transfer or renewal of an existing license, on forms provided therefor, together with the payment to the city treasurer in the amount of license fee to be due if the license is granted:

Before the undersigned attesting officer duly authorized by law to administer oaths, personally comes the petitioner for a license to conduct the hereinafter described business and, being first duly sworn, on oath, says that the information hereinafter given and the statements hereinafter made in answer to the following questions are true:

- (1) What is the kind of business to be operated?
- (2) What is the name of the business?
- (3) Is the name of the business registered with the clerk of the superior court of this county?
- (4) What is the location where such business is proposed to be carried on and the telephone number at said location?

- (5) Name of applicant: _____; age: _____; birth date: _____; home address: _____; home phone: _____.
- (6) Name of owner of business. Other information to identify owner.
- (7) Is the business incorporated? If so, where and what date?
- (8) What is the name of the manager or operator of said business, and the home address and telephone number of said manager or operator?
- (9) What are the names and addresses of all persons having an interest in said business? (Including the names and addresses of all stockholders, if a corporation).
- (10) What interest do such persons have?
- (11) Who is the landlord of said location, and what is the address and telephone number of said landlord?
- (12) Who is the owner of said location, and what is the address and telephone number of said owner?
- (13) In whose name will the income taxes be due on profits arising from the operation of said business?
- (14) In what manner will the manager or operator of said business be compensated?
- (15) By whom will such compensation be paid?
- (16) What other kinds of business will be conducted at said location?
- (17) What are the names and addresses of the persons who will conduct such other kinds of businesses?
- (18) Has application been made for required state and federal licenses?
- (19) Has applicant or any person connected with or having an interest in said business:
- a. Been convicted of any violation of law in any locality? If yes, was the conviction for a traffic violation? Other violation?
 - b. Served time in prison, or other correctional institution?
- (20) If the answer to any part of the above question is "yes" for the applicant or any person connected with or having an interest in said business, describe circumstances in detail for each person.
- (21) Give the names and addresses of three citizens of Savannah as references.
- (22) If this application is for renewal of an existing license, please give the number of the existing license.
- (23) If a renewal, the information herein is different from the information given in the original license application in the following particulars:
- All of the foregoing information is hereby given and all of the foregoing statements are hereby made on oath, wilfully, knowingly, and absolutely, and the same is and are hereby sworn to be true under penalty for false swearing, as provided by law.

Petitioner's Signature

Sworn to and subscribed before me this _____ day of _____, _____.

Notary Public

(d) *Payment of license fees.* Petitioner for a license for the operation of a business involving the sale or distribution of beverages containing alcohol must make payment to the city treasurer, in the amount of the license fee to be due if said license is granted.

(e) *Posting of licenses, certificate of occupancy, etc., required.* Any alcoholic beverage establishment licensed by the city shall post together in a conspicuous place in clear public view (1) the alcoholic beverage license issued for the premises by the City of Savannah, including Sunday sales permit if any, (2) other licenses/business tax certificates required for the business, (3) an alcoholic beverage license for the premises issued by the State of Georgia, and (4) a certificate of occupancy issued by the city showing the maximum number of persons who may occupy the premises at any one time, (5) any minors permit issued for the premises by the city and a copy of minors policy as contained in this article, and (6) any certificate of inspection and approval as may be required by the Chatham County Health Department.
(Ord. of 12-8-1998, § 6-1204)

Sec. 6-1205. Approval by city treasurer.

The city treasurer may approve all applications for renewal of an existing license upon payment of all charges due, where no objections have been filed and the application clearly shows no change in the ownership, location, or operation of the business. If objections have been filed or if there has been any change in the ownership, location, or operation of the business, the application must be approved by the mayor and aldermen.
(Ord. of 12-8-1998, § 6-1205)

Sec. 6-1206. Approval by mayor and aldermen.

No new license to sell or dispense alcoholic, malt or vinous beverages within the city shall be issued or an existing license transferred until the application therefor has been approved by the mayor and aldermen. The applicant shall deposit with the city the costs of legal notices to be published by the clerk of council in a newspaper of general circulation within the city not less than five days before a public hearing, where those who might wish to object to the issuance or transfer of said license may appear in person or in writing to voice their objections.
(Ord. of 12-8-1998, § 6-1206)

Sec. 6-1207. Advertisement of license application; erection of sign.

After application is made for an alcoholic beverage sales license with the department which is designated to receive such application, when the application is for a new license at a new location, the applicant shall pay a fee of \$5.00 to the city treasurer for the cost of obtaining a sign which shall be placed at the location where the applicant is requesting a license to be issued. The sign shall have a minimum size of 28 inches. The sign, both with language preprinted on it and after inserting information pertinent to the license being applied for, shall specify the nature of the license being requested, that the application shall apply on the premises where the sign is posted, that a public hearing is scheduled to be conducted in the chamber of the mayor and aldermen, on the second floor at city hall, at a designated time and date. The sign shall be erected on the location for which the application is made in a conspicuous place which may be observed by pedestrian and motor vehicle traffic passing by such location at least seven days prior to the date of the public hearing and shall not be removed by the applicant prior to the conclusion of such public hearing.
(Ord. of 12-8-1998, § 6-1207)

Sec. 6-1208. Denial, suspension, or revocation; notice and hearing; waiting period.

(a) *Reasons for denial, suspension, or revocation.* The mayor and aldermen may deny, suspend, revoke or refuse to renew any alcoholic beverage license for one or more of the following reasons:

(1) The violation by the applicant, licensee, or licensee's employees of any state or federal law or regulation or any provision of this Code or other municipal ordinance, at any time adopted, relating to the sale, use, possession, or distribution of drugs or alcoholic beverages.

(2) The failure of the licensee or his employees to report promptly to the police department any violation of law or municipal ordinances, breach of peace, disturbance or altercation occurring in or adjacent to the licensee's premises.

(3) The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a public nuisance or the operation of a licensed business where violations of federal, state, or local laws or ordinances frequently or regularly occur.

(4) The making of any untrue or misleading statement in the application for a license or any renewal thereof or the omission from such application or renewal of any information required in the application.

(5) The revocation by the State of Georgia of any state license to sell any alcoholic beverage shall result in the automatic revocation of the license issued under this chapter [article] without any action by the mayor and aldermen or any city officer or employee.

(6) All licenses issued under this chapter [article] shall be subject to the rules and regulations set forth in the acts of the general assembly known as the Georgia Alcoholic Beverage Code, to legalize and control alcoholic beverages and liquors, as now or hereafter amended, and those prescribed by the state department of revenue, and violation of these statutes and regulations shall be violations of this Code.

(7) The mayor and aldermen may, in its discretion, issue or deny any alcoholic beverage license when there is evidence that the type and number of schools, churches, libraries, or public recreation areas, or other circumstances, in the vicinity of the place of business cause minors to frequent the immediate area, even though there is compliance with the minimum distances as provided in this article.

(8) No license shall be issued under this article to any premises not meeting the requirements of all state, county, and city laws, ordinances and regulations which apply to said premises, including, but not limited to, zoning, building, fire, and sanitation codes.

(9) In determining whether or not any license applied for hereunder shall be granted, renewed, transferred, or issued to a new person or location, the mayor and aldermen may, in the interest of public safety and welfare, and in addition to all other provisions of this article, consider the following:

(a) *Reputation, character of applicant.* The applicant's reputation, character, trade and business associations, or past business ventures, and the applicant's mental and physical capacity to conduct the business.

(b) *Previous violations of alcoholic beverage laws.* If the applicant is a previous holder of a license to sell alcoholic beverages, whether the applicant or other person associated with the business has violated any law, regulation, or ordinance relating to such business.

(c) *Manner of conducting prior alcoholic beverage business.* If the applicant is a previous holder of a license to dispense alcoholic beverages, the manner in which the applicant conducted the prior business, especially as to the necessity of unusual police observation and inspection in order to prevent the violation of any law, regulation, or ordinance relating to such business.

(d) *Location.* The location for which the license is sought, as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.

(e) *Number of licenses in trading area.* The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought.

(f) *Previous revocation of license.* If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked.

(g) *Previous denial or revocation for location.* The denial of an application or the revocation of a license which was based on the qualifications of the proposed location.

(h) *Prior incidents at location.* Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the 12 months immediately preceding the date of application.

(b) *Notice and hearing.* The mayor and aldermen shall not revoke, suspend, or refuse to renew any license provided for in this chapter [article] without notice and an opportunity for a hearing as provided for in this section.

(1) Such hearing shall be at a regular or special meeting of the mayor and aldermen after written notice is given advising the applicant or the holder of the license the grounds therefor; the date, time, and place of the hearing; and advising [the applicant] of the opportunity to appear, to be represented by counsel, and to present evidence.

(2) Notwithstanding the foregoing, the city manager may temporarily suspend any license provided for in this chapter [article] for any reason stated in this section pending a hearing and action by the mayor and aldermen in accordance with this section.

(3) All decisions approving, denying, suspending, or revoking any alcoholic beverage license shall be in writing with the reasons therefor stated, and shall be mailed to the applicant or licensee.

(c) *Waiting periods.* When any license is revoked as provided under this chapter [article], no further license shall be issued to such license holder for a period of six months from the date of revocation; and if there has been a prior revocation at the location within the preceding 24 months, no further license shall be issued to any person, firm or corporation at such location for a period of six months from the date of revocation.

(Ord. of 12-8-1998, § 6-1208)

Sec. 6-1209. License restrictions.

(a) *One person not to have more than two package liquor licenses.* No person shall either in his own right or as an associate of or through any company or agency own at any time more than two package liquor licenses.

(b) *Possession of beverages, etc., not covered by license.* It shall be unlawful for any person to sell, offer for sale or keep for sale in his place of business any alcoholic beverage or any commodity or article of merchandise which such person is not permitted

to have, sell or possess under the terms of the license issued for his place of business or which is not covered by or included in such license. The presence of such alcoholic beverage, commodity or article of merchandise in the place of business of any such person shall be held to be prima facie evidence that the same is possessed for the purpose of illegal sale, and the burden shall be upon the accused to explain such possession in any trial involving violation of this section.

(Ord. of 12-8-1998, § 6-1209)

Sec. 6-1210. Sale near schools, churches, etc.; distance requirements.

(a) *Sale by package.* No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages in package form except as provided by the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2 et seq.) and the regulations of the state department of revenue adopted thereunder, in accordance with the following minimum distance requirements for package sales:

(i) *Liquor.* No distilled spirits as defined in the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2) may be sold by package in or within 100 yards of any church building or in or within 200 yards of any school building, educational building, school grounds, or college campus, measured from property line to property line along a straight line which is the shortest distance between the two property lines. No distilled spirits may be sold by package within 100 yards of any alcoholic treatment center owned and operated by the state, county, or city, measured from primary entrance to primary entrance. No new license for distilled spirits by package may be issued to any location within 500 yards of an existing package store, measured from property line to property line.

(ii) *Wine and beer.* No wine or malt beverages may be sold by package in or within 100 yards of any school building, educational building, school grounds, or college campus, measured from the primary entrance of the alcoholic beverage establishment to the property line of the nearest such institution, nor within 100 yards of any alcoholic treatment center owned and operated by the state, county, or city, measured from primary entrance to primary entrance. Under state law there is no distance minimum to a church for wine and beer sold by package.

(b) *Sale for consumption on premises.* No person knowingly and intentionally may sell or offer to sell and no license shall be issued for retail sale of alcoholic beverages for sale for consumption on the premises, except in accordance with the following minimum distance requirements:

(i) *Liquor.* No distilled spirits as defined in the Georgia Alcoholic Beverage Code (O.C.G.A. § 3-1-2) may be sold by the drink for consumption on the premises in or within 100 yards of any church building or within 200 yards of any school building, educational building, school grounds, or college campus, or within 100 yards of an alcoholic treatment center operated by the state, county, or city, measured from the alcoholic beverage establishment's front door to the front door of the nearest such institution.

(ii) *Wine and beer.* No wine or malt beverages may be sold by the drink for consumption on the premises within 100 yards of any school building, educational building, school grounds, or college campus, or within 100 yards of an alcoholic treatment center owned and operated by the state, county, or city, measured from the alcoholic beverage establishment's front door to the front door of the nearest such

institution. Under state law there is no distance minimum to a church for sale of wine and beer by the drink for consumption on the premises.

(iii) The provisions of subparagraphs [subsections (b)](i) and (ii) above as related to alcoholic treatment centers shall not apply to any business having a license in effect on July 1, 1981.

(c) *Measurement of distances.* Unless otherwise provided by law, all measurements to determine distances as required in this section for the issuance of an alcoholic beverage license shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

(i) From the front door of the structure from which beverage alcohol is sold or offered for sale;

(ii) In a straight line to the nearest public sidewalk, walkway, street, road, or highway;

(iii) Along such public sidewalk, walkway, street, road, or highway by the nearest route;

(iv) To the front door of the nearest church, school building or educational building, or to the nearest portion of the school grounds, whichever is applicable to the appropriate section.

(d) *Definition of school.* As used in this section, the term "school building" or "educational building" shall apply only to state, county, city or church school buildings or educational buildings and to such other schools in which are taught subjects commonly taught in the common schools and colleges of this state. The term "school grounds" shall mean the property line of the tract on which is located the school.

(e) *Definition of college campus.* As used in this section, the term "college campus" shall apply only to the educational buildings of such state, county, city, church or other colleges as teach the subjects commonly taught in the common colleges of this state and shall not include private colleges where only specialized subjects such as stenography, business, music, art, vocational occupations and other special subjects are taught and shall not apply to college grounds, stadiums or recreational areas.

(f) *Exceptions.* Nothing contained in this section shall prohibit the licensing of the sale of alcoholic beverages by:

(i) Hotels of 50 rooms or more which have been in continuous operation for a period of at least five years preceding July 1, 1981;

(ii) Hotels of less than 50 rooms for the retail sale of alcoholic beverages solely to occupants of the hotel and their guests by the drink for consumption only on the premises;

(iii) A private social club which is open only to its members and their guests and not to the general public, which does not advertise for or solicit patrons, which has an operating dining room as an integral part of its facilities, which dispenses alcoholic beverages solely to club members or their guests by the drink and for consumption only on the premises;

(iv) A restaurant that sells alcoholic beverages as a part of the meal or to restaurant patrons waiting for a table to be served a meal in a public place, licensed as a restaurant, and kept, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 40 people, having employed therein a sufficient number and kind of employees to

prepare, cook and serve suitable food for its guests with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto;

(v) No distance requirements shall apply to colleges within the historic district or the Victorian District when the premises are zoned to allow such use.

(Ord. of 12-8-1998, § 6-1210)

Cross references: Zoning, § 8-3001 et seq.

Sec. 6-1211. Hours of operation.

(a) *Hours of opening and closing.* No license holder shall sell, give away or otherwise dispense any distilled spirits, alcoholic beverages, wine, beer or malt beverage between the hours of 2:55 a.m. Sunday and 7:00 a.m. Monday and between the hours of 3:00 a.m. and 7:00 a.m. on other days. All establishments licensed hereunder shall be closed no later than 3:00 a.m. on Sunday and shall not open before 7:00 a.m. on Monday and shall be closed between the hours of 3:00 a.m. and 7:00 a.m. on all other days, except as provided in paragraph [subsection] (b) below.

(b) *Restaurants.* Restaurants, dining rooms, and similar establishments holding licenses for the serving of food and where food is actually and regularly served may remain open beyond such times to serve food but in no event shall there be any sale or dispensing of distilled spirits, alcoholic beverages, wine, beer or malt beverages during such extended hours and any bar or dispensing facility shall be closed. Provided, however, that when New Year's Eve falls on Sunday, then such establishments licensed hereunder may open at 12:01 a.m. on January 1.

(Ord. of 12-8-1998, § 6-1211)

Sec. 6-1212. Sale of alcoholic beverages on Sundays.

(a) *Sunday sales prohibited.* No alcoholic beverages shall be sold, offered for sale, dispensed, or given away, in any place of business on Sunday, except as provided in paragraph [subsection] (b) below. Every person operating a place of business solely and exclusively for the purpose of selling or dealing in alcoholic beverages shall keep such business closed on Sunday.

(b) *Sunday sale of alcoholic beverages.* The licensee of any eating establishment desiring the privilege to sell or otherwise dispense distilled spirits, malt beverages, or wine on Sunday in accordance with this paragraph [subsection] shall, before dispensing such beverages on Sunday, file an affidavit with the city revenue department, certifying under oath that (1) such establishment holds or has applied for a current City of Savannah license to operate a restaurant, and (2) such establishment, if an existing business, derived at least 50 percent of its total annual gross food and beverage sales income from the sale of prepared meals or food during the preceding calendar year or, if a new business, fully intends and expects to derive at least 50 percent of its total annual gross food and beverage sales income from the sale of prepared meals or food during the remainder of the current calendar year. Such an affidavit may be submitted at any time the above stated conditions are met, and must be submitted annually with such establishment's alcoholic beverage license renewal application if Sunday sales authorization is to be continued.

The alcoholic beverage license of an establishment which has properly filed such an affidavit will be marked to indicate authorization to dispense alcoholic beverages

between the hours of 12:30 p.m. Sunday and 2:00 a.m. Monday. Any establishment not complying with this section is hereby specifically prohibited from dispensing alcoholic beverages on Sunday.

To qualify for a Sunday sales permit, any licensed restaurant, in addition to the above requirements, shall be a bona fide public eating place which actually and regularly prepares and serves food on the premises; shall have a full kitchen facility open and operating to prepare food on the premises for consumption in the establishment, such kitchen to include at a minimum one cooking stove and/or oven or equivalent apparatus (this requirement is not met by a microwave oven and/or food rotisserie), one standard size food refrigerator and freezer, kitchen sink, and any and all food service requirements of the Chatham County Health Department; shall have a specific area of the establishment set aside, set up, and operating to serve prepared food on the premises; shall have a printed or posted menu from which selections for prepared food can be made; and shall provide its full food service to the public on any Sunday when alcoholic beverages are dispensed. This paragraph shall not be applicable to any recognized festival event sponsored by a nonprofit community organization.

(Ord. of 12-8-1998, § 6-1212)

Sec. 6-1213. Sale outside of licensed premises prohibited.

It shall be unlawful for any person to sell alcoholic or malt beverages on the streets or sidewalks, or elsewhere, outside of the building, premises, or place of business licensed for such sale, except for temporary events specifically licensed for outside sales under provisions of the annual revenue ordinance. Businesses with licenses to dispense alcoholic beverages by the drink for consumption on the premises may serve such beverages only within the confines of the licensed building structure; provided, however, that any business with such license which has an outside patio area on private property or on privately leased public property that is actually and permanently attached to the main building may serve alcoholic beverages in the patio area. No bar, whether permanent or temporary, may be set up in such outside patio area. Sale or dispensing of alcoholic beverages to persons through windows, doors, or other openings to sidewalks, parking lots, or to any other area outside the licensed premises, except for patios described above, is prohibited.

(Ord. of 12-8-1998, § 6-1213)

Sec. 6-1214. Dispensing alcohol to persons in motor vehicles prohibited.

It shall be unlawful for any person to dispense or furnish or cause to be furnished or permit any person in his employ to furnish or dispense alcohol, spirituous liquors, malted, fermented or intoxicating liquors or beverages, as they may be defined in the Official Code of Georgia Annotated, to any person from the confines of a motor vehicle, when the vehicle is parked on any city street, alley, way or parking lot, except to make a delivery for subsequent consumption.

(Ord. of 12-8-1998, § 6-1214)

Cross references: Motor vehicles and traffic, pt. 7.

Sec. 6-1215. Consumption of alcohol on city streets prohibited; limited in certain area.

(a) *Drinking alcohol on city streets prohibited.* Except as provided in paragraph [subsection] (b) below, it shall be unlawful for any licensed establishment to dispense any alcoholic beverage in an open container for removal from the premises, and it shall be unlawful for any person to remove from an alcoholic beverage establishment any open container of alcoholic beverage or to drink or attempt to drink any alcoholic beverage from any open container or to possess in any open container any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private, within the corporate limits of the City of Savannah.

(b) *Outside consumption of alcoholic beverage permitted in certain area; number and size limited.* Within the area of the city bounded on the north by the city limits, on the west by the centerline of the Talmadge Memorial Bridge extended south on West Boundary Street to Jones Street, on the south by Jones Street extended east to the railroad track, and on the east by a line extending north along the centerline of the railroad track to the Savannah River east of the Marriott Hotel, then across the Savannah River to include all portions of Hutchinson Island which are within the city, the following regulations shall apply:

(1) *One drink on-street limit.* Any establishment licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or other container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(2) *Size limited to 16 ounces.* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed 16 fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds 16 fluid ounces in size.

(3) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private.

(4) *Festivals.* Unless specifically provided otherwise by ordinance, the regulations provided by this section shall be in full force and effect during the Saint Patrick's Day Festival and any other festival.

(c) *Drinking alcohol in parked motor vehicle prohibited.* It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alley, way or parking lot.

(d) *Open container of alcohol in moving vehicle prohibited.* It shall be unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle in the city or while a passenger in or on a vehicle being operated in the city.

(1) As used in this article, "open container" means any container which is immediately capable of being consumed from, or the seal of which has been broken.

(2) An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger and is not located in a

locked glove compartment, locked trunk, or other locked nonpassenger area of the vehicle.

(3) An open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.

(4) Exceptions:

(a) A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid chauffeur's license pursuant to Georgia law or any other state;

(b) A passenger of a bus in which the driver holds a valid chauffeur's license pursuant to Georgia law or any other state; or

(c) A passenger of a self-contained motor home which is in excess of 21 feet in length.

(Ord. of 12-8-1998, § 6-1215)

Cross references: Streets and sidewalks, § 4-1001 et seq.

Sec. 6-1216. Intoxicants at stadiums or arena.

It shall be unlawful for any person to possess or consume any alcoholic beverage at Memorial Stadium on Skidaway Road, Grayson Stadium on Victory Drive, and the sports arena on Intermediate Road during an athletic contest, game or event involving high school, junior high school and grammar school teams.

(Ord. of 12-8-1998, § 6-1216)

Sec. 6-1217. Doors to be unlocked during business hours.

Every person conducting a place of business selling or dealing in alcoholic beverages shall keep, during his hours of business, his doors into such place of business unlocked.

(Ord. of 12-8-1998, § 6-1217)

Sec. 6-1218. Soliciting drinks prohibited.

No license holder shall require, permit, suffer, encourage or induce any employee or person, other than the patron and guests of the patron, to solicit the purchase by the patron of any drink, whether alcoholic or nonalcoholic, or money with which to purchase the same; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for herself, himself, or for others the purchase by the patron of any drink, whether alcoholic or nonalcoholic.

(Ord. of 12-8-1998, § 6-1218)

Sec. 6-1219. Lewd or obscene conduct prohibited.

(a) *Findings and statement of purpose.* Based on the experiences, studies and findings of other municipalities and urban counties, including without limitation College Park, Georgia; Richmond County, Georgia; Atlanta, Georgia; Manatee County, Florida, Indianapolis, Indiana; Austin, Texas; Phoenix, Arizona; and Los Angeles, California; all of which are relevant to the problems and conditions prevailing in the City of Savannah; the studies and recommendations of the metropolitan planning commission relating to the zoning and land use effects of adult entertainment establishments, the evidence presented to the mayor and aldermen in public hearings; and the experience of the Savannah police department in policing such establishments, the mayor and aldermen find that live, public

human nudity (either partial or total) under certain circumstances, particularly in circumstances related to the sale or consumption of alcoholic beverages, tends to beget criminal behavior and to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are prostitution, violent and sex-related offenses, drug trafficking and use, illegal dispensing of alcoholic beverages, and disorderly conduct. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, 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 hereinabovedescribed, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, in the interest of public health, safety and welfare, the limitation of nudity and sex-related conduct in establishments holding a license is a matter of governmental interest and concern because it will discourage and reduce the criminal behavior and undesirable community conditions normally associated with license-holding establishments that allow and/or encourage nudity or sex-related conduct.

(b) *Licensee's responsibility.* A license holder is guilty of permitting obscene, lewd or indecent entertainment when the license holder knows or has reasonable cause to know that the premises are being used by any person to appear on the premises in such a manner or attire as to expose to view portions of the pubic area, anus, anal cleft, vulva or genitals, or any simulation thereof, or is being used by any female to appear on the premises in such a manner and permits such activity or use or fails to make reasonable and timely effort to halt or abate such activity or use.

(c) *Prohibited conduct under state law.* No license holder shall permit a person to perform any acts in an establishment licensed to dispense alcoholic beverages that are in violation of O.C.G.A. § 16-6-8 regarding public indecency, nor permit any obscene, lewd or indecent entertainment therein.

(d) *Prohibited acts.* No license holder or agent of any license holder shall allow any person, regardless of such person's business or personal relationship (or lack thereof) to the license holder, to initiate or continue, in or around the establishment:

(i) 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 of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva or genitals;

(ii) Live entertainment where any person appears in the manner described in preceding subparagraph [subsection (i)] of this subsection or where any person engages in or simulates any of the following acts:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law;

(b) The caressing or fondling of the breasts, buttocks, anus or genitals;

(c) The displaying of the male or female pubic hair, anus, vulva or genitals;

(iii) The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or other activity where patrons of the license-holding establishment are encouraged or allowed to engage in any of the conduct or to be attired as described in the preceding subparagraph [subsection (ii)] of this section.

This subsection shall not apply nor prohibit the live performance of legitimate plays, operas, or ballets at mainstream theaters, concert halls, museums or educational institutions which hold an alcoholic beverage license and which derive less than 20 percent of its gross receipts from the sale of alcoholic beverages.

(Ord. of 12-8-1998, § 6-1219)

Cross references: Personal conduct, § 9-1001 et seq.

Sec. 6-1220. Licensee to furnish setups; bottle clubs.

(a) *Setups unlawful without alcohol license.* It shall be unlawful for any person to sell, serve, deliver, give or dispense to anyone ice, soft drinks, mixers or beverages of any kind or to provide setups for use or consumption on the premises with or in alcoholic beverages in any public establishment or private club unless the establishment or club holds an alcoholic beverage license issued by the city treasurer which has been approved by the mayor and aldermen as provided by the revenue ordinance.

(b) *Bottle club unlawful without alcohol license.* It shall be unlawful for the operator of any private club, public establishment or place of business to operate a "bottle club," that is, to allow anyone to bring or keep alcoholic beverages on said premises for use or consumption thereat, unless the said establishment, club or business holds an alcoholic beverage license issued by the city treasurer which has been approved by the mayor and aldermen as provided by the revenue ordinance.

(Ord. of 12-8-1998, § 6-1220)

Sec. 6-1221. Sale of alcoholic beverages on election days.

(a) *Alcohol sales permitted but limited on election days.* All persons holding an alcoholic beverage license within the City of Savannah shall be permitted to sell alcoholic beverages on any election day, local and statewide. However, no sale of alcoholic beverages shall be permitted within 250 feet of any polling place or of the outer edge of any building within which such polling place is established.

(b) *Election days defined.* Local and statewide election days shall include all elections as defined in O.C.G.A. § 3-3-20.

(Ord. of 12-8-1998, § 6-1221)

Sec. 6-1222. Order required; disorderly conduct prohibited.

(a) *Order required within establishment.* Owners, managers, and employees of a licensed business shall be responsible for keeping an orderly place and shall not permit any employee, patron, or other person to cause a disturbance or engage in loud, boisterous, lewd, or obscene conduct or practice within the establishment.

(b) *Order required outside establishment.* The owner and manager of any alcoholic beverage establishment shall be responsible for monitoring parking lots and other outside areas around the establishment and prohibiting patrons and other persons associated with the establishment from standing, sitting, mingling, or assembling outside the licensed premises in a manner which causes or contributes to disturbances and/or illegal acts.

Violators of this paragraph [subsection] shall be specifically subject to the nonjudicial sanctions provided by section 6-1226, paragraph [subsection] (b), of this article.

(c) *Disorderly conduct while intoxicated prohibited.* It shall be unlawful for any person within the corporate limits of the city, while intoxicated by alcohol or other drugs on the

sidewalks, parks, squares, streets, public buildings and other public places, to be disorderly or to endanger his or her life or safety or that of any other person or persons.

(d) *Duty of peace officer.* Any peace officer who takes into custody an intoxicated person for violation of this section may, in lieu of placing criminal charges against such person, take or send such person to his or her home, or to a treatment or protective custody facility. Any peace officer so acting shall be deemed to have performed his official duty.

(Ord. of 12-8-1998, § 6-1222)

Sec. 6-1223. Drinking, possession of alcoholic beverages by minors unlawful.

(a) *Unlawful for minor to drink or possess alcohol.* It shall be unlawful for any minor to drink or possess any beverage containing alcohol in a place where alcoholic beverages are sold and in any public place or on the streets or sidewalks of the City of Savannah.

(b) *Unlawful to procure alcohol for minor.* It shall be unlawful for any person to procure, assist in procuring, or participate in any way in procuring any alcoholic beverage for any minor in any place where alcoholic beverages are sold or dispensed.

(c) *Unlawful for [licensee to permit] persons under the age of 21 to enter alcohol establishments .* It shall be unlawful for any person holding a license for the selling or serving of alcoholic beverages to the public for consumption on the premises, or any of such person's clerks, servants, agents, or employees, to permit any person under 21 years of age to enter said premises, except as provided in subsection (e) below.

(d) *Unlawful for persons under age 21 to enter alcohol establishments.* It shall be unlawful for any person under 21 years of age to enter such premises, except as provided in subsection (e) below, or to misrepresent his identity or use any false identification for the purpose of entering any such premise.

(e) *Persons under the age of 21 permitted to enter restaurants, other establishments, under certain conditions.* Persons under 21 years of age may enter premises licensed for selling or serving alcoholic beverages to the public for consumption on the premises where such businesses are full-service restaurants as defined in this section; hotels; auditoriums; athletic facilities; stadiums; recreation facilities as defined in this section; and festival areas authorized under the city festival ordinance.

For the purposes of this section, a full-service restaurant is defined as a business primarily engaged in providing food services to customers who order and are served while seated and pay after eating where the service of alcoholic beverages are incidental to the food service. A full-service restaurant as herein defined will have in operation at all times while open a fully-equipped commercial kitchen to prepare and serve food items selected by the customer from a printed menu. Bar areas, consisting of bars with barstools and prominent displays of package alcohol and alcoholic beverage preparation and dispensing equipment, must be in an area separate and distinct from dining areas and persons under the age of 21 shall not be permitted in such bar areas. Such businesses will derive no less than 51 percent of their gross receipts from the sale of prepared meals and are classified for business tax purposes under the North American Industry Classification System (NAICS) classification as dominantly a food service business.

Bars, lounges, taverns, nightclubs, and businesses who use similar descriptions in their trade names, who emphasize alcoholic beverages in their advertising, and feature bands, disc jockeys, comedians, dancers, or other forms of entertainment as a focus of their

business advertising and activity, will not be classified as full-service restaurants for the purpose of this section. These types of businesses are typically classified under the NAICS systems as "Alcoholic Beverage Drinking Places" and food service, if present, is incidental to alcoholic beverage service and entertainment.

Recreation facilities, for the purpose of this section, refers to bowling alleys, billiard parlors, skating facilities, and similar family-oriented recreation establishments, where the revenues derived from the sale of such recreation services are a dominant component of the businesses gross receipts. Food service and alcohol beverage sales are ancillary activities and incidental to the provision of recreation activities. Bar areas, consisting of bars with barstools and prominent displays of package alcohol and alcoholic beverage preparation and dispensing equipment, must be in an area separate and distinct from recreation and dining areas and persons under the age of 21 shall not be permitted in such bar areas.

(f) *Provisions not applicable to employees.* The provisions of this section shall not apply to persons under 21 years of age who are working on the premises either as an employee or an independent contractor, which persons may enter and remain on said premises while they are working, and at no other time.

(g) *Copy to be posted.* A copy of this section shall be posted in a conspicuous place in any business licensed by the mayor and aldermen of the City of Savannah to dispense alcoholic beverages if such business admits at any time persons who are under 21 years of age.

(Ord. of 12-8-1998, § 6-1223; Ord. of 2-16-2006, § 1)

Sec. 6-1224. Occupancy monitoring; restrooms; cleanliness and code compliance.

(a) *Monitoring occupancy limit, continuous compliance required.* Any establishment licensed by the city to dispense alcoholic beverages for consumption on the premises shall establish a procedure for monitoring the number of people in the establishment and shall be in continuous compliance with the occupancy limit as shown on the certificate of occupancy for the premises.

(b) *Open restrooms required.* Any establishment licensed by the city to dispense alcoholic beverages for consumption on the premises shall at all times while open to the public keep restrooms open and operating in sufficient numbers to accommodate the needs of its customers. Such establishment shall be in continuous compliance with city building and plumbing code requirements regarding public restrooms.

(c) *Cleanliness and code compliance required.* All premises including the sidewalks and any adjacent public ways shall be kept clean and free of litter or trash, and such premises shall be and remain in full compliance with all requirements of the city inspections department.

(Ord. of 12-8-1998, § 6-1224)

Sec. 6-1225. Alcoholic beverage excise tax.

(a) *Keeping of records, collection of taxes, etc., by alcoholic beverage wholesalers.* Each wholesale dealer or distributor selling, shipping, or delivering malt beverages or wines or liquors to any retail dealer in the city, whether delivered to the retail dealer's place of business or elsewhere for resale in the city, shall, as a condition to the privilege of carrying on such business in the city:

(1) Keep true and correct records of all sales, shipments, or deliveries of such alcoholic beverages to each retail dealer in the city; such records to be preserved for a period of one year and to be made available on request for the inspection of any duly authorized representative of the city;

(2) Collect from each such retail dealer in the city and add on each invoice at the time of delivery of the malt beverages, wines, and liquors the amount of tax due under the annual revenue ordinance and hold the same in trust for the city, until such amount is remitted to the city as provided in this section; and

(3) As provided in the annual revenue ordinance, on or before the 20th day of each calendar month, make the returns provided in this section. Upon failure of a wholesale dealer or distributor to make a return and remit the tax to the city by the due date, the city shall notify such wholesale dealer or distributor in writing and, if the returns are not made and the taxes remitted within five days from the date of such notice, the city may withdraw from the wholesale dealer or distributor the privilege of doing business in the city by revoking his license. On such failure to assess the amount of taxes due from retail dealers who have purchased from such wholesale dealer or distributor, the city may determine the tax amount due from the best information available and shall proceed to collect the taxes as provided by ordinance for the collection of delinquent license taxes.

(b) *Sale prohibited if taxes not paid.* It shall be unlawful for any person to sell at retail within the city any malt beverages, wines or spirituous liquors on which the taxes provided for in the annual revenue ordinance have not been paid to the wholesale dealer or distributor for the city. It shall likewise be unlawful for any wholesale dealer or distributor or other person to deliver any malt beverages, wines or spirituous liquors to any retail dealer in the city without first collecting the taxes as provided in this article.

(c) *Possession by retailers prohibited unless taxes paid.* It shall be unlawful for any person engaged in the sale, as a retail dealer, of alcoholic, vinous or malt beverages to have in his possession any of such beverages unless the tax required by the city has been paid to the wholesaler, distributor or other source delivering or causing the beverages to be delivered to the retail dealer. Whenever any such beverages are found in the possession of a retail dealer, where records of the payment of the tax do not appear upon the records of the wholesale liquor dealer, it will be presumed that the tax has not been paid; and the burden shall be upon the retailer to prove such fact. All liquor, the tax on which has not been paid, found in the possession of any retail establishment in the city shall be subject to confiscation by the municipal authorities of the city and shall be sold by the city marshal and the receipts thereof paid into the city treasury.

(Ord. of 12-8-1998, § 6-1225)

Sec. 6-1226. Penalties for violations.

(a) *Judicial remedy for violation of this article.* Any person who violates any part of this article shall be subject to citation and subpoena to the recorder's court of Chatham County or other court of competent jurisdiction and to the judicial penalties resulting therefrom as provided by the Savannah Code and general law.

(b) *Nonjudicial sanctions for violation of this article.* Any person who owns, manages, operates, or is otherwise responsible for an alcoholic beverage establishment under provisions of this article and the annual revenue ordinance shall be subject to the following monetary sanctions for violation of this article, whether or not such violation

involves judicial remedies; provided, however, that any charge which results in acquittal in a court of law shall not be held against the person so acquitted:

TABLE INSET:

Number of Violations in License Year	Fee
3--5	\$ 250.00
6--9	500.00
10 or more	1,000.00

Acts which constitute violations shall be determined by an authorized official of the Savannah Police Department or other appropriate regulatory authority of the city. Any such violation which is charged against a business may be appealed in writing within ten days to the police chief or other appropriate department head/bureau chief of the regulatory authority making such charge. The police chief or other department head/bureau chief shall hear the evidence of such appealed charges in an informal hearing and shall either uphold or set aside the charge. Any decision of the police chief or department head/bureau chief may be appealed to the city manager who, after examination of the evidence, shall uphold or set aside the charges. Any further appeal of the charges shall be to the mayor and aldermen, in which case the appeal shall be conducted as a public hearing under the due process requirements of this article.

The appropriate city regulatory authority shall notify an establishment promptly in writing of any violation which is subject to monetary sanctions. Any monetary sanctions charged against a person under this section shall be paid to the city treasurer within 30 calendar days of the date of written notification of an amount due, which notification shall be delivered by hand or by first class mail. The revenue department shall "flag" the alcoholic beverage license of any business which does not pay all sanctions in a timely manner, and such license (1) shall not be administratively renewed but shall be referred to the mayor and aldermen for consideration, or (2) may be referred to the mayor and aldermen for a license suspension or revocation hearing as appropriate.

(c) *Suspension or revocation of license.* Repeated violations which result in monetary sanctions shall be basis for initiating and conducting suspension or revocation proceedings pursuant to provisions of this article.

(Ord. of 12-8-1998, § 6-1226)

Secs. 6-1227--6-1250. Reserved.