



SPECIAL EVENT

MALT BEVERAGES & WINE SALES

Oglethorpe County Government

oglethorpecountyga.gov

P.O. Box 261 · Lexington, Georgia 30648 · 706-743-5270

Application Instructions

1. APPLICATION COMPLETION:

Every question must be fully, correctly and legibly answered. Incomplete applications will be returned to the applicant for proper completion. If the space provided is not enough for a full and complete answer, use a separate sheet of paper and indicate that a separate sheet is attached.

2. REQUIRED FEES:

A fee must be paid for processing Special Event - Malt Beverage and Wine Sales Application.

3. REQUIRED DOCUMENT:

- a. A **Temporary Use Application** is accompanied with this application. The Temporary Use Permit allows you to hold the event. The Special Event - Malt Beverage and Wine Sales Permit allows you to sell Malt Beverages and Wine at the event.
- b. **NOTE: Temporary Use Application and Permit is a separate process and permit from a Special Event - Malt Beverage and Wine Sales Application. Furthermore, additional fees may be administered to process the Temporary Use Application.**

4. ADDITIONAL REQUIRED DOCUMENTS:

- a. Copy of State of Georgia Special Event Alcoholic Beverage Permit

5. APPLICATION FILED UNDER OATH:

- a. When completed, the application must be signed, dated and notarized.

6. RETURN APPLICATION AND INFORMATION:

Physical Address: 105 Union Point Road, Lexington Georgia, 30648

Mailing Address: P.O. Box 261, Lexington, Georgia 30648

Phone Number: (706) 743-5270

Application Checklist:

- Application, *Fully Completed*
- Temporary Use Application
- Copy of State of Georgia Special Event
Alcoholic Beverage Permit

FOR STAFF USE ONLY

Date Received: _____

Date of Approval from -

Planning & Zoning: _____

Board of Commissioners: _____

Fee Paid: \$ _____

Permit #: _____ Date Issued: _____

Notes:



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APPLICANT INFORMATION

Applicant's Name: _____

CATERER INFORMATION

Caterer's Name: _____ License Number: _____

Email: _____ Telephone Number: _____

Mailing Address: _____

EVENT INFORMATION

Event's Name: _____

REQUIRED INFORMATION

1) Does the event abide by the ordinance by having food available for attendees at the event?

(See Adopted Text Amendment - April 1st, 2013)

YES NO

2) Does the event abide by the ordinance by having at least one security officer at the event?

(See Adopted Text Amendment - April 1st, 2013)

YES NO

STATE OF GEORGIA, OGLETHORPE COUNTY

I, _____, applicant, do solemnly swear, subject to the penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a Temporary Use Permit are true and no false or fraudulent statement or answer is made herein to procure the granting of such license. Further, I fully understand that any permit granted pursuant to this application is a privilege and is revocable at the discretion of the Board of Commissioners of Oglethorpe County.

(Applicant Signature)

I hereby certify that _____ is personally known to me, that he signed his name to the foregoing application after stating to me that he knew and understood all statements and answers made herein, and, under oath actually administered by me, has sworn that said statements and answers are true.

This _____ day of _____ 20____.

(Notary Public)

An ordinance to regulate the consumption of alcohol at special events

(a) The intent of this ordinance is to address public safety and nuisance issues related to alcohol consumption at special events in Oglethorpe County by regulating the sale of malt beverages and wine at authorized special events. Uncontrolled alcohol consumption at special events has also caused public expenditures which may be reduced by exercising this ordinance.

(b) Pursuant to O.C.G.A. § 3-3-1, the businesses of manufacturing, distributing, selling, handling, and otherwise dealing in or possessing alcoholic beverages are declared to be privileges and not rights; however, such privileges shall not be exercised in the county except in accordance with the licensing, regulatory, and revenue requirements of this ordinance.

(c) Pursuant to O.C.G.A. § 3-3-2, Oglethorpe County Board of Commissioners hereby authorizes the issuance of a permit to qualified applicants, upon approval by the Board of Commissioners, to sell malt beverages or wine by the drink for consumption only on the premises and only in connection with an authorized special event within the scope of the event permit, pursuant to Section 1203.3 of the Oglethorpe County Zoning Ordinance. The Board of Commissioners maintains discretion concerning the conditions of a special event pursuant to Section 1203.3 of the Oglethorpe County Zoning Ordinance, including but not limited to privileges related to alcoholic beverages.

- (1) All decisions approving, denying, suspending, or revoking the permit shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the applicant.
- (2) Upon timely application, any applicant aggrieved by the decision of the Board of Commissioners regarding a permit shall be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses.
- (3) Pursuant to O.C.G.A. § 3-11-3, the application shall include the name of the caterer; the date, address, and time of the event; and the licensed alcoholic beverage caterer's license number.
- (4) Oglethorpe County is authorized to charge an event permit fee of \$50.00.

(d)

- (1) A qualified applicant must
 - i. hold a State of Georgia special event alcoholic beverage permit, pursuant to O.C.G.A. § 3-14-1, or
 - ii. be a licensed alcoholic beverage caterer as defined by O.C.G.A. § 3-11-1.
- (2) Such permit shall be issued only as an expressed condition of a special event which has been approved by the Board of Commissioners, pursuant to Section 1203.3 of the Oglethorpe County Zoning Ordinance.

(e) Conditions for issuance of the permit

- (1) Pursuant to O.C.G.A. § 3-3-22, no alcoholic beverage shall be sold, bartered, exchanged, given, provided, or furnished to any person who is in a state of noticeable intoxication.
- (2) Food must be available to event attendees.

An ordinance to regulate the consumption of alcohol at special events

- (3) The producer of the special event shall provide, at their expense, at least one security officer, approved by the Sheriff, or his designee, at each vehicle access point.
 - (4) It shall be otherwise unlawful for a licensed alcoholic beverage caterer to distribute or sell or distribute distilled spirits in Oglethorpe County without a special events permit or outside the scope of the permit. Oglethorpe County does not permit the sale or distribution of distilled spirits by the drink for consumption only on the premises.
 - (5) The applicant must provide Oglethorpe County with a copy of reports submitted to the Georgia Department of Revenue stating the quantity of any and all alcoholic beverages transported from their primary premises to the location of the authorized catered function and such other information as required by the Department of Revenue.
 - (6) Any misstatement or concealment of fact in the application shall be grounds for denial or revocation of the permit issued and shall subject the applicant to prosecution.
 - (7) The granting of a such permit is a privilege subject to be annulled and revoked if the applicant is deemed to not conduct the event in accordance with the approved conditions of the application, ordinances of the County, or the laws of the State.
 - (8) Notwithstanding the provisions of this ordinance, any person dispensing and/or consuming beer and/or wine in accordance with this ordinance shall comply with all other laws and ordinances pertaining to the distribution, sale, possession and consumption of alcoholic beverages.
 - i. The applicant must maintain original local event permits and documents required by the Department of Revenue in the vehicle transporting the alcoholic beverages to the catered function at all times.
 - ii. It shall be unlawful for an alcoholic beverage caterer to employ any person under 21 years of age who, in the course of such employment, would dispense, serve, sell, or handle alcoholic beverages.
- (f) Excise Tax. Pursuant to O.C.G.A. § 3-5-80 and § 3-6-60, there is levied a local excise tax on the total quantity of alcoholic beverages brought into Oglethorpe County by the caterer which shall be paid to the Board of Commissioners by the caterer, as follows:
- (1) Where malt beverages, commonly known as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15 1/2 gallons and a proportionate tax at the same rate on all fractional parts of 15 1/2 gallons;
 - (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of 5 cent(s) per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces;
 - (3) On the first sale or use of wine by the package, 22 cent(s) per liter and a proportionate tax at the same rate on all fractional parts of a liter.
 - (4) The taxes shall be paid within 10 days of the date of the special event in which the beverages are sold or disposed of within Oglethorpe County.
 - (5) Each permittee responsible for the payment of the excise tax shall file a report itemizing the exact quantities of malt beverages and wines, by size and type of container, sold during the special event within Oglethorpe County. The permittee shall file the report with Oglethorpe County Board of Commissioners.

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(g) If any section of this ordinance shall be declared unlawful or unconstitutional, such individual sections shall not be construed or affect the portions of this ordinance not held to be unlawful.

(h) Ordinances or parts of ordinances in conflict with this ordinance are repealed.

(i) This ordinance shall be effective upon its approval by the Oglethorpe County Board of Commissioners.