



RETAIL PACKAGE LICENSE APPLICATION

Oglethorpe County Government
www.onlineoglethorpe.com
P.O. Box 261 · Lexington, Georgia 30648 · 706-743-5270

Application Instructions

1. APPLICATION COMPLETION:

Every question must be fully, correctly and legibly answered. Do not use initials -- spell out all names. 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 Retail Alcohol Beverage License Application.

***NOTE: The processing fee for background check and finger printing is separate from the application processing fee.**

3. LICENSE NON-TRANSFERABLE:

If during the life of the license, the identity of the interest owners or their percentage of ownership should change, that information shall be sent to the Oglethorpe County Board of Commissioners Office for processing. A change in ownership shall require a new application. (Code Section 32-102-7 & Code Section 32-202-6)

4. CRIMINAL HISTORY & FINGERPRINTING CONSENT FORM:

Georgia Crime Information Center (GCIC) Council rules require that the consent form on page 9 of the application be completed, signed, and notarized prior to any criminal history investigation by the Oglethorpe County Sheriffs Department or Probate Court. Information requested for race and sex is for investigation purposes only.

***NOTE: The processing fee for background check and finger printing is separate from the application processing fee.**

5. STATE AND FEDERAL REGULATIONS:

The applicant must obtain a state alcoholic beverage license. The Oglethorpe County alcoholic beverage license is not valid until the state alcoholic beverage license is received by the applicant. Failure of the licensee to obtain a state alcoholic beverage license issued prior to selling alcoholic beverages shall be an automatic forfeiture and cancellation of the Oglethorpe County alcoholic beverage license without refund of paid license fees (Code Section 32-101-13- (A1) & Code Section 32-202-10(C)).

If the State of Georgia revokes a state alcoholic beverage license, then the Oglethorpe County alcoholic beverage license shall automatically be revoked and void effective as of the date of the state revocation. Please contact the Georgia Department of Revenue for its requirements, fees and application: by phone at (877) 423-6711 or email atdiv@dor.ga.gov.

Note: Your state alcoholic beverage license must agree with the Oglethorpe County alcoholic beverage license. For example, if the state alcoholic beverage license authorizes liquor, beer and wine, so should your Oglethorpe County alcoholic beverage license.

6. APPLICATION FILED UNDER OATH:

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

7. 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



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

LICENSE INFORMATION

Type of License:

☐

New

☐

Renewal

Type of Application:

☐

Distilled Spirits

☐

Malt Beverages & Wine

APPLICANT INFORMATION

Applicant's Full Name (No Abbreviations):

Social Security Number (Or ITIN):

(First Name)

(Middle Name)

(Last Name)

Applicant's Email:

Applicant's Phone Number:

Corporation Name, If Applicable (As Registered with Secretary of State):

Address of Legal Residence for Applicant:

(Street)

(City, State, Zip Code)

Do you currently have a retail dealer's license for alcohol beverages issued to you by Oglethorpe County for another store(s)? ☐ YES, How Many: ☐ 1 ☐ 2 ☐ More than 2 ☐ NO

Renewal Only: State Alcohol License #: _____

BUSINESS INFORMATION

Name of Business:

GA Sales Tax Number:

Business Email:

Business Phone Number:

Physical Address:

(Street)

(City, State, Zip Code)

Mailing Address (If Different than Physical Address):

(Street)

(City, State, Zip Code)

APPLICANT INFORMATION

1) Has this place of business or anyone connected therewith, been cited or charged at any time with any Violation of Georgia Law, Federal Law or any rule or regulation of the Georgia Department of Revenue or any rule or regulation of the County?

☐ YES

☐ NO

If yes, provide full details:

2) List the full name and other pertinent information for each person, firm, or corporation having any interest in the application and the (percentage) of interest either directly or indirectly.

Person One - _____ of Interest

Full Name (No Abbreviations):

Social Security Number:

(First Name) (Middle Name) (Last Name)

Residence Address:

Driver License Number & State:

(Street) (City, State, Zip Code)

(Number) (State)

Phone Number: _____

Email: _____

Is this person engaged in the sale of alcoholic beverages of any type, manufacturing of alcoholic beverages of any type, or distributing of alcoholic beverages of any type outside of this applicant?

☐ YES

☐ NO

If yes, provide details:

☐

Sale

☐

Manufacturing

☐

Distribution

(Name of Business)

(Business Address)

Person Two - _____ of Interest

Full Name (No Abbreviations):

Social Security Number:

(First Name) (Middle Name) (Last Name)

Residence Address:

Driver License Number & State:

(Street) (City, State, Zip Code)

(Number) (State)

Phone Number: _____

Email: _____

Is this person engaged in the sale of alcoholic beverages of any type, manufacturing of alcoholic beverages of any type, or distributing of alcoholic beverages of any type outside of this applicant?

☐ YES

☐ NO

If yes, provide details:

☐

Sale

☐

Manufacturing

☐

Distribution

(Name of Business)

(Business Address)

Person Three - _____ of Interest

Full Name (No Abbreviations):

Social Security Number:

(First Name) (Middle Name) (Last Name)

Residence Address:

Driver License Number & State:

(Street) (City, State, Zip Code)

(Number) (State)

Phone Number: _____

Email: _____

Is this person engaged in the sale of alcoholic beverages of any type, manufacturing of alcoholic beverages of any type, or distributing of alcoholic beverages of any type outside of this applicant?

☐ YES

☐ NO

If yes, provide details:

☐ Sale

☐ Manufacturing

☐ Distribution

(Name of Business)

(Business Address)

Person Four - _____ of Interest

Full Name (No Abbreviations):

Social Security Number:

(First Name) (Middle Name) (Last Name)

Residence Address:

Driver License Number & State:

(Street) (City, State, Zip Code)

(Number) (State)

Phone Number: _____

Email: _____

Is this person engaged in the sale of alcoholic beverages of any type, manufacturing of alcoholic beverages of any type, or distributing of alcoholic beverages of any type outside of this applicant?

☐ YES

☐ NO

If yes, provide details:

☐ Sale

☐ Manufacturing

☐ Distribution

(Name of Business)

(Business Address)

NOTE: List and attached any additional persons, firms, or corporations that have interest in applicant and business.

3) List the full name and address of the owner of the building, the owner of the land, and all leasers and sub-leasers.

(Full Name) (Residence Address) (Relationship)

(Full Name) (Residence Address) (Relationship)

(Full Name) (Residence Address) (Relationship)

(Full Name) (Residence Address) (Relationship)

4) Name the Manager of the business for which this application is filed.

(Full Name) (Residence Address) (Telephone Number)

5) Does the retail store abide to the Hours of Operation code section? (See Below)

☐ YES

☐ NO

Oglethorpe County Ordinance Section 32-101-6

Hours of Operation. No retail dealer shall be in a place of business, or open a place of business, or furnish, sell or offer for sale any alcoholic beverages at any of the following times:

- A. At any time on Thanksgiving Day, Christmas Day, or Sunday, except as provided by O.C.G.A. § 3-3-7;
- B. At any time in violation of a local ordinance or regulation or of a special order of the governing authority;
- C. The wholesale or retail sales of alcohol or distilled spirits shall be lawful during the polling hours of any election; provided however, the sale of alcoholic beverages within two hundred fifty feet (250') of a polling place is unlawful during such time that the polls are open;
- D. On any day before 7:00 a.m. or after 12:00 midnight.

6) Does the retail store abide to the Distance Requirements code section? (See Below)

☐ YES

☐ NO

Oglethorpe County Ordinance Section 32-102-3

Distance Requirements. No retail dealer's license shall be granted to any person unless the entire business premises of the proposed location is situated not less than one hundred yards (100 yds.) from any church building, not less than two hundred yards (200 yds.) from the property line of any school ground or college campus, and not less than one hundred yards (100 yds.) from any building used as an alcohol rehabilitation center, the distance to be measured by the most direct, route of travel on the ground. *Each application for a retail dealer's license shall include a **scale drawing of the location*** of the proposed premises showing the distance to the nearest church building, school ground or campus, or alcohol rehabilitation center, or a certificate of a registered surveyor that such location complies with this article with reference to this section.

NOTE: Before signing this application, check all answers and explanations to see that you have answered all questions fully and correctly. This application is to be executed under oath and subject to the penalties of false swearing and it includes all attached sheets submitted herewith. Applicant understands that any license issued pursuant to this application is conditioned upon the truth of the answers and statements made herein and that any false answers and statements herein shall constitute cause for the suspension or revocation of any license issued pursuant to this application.

Should any change occur during the year for which a license is issued pursuant to this application which would require a different answer to any question contained in this application, or any statement which is made a part of this application, such change must be reported as an amendment to this application within thirty (30) days. The failure to make such amendment shall be cause for the revocation of any license issued pursuant to this application.

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 County License as a dealer in alcoholic beverages 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 license 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)

Must be Submitted With Application:

- ☐ Application Fully Completed
- ☐ Copy of Scale Drawing - Pg. 5
- ☐ Signed Affidavit - Pg. 7
- ☐ Copy of Identification Document (Back & Front) - Pg. 8
- ☐ Signed Release of Criminal History Consent Form - Pg. 9
- ☐ Copy of Criminal History

FOR STAFF USE ONLY

Date Received: _____

Background Check Reviewed: _____

Date of Approval from -

Planning & Zoning: _____

Board of Commissioners: _____

Proof of Advertising: _____

Public Hearing: _____

Status -

Approved

Disapproved

Fee Paid: \$ _____

License #: _____ Date Issued: _____

**Affidavit Verifying Status for Public Benefit as Required by
Georgia Security and Immigration Compliance Act
O.C.G.A – 50-36-1 (f) (2) Affidavit**

By executing this affidavit under oath, as an applicant for a business occupation tax certificate or alcohol license, as referenced in O.C.G.A. § 50-36-1, from Oglethorpe County, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1) _____ I am a United States Citizen.
- 2) _____ I am a legal permanent resident of the United States
- 3) _____ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1-(f), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed on the _____ day of _____ in _____ (city) _____ (state)

(Print Name)

(Signature)

SUBSCRIBED AND SWORN
BEFORE ME ON THIS THE

_____ DAY OF _____, 20____

NOTARY PUBLIC

My Commission Expires: _____

**COMPLETE THIS AFFIDAVIT AND SUBMIT A COPY OF THE IDENTIFICATION
DOCUMENT (front and back) FROM THE LIST ON THE NEXT PAGE.**

Secure and Verifiable Documents under O.C.G.A. § 50-36-2 Issued October 28, 2016 by the Office of the Attorney General, Georgia

The Illegal Immigration Reform and Enforcement Act of 2011 ("IIREA"), as amended by Senate Bill 160, signed into law as Act No. 27, (2013), provides that "not later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law's website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General." O.C.G.A. § 50-36-2(g). The Attorney General may modify this list on a more frequent basis, if necessary.

The following list of secure and verifiable documents, published under the authority of O.C.G.A. § 50-36-2, contains documents that are verifiable for identification purposes, and documents on this list may not necessarily be indicative of residency or immigration status.

- **An unexpired United States passport or passport card** [O.C.G.A. § 50-36-2(b) (3); 8 CFR § 274a.2]
- **An unexpired United States military identification card** [O.C.G.A. § 50-36-2(b) (3); 8 CFR § 274a.2]
- **An unexpired driver's license issued** by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An unexpired identification card issued** by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An unexpired tribal identification card of a federally recognized Native American tribe**, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm> [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An unexpired United States Permanent Resident Card or Alien Registration Receipt Card** O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An unexpired Employment Authorization Document that contains a photograph of the bearer** O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An unexpired passport issued by a foreign government, provided that such passport is accompanied by a United States Department of Homeland Security ("DHS") Form I-94, DHS Form I-94A, DHS Form I-94W, or other federal form specifying an individual's lawful immigration status or other proof of lawful presence under federal immigration law** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2] *Senate Bill 160 (Act No. 27), effective July 1, 2013, limited the use of passports issued by foreign nations to satisfy the requirements for submission of secure and verifiable documents to only those passports submitted in conjunction with a United States Department of Homeland Security ("DHS") Form I-94, DHS Form I-94A, DHS Form I-94W, or other federal form specifying an individual's lawful immigration status or other proof of lawful presence under federal immigration law*
- **An unexpired Merchant Mariner Document or Merchant Mariner Credential issued by the United States Coast Guard** [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- **An unexpired Free and Secure Trade (FAST) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- **An unexpired NEXUS card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- **An unexpired Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card** [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- **An unexpired driver's license issued by a Canadian government authority** [O.C.G.A. § 50-36-2(b) (3); 8 CFR § 274a.2]
- **A Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS)** (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- **A Certificate of Naturalization issued by the United States Department of Citizenship and Immigration Services (USCIS)** (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- **Certification of Report of Birth issued by the United States Department of State** (FormDS-1350) O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- **Certification of Birth Abroad issued by the United States Department of State** (FormFS-545) O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- **Consular Report of Birth Abroad issued by the United States Department of State** (FormFS-240) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- **An original or certified copy of a birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal** [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- In addition to the documents listed herein, if, in administering a public benefit or program, an agency is required by federal law to accept a document or other form of identification for proof of or documentation of identity, that document or other form of identification will be deemed a secure and verifiable document solely for that particular program or administration of that particular public benefit. [O.C.G.A. §



Criminal History & Finger Printing Consent Form

I, _____, **AUTHORIZE OGLETHORPE COUNTY TO FINGER PRINT ME**
 (Print Name)
AND RECIEVE ANY CRIMINAL HISTORY RECORD INFORMATION PERTAINING TO ME.

 (First Name) _____
 (Middle Name) _____
 (Last Name)

 (Date of Birth) _____
 (Social Security Number)

 (Race) _____
 (Sex)

 (Signature of Applicant)

SWORN AND SUBSCRIBED BEFORE ME THIS

_____ DAY OF _____, 20_____

 NOTARY PUBLIC

My Commission Expires: _____

NON-CRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a Georgia and Federal Bureau of Investigation (FBI) national fingerprint/biometric-based criminal history check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below. All notices must be provided to you in writing. These obligations are pursuant to the Privacy Act of 1974, Title 5, United States Code (U.S.C.) Section 552a, and Title 28 Code of Federal Regulation (CFR), 50.12, among other authorities.

- You must be provided an adequate written FBI Privacy Act Statement (dated 2013 or later) when you submit your fingerprints and associated personal information. This Privacy Act Statement must explain the authority for collecting your fingerprints and associated information and whether your fingerprints and associated information will be searched, shared or retained.
- You must be advised in writing of the procedures for obtaining a change, correction, or update of your FBI criminal history record as set forth at 28 CFR 16.34.
- You must be provided the opportunity to complete or challenge the accuracy of the information in your FBI criminal history record (if you have such a record).
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on the information in the FBI criminal history record.
- If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks> and <https://www.edo.cjis.gov>. You may find information regarding how to obtain a copy of your Georgia criminal history record on the GBI website: <https://gbi.georgia.gov/services/obtaining-criminal-history-recordinformation-frequently-asked-questions>.
- If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI by submitting a request via <https://www.edo.cjis.gov>. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.) If the disputed arrest occurred in the State of Georgia, you may send your challenge directly to the GCIC. Contact information for the GCIC can be found at <https://gbi.georgia.gov/services/obtaining-criminal-history-record-information-frequently-askedquestions>.
- You have the right to expect that officials receiving the results of the criminal history record check will use it only for the authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.

Privacy Act Statement

This privacy act statement is located on the back of the FD-258 fingerprint card.

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI. Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket

Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 02/04/2021

Applicant Name (Printed)

Applicant Signature

Date

CHAPTER 32: LICENSING AND BUSINESS REGULATION

Section

ARTICLE I. DISTILLED SPIRITS

32-101 Division 1: Generally
32-102 Division 2: License

ARTICLE II. MALT BEVERAGES AND WINE

32-201 Division 1: Generally
32-202 Division 2: License



ARTICLE I. DISTILLED SPIRITS

Section 32-101 Division 1: Generally

1. **Definitions.** The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - A. **Alcohol.** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
 - B. **Alcoholic Beverage.** Means and includes all alcohol, distilled spirits, beer, malt beverages, wine, or fortified wine as defined in this section.
 - C. **Distilled Spirits.** Any alcoholic beverage obtained by distillation or containing more than twenty-one percent (21%) alcohol by volume including but not limited to, all fortified wines.
 - D. **Fortified Wines.** Any alcoholic beverage containing more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to brandy.
 - E. **Malt Beverage.** 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 six percent (6%) alcohol by volume, and including ale, porter, brown, stout, lager beer, malt beer, and strong beer, but not including sake, known as Japanese rice wine.
 - F. **Manufacturer.** Any maker, producer, distiller, brewer, vintner, rectifier, blender, or bottler of an alcoholic beverage.
 - G. **Package.** A bottle, can, keg, barrel, or other original consumer container.
 - H. **Person.** 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.
 - I. **Retail Dealer.** Any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.
 - J. **Wholesaler.** Any person who sells distilled spirits to other wholesale dealers or retail dealers.
 - K. **Wine.** Any alcoholic beverage containing not more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. 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.
2. **Construction of Definitions.** As used in this article, defined words shall have the meanings specified unless the context in which the word or term is used clearly requires that a different meaning be used.
3. **Sales in Unbroken Package Only, Minimum Package Size.** All licensed retail dealers shall sell in the original unbroken package only and shall sell no package containing less than two hundred milliliters (200 ml.).

4. Products for Sale.

- A.** No retail dealer shall keep in stock, display, sell, or offer to sell, at any place of business licensed under this article, any other product or commodity except the following:
- (i) Wines, when properly licensed;
 - (2) Malt beverages, when properly licensed;
 - (3) Beverages containing no alcohol commonly used to dilute distilled spirits;
 - (4) Tobacco products;
 - (5) Ice to be sold in sealed containers only and not to be opened on the premises; and
 - (6) Paper, Styrofoam or plastic cups.
- B.** Beverages containing no alcohol and commonly used to dilute distilled spirits may be dispensed through the use of vending machines, but no alcoholic beverages shall be dispensed through such vending machines.

5. Place of Sale or Delivery of Goods. No retail dealer shall sell or deliver any distilled spirits to any person except in such retail dealer's place of business. A retail dealer shall be permitted to load purchased goods into a customer's vehicle when the sale physically takes place and monies have been exchanged inside the place of business. A retail dealer licensee under this article shall be permitted to have a drive-in window and it shall be permissible for the licensee or licensee's employees to deliver distilled spirits through such window. Curb service type sales and sales to customers in vehicles parked in the parking area of the place of business are prohibited.

6. Hours of Operation. No retail dealer shall be in a place of business, or open a place of business, or furnish, sell or offer for sale any distilled spirits at any of the following times:

- A.** At any time on Thanksgiving Day, Christmas Day, or Sunday, except as provided by O.C.G.A. § 3-3-7;
- B.** At any time in violation of a local ordinance or regulation or of a special order of the governing authority;
- C.** The wholesale or retail sales of alcohol or distilled spirits shall be lawful during the polling hours of any election; provided however, the sale of alcoholic beverages within two hundred fifty feet (250') of a polling place is unlawful during such time that the polls are open;
- D.** On any day before 7:00 a.m. or after 12:00 midnight.

7. Minimum Age of Consumption; Exceptions,

- A.** No retail dealer or employee of a retail dealer shall knowingly furnish, sell or offer for sale any distilled spirits to a person, under twenty-one (21) years of age. This prohibition shall not apply with respect to the sale of distilled spirits to a person when such person has furnished proper identification showing that the person to whom the distilled spirits are being sold is twenty-one (21) years of age or older. For purposes of this subsection, 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, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the Department of Public Safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. The term "proper identification" shall not include a birth certificate.
- B.** The prohibition in subsection A of this section shall not apply in respect to the following:
- (1) Whenever distilled spirits are purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) Whenever distilled spirits are purchased for consumption at a religious ceremony;
 - (3) Whenever distilled spirits are purchased with parental consent for consumption in the home.

8. Employment of Minors Prohibited. No retail dealer licensed under this article shall employ, require or permit a person under twenty-one (21) years of age to sell or take orders for any distilled spirits.

9. Furnishing Distilled Spirits to Certain Persons Prohibited. No retail dealer licensed under this article shall furnish, sell, or offer to sell any distilled spirits to any person who is noticeably intoxicated, or who is of unsound mind, or who is a habitual drunkard whose intemperate habits are known to such licensee.

10. Retail Dealers to Buy Only from Licensed Wholesalers. No licensed retail dealer shall buy or arrange to buy or in any way effect the transfer of any distilled spirits except from a licensed wholesaler.

11. Retail Dealers to Store Inventory Only on Premises. A licensed retail dealer shall keep no inventory or stock of distilled spirits at any place except the licensed place of business, and within the licensed place of business the storage area for distilled spirits shall be immediately adjacent to the retail area. No licensed retail dealer shall enter into any type of arrangement whereby distilled spirits ordered by the retail dealer are stored by a licensed wholesaler.

12. Gambling on Premises Prohibited. There shall be no gambling, betting, games of chance, punchboard, slot machines, pinball machines, or the operation of any scheme for hazarding money or any other thing of value in

any place of business licensed under this article, or in any room adjoining such business, owned, leased or controlled by a licensee. This prohibition shall not apply to the applicant's service as a retailer for the Georgia Lottery under *O.C.G.A. § 50-27-17* or as otherwise permitted under the laws of the state. Any violation of this section shall be cause for suspension or revocation of a license,

13. Grounds for Suspension or Revocation of License.

- A.** No person shall engage in the sale of distilled spirits in the county without first complying with the rules and requirements set out in this article. Any license issued under this article shall be subject to a suspension or revocation upon any of the following grounds:
 - (1) The making of any statement and application for a license issued under this article which shall be later found to be false shall constitute grounds for revocation of such license;
 - (2) All licenses issued under this article are conditioned upon faithful compliance with the rules and regulations set out in this article, and the laws and regulations of the United States and the state;
 - (3) Whenever it can be shown that a licensee under this article 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;
 - (4) Suspension or revocation of a state retail dealers license shall automatically operate to suspend or revoke any license issued under this article;
 - (5) Any violation of Section 32-101-12; or
 - (6) For any other legal and sufficient cause.
- B.** Any action taken by the Board of Commissioners to suspend or revoke a license issued under this article shall not preclude and may be in addition to, any criminal prosecution by a proper authority as provided by the laws and ordinances of the county, the state, or the United States. Whenever any action is taken by the Board of Commissioners to suspend or revoke any license issued under this article, the Board of Commissioners shall provide written notice to the licensee of the action taken and stating the reasons therefor. The licensee shall have fifteen (15) days following notification of such action to request a hearing before the Board of Commissioners. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.

Section 32-102

Division 2: License

1. Retail Dealer License; Applications; Notice; Fingerprints; Bonds; Restrictions; Standards; Hearing.

- A.** The business of manufacturing, distributing, selling, handling, and otherwise dealing in or possessing distilled spirits and alcoholic beverages are declared to be privileges and not rights; and such privileges shall not be exercised in the county except as licensed under the terms of this article.
- B.** Application for a retail dealer's license shall be made on forms furnished by the county. A notice of each application shall be advertised in the official newspaper of the county once a week for two (2) weeks immediately preceding the meeting of the Board of Commissioners in which the application is to be acted upon.
- C.** Each applicant shall furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation (GBI) who shall search the files of the Georgia Crime Information Center for a period of three (3) years immediately preceding the date of such application for any instance of criminal activity. The Georgia Bureau of Investigation shall also submit such fingerprints to the Federal Bureau of Investigation under rules established by the United States Department of Justice for processing and identification records. The federal record, if any, shall be obtained and returned to the Board of Commissioners considering such application.
- D.** Applicants must post with the Board of Commissioners along with their application, a personal performance bond; such bond to be conditioned upon the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article, or any part thereof, the amount of the bond to be forfeited will be determined by the Board of Commissioners in accordance with the nature of the violation after a hearing is held by the Board of Commissioners. Written notice of such hearing shall be given to the alleged violator not less than fifteen (15) days prior thereto. The determination by the Board of Commissioners to forfeit such bond may be in addition to any action taken by the Board of Commissioners under Section 32-101-13. The bond shall be payable to the county in the amount of ten thousand dollars (\$10,000.00) and must be approved by the Board of Commissioners and shall be executed in the form specified by the Board of Commissioners. However, nothing in this article shall preclude the Board of commissioners from waiving such bond requirement whenever a

- licensee has established sufficient financial responsibility and/or a record of faithful compliance with the laws and regulations of the United States of America, the state and the county.
- E. No retail dealer's license shall be granted to any person, unless such person is of legal age.
 - F. Only two (2) retail dealer licenses shall be issued to any one (1) person in the county, and no person who holds more than two (2) retail dealer licenses or has a beneficial interest in more than two (2) retail dealer licenses in any other county or municipality in the state shall be eligible to receive a retail dealer's license. The terms "person" and "beneficial interest" shall have the same meaning as used in O.C.G.A. § 3-4-21.
 - G. No employee of the county shall be eligible to receive a retail dealer's license.
 - H. The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses under this division:
 - (1) All applicants for a retail dealer's license must show financial responsibility. The Board of Commissioners may require all applicants to provide financial statements and other evidence of financial responsibility in conjunction with the application.
 - (2) All applicants for a retail dealer's license must be of good character, and all operators, managers, clerks, and other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
 - (3) No license shall be granted to an applicant who has been convicted under any federal, state or local law for a criminal offense involving alcoholic beverages, gambling, or tax law violations if such conviction tends to indicate that the applicant would not maintain the operation for which a license is being sought in conforming with federal, state or laws of the county.
 - (4) A license application may be denied to any applicant for a retail dealer's license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
 - (5) The Board of Commissioners, in their discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in their judgment circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the applicant.
 - I. All decisions of the Board of Commissioners either approving or denying a license application shall be stated in writing and a copy of such statement shall be provided to the applicant either personally or by certified mail.
 - J. Whenever the Board of Commissioners shall deny an application for a retail dealer's license, the applicant shall have fifteen (15) days following notification of denial to request a hearing before the Board of Commissioners. The applicant shall be entitled to such hearing to present evidence and cross examine opposing witnesses.
 - K. A corporate licensee applicant shall appoint and designate to the Board of Commissioners an agent authorized to receive service of process under the laws of the state.
 - L. Licensees shall be active and solely responsible for the management and operation of the business for which the license is granted.
2. **Premises.** No retail dealer's license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of such building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit for a proposed building to be built or renovated 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 laws of the state. The proposed building shall also be subject to final inspection and approval by the building inspector when completed. Each such building 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 street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all the outside premises of such building. Each applicant for a retail dealer's license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. A separate retail dealer's license shall be required for each place of business.
3. **Distance Requirements.** No retail dealer's license shall be granted to any person unless the entire business premises of the proposed location is situated not less than one hundred yards (100 yds.) from any church building, not less than two hundred yards (200 yds.) from the property line of any school ground or college

campus, and not less than one hundred yards (100 yds.) from any building used as an alcohol rehabilitation center, the distance to be measured by the most direct, route of travel on the ground. Each application for a retail dealer's license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church building, school ground or campus, or alcohol rehabilitation center, or a certificate of a registered surveyor that such location complies with this article with reference to this section.

4. **Term of License; Renewal.** A retail dealer's license shall be valid only for the calendar year indicated thereon and no such license may be renewed except upon approval of the Board of Commissioners.
5. **License Fee.** The annual fee for a retail dealer's license shall be as set forth in the schedule of fees and charges on file in the office of the County Clerk and shall be paid prior to the issuance of such license. The fee shall accompany the application and shall be either in cash or a bank certified check. The annual fee shall be prorated if issued after February 28 of any calendar year.
6. **Excise Tax.** There is levied an excise tax computed at the rate of twenty-two cents (\$0.22) per liter which shall be paid to the Board of Commissioners on all distilled spirits sold in the county as permitted under *O.C.G.A.* § 3-4-80. Such tax shall be paid to the Board of Commissioners by the wholesaler on all distilled spirits sold to retail dealers in the county, as follows: Each wholesaler selling, shipping, or in any way delivering distilled spirits to any retail dealer, shall collect the excise tax at the time of delivery to each retail dealer on or before the tenth day of the month following. The twenty-two cents (\$0.22) per liter rate shall be prorated so that all containers of distilled spirits shall be taxed on the basis of twenty-two cents (\$0.22) per liter. It shall be unlawful and a violation of this article for any wholesaler to sell, ship or deliver in any manner any distilled spirits to a retail dealer without collecting such tax. It shall be unlawful and a violation of this article for any retail dealer to possess, own, hold, store, display, or sell any distilled spirits on which such tax has not been paid. Each wholesaler shall be paid three percent (3%) of the amount of taxes collected as reimbursement for collection of such taxes.
7. **Licenses Not Transferable.** No retail dealer's license issued under this article shall be transferable or assignable to any other person or location, and in the event that a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the Board of Commissioners.
8. **Display of License.** Licenses issued under this article shall be displayed prominently at all times on the premises for which the license was issued.
9. **Licensees to Maintain a Copy of the Article; Employees to Be Familiar with Terms; Responsibility of Licensee for Violations.** Each licensed retail dealer under this article shall keep a copy of this article in the licensed premises and shall instruct any person working there with respect to the terms of this article and each licensee, the licensee's agents and employees selling distilled spirits shall at all times be familiar with the terms of this article. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or the rules and regulations of the state Revenue Commissioner.
10. **Premises Open for Inspection.** The business premises of a licensed retail dealer under this article shall be open to inspection at any and all times by officers or officials representing the Board of Commissioners authorized to conduct such inspections.

ARTICLE II. MALT BEVERAGES AND WINE

Section 32-201

Division 1: Generally

1. **Definitions.** The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - A. **Alcohol.** Ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.
 - B. **Alcoholic Beverage.** Means and includes all alcohol, beer, malt beverages and/or wine, or fortified wine as deemed in this section.
 - C. **Distilled Spirits.** Any alcoholic beverage obtained by distillation or containing more than twenty-one percent (21%) alcohol by volume including but not limited to, all fortified wines.
 - D. **Fortified Wines.** Any alcoholic beverage containing more than twenty-one percent (21%) 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.
 - E. **Malt Beverage.** 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 six percent (6%) alcohol by volume, and including ale, porter, brown, stout, lager beer, malt beer, and strong beer, but not including sake, known as Japanese rice wine.

- F. **Manufacturer.** Any maker, producer, distiller, brewer, vintner, rectifier, blender, or bottler of an alcoholic beverage.
 - G. **Package.** A bottle, can, keg, barrel, or other original consumer container.
 - H. **Person.** 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.
 - I. **Retail Dealer.** Any person who sells malt beverages and/or wine in unbroken packages at retail only to consumers and not for resale.
 - J. **Wholesaler.** Any person who sells malt beverages and wine to other wholesale dealers or retail dealers.
 - K. **Wine.** Any alcoholic beverage containing not more than twenty-one percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. 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.
- 2. **Construction of Definitions.** As used in this article, defined words shall have the meanings specified unless the context in which the word or term is used clearly requires that a different meaning be used.
 - 3. **Sales in Unbroken Package Only; Minimum Package Size.** All licensed retail dealers shall sell in the original unbroken package only and shall sell no package containing less than two hundred milliliters (200 ml.).
 - 4. **Place of Sale or Delivery of Goods.** No retail dealer shall sell or deliver any malt beverages or wine to any person except in such retail dealer's place of business. A retail dealer shall be permitted to load purchased goods in a customer's vehicle when the sale physically takes place and monies have been exchanged inside the place of business. A retail dealer licensee under this article shall be permitted to have a drive-in window and it shall be permissible for the licensee or licensee's employees to deliver malt beverages or wine through such window. Curb service type sales and sales to customers in vehicles parked in the parking area of the place of business are prohibited.
 - 5. **Hours of Operation.** No retail dealer shall be in a place of business, or open a place of business, or furnish, sell or offer for sale any malt beverages or wine at any of the following times:
 - A. At any time on Thanksgiving Day, Christmas Day, or Sunday, except as provided by *O.C.G.A. § 3-3-7*;
 - B. At any time in violation of a local ordinance or regulation or of a special order of the Board of Commissioners;
 - C. The wholesale or retail sales of alcohol or malt beverages and wine shall be lawful during the polling hours of any election; provided however, the sale of alcoholic beverages within two hundred fifty feet (250') of a polling place is unlawful during such time that the polls are open;
 - D. On any day before 7:00 a.m. or after 12:00 midnight.
 - 6. **Minimum Age of Consumption; Exceptions.**
 - A. No retail dealer or employee of a retail dealer shall knowingly furnish, sell or offer for sale any malt beverages and wine to a person under twenty-one (21) years of age. This prohibition shall not apply with respect to the sale of malt beverages or wine to a person when such person has furnished proper identification showing that the person to whom the malt beverages or wine are being sold is twenty-one (21) years of age or older. For purposes of this subsection, 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, including, but not limited to, a passport, military identification card, driver's license, or identification card authorized under an act to require the department of public safety to issue identification cards to handicapped persons who do not have a motor vehicle driver's license. Proper identification shall not include a birth certificate.
 - B. The prohibition in subsection A of this section shall not apply in respect to the following:
 - (1) Whenever malt beverages or wine are purchased for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state;
 - (2) Whenever malt beverages or wine are purchased for consumption at a religious ceremony;
 - (3) Whenever malt beverages or wine are purchased with parental consent for consumption in the home.
 - 7. **Retail Dealers to Buy Only from Licensed Wholesalers.** No licensed retail dealer shall buy or arrange to buy or in any way effect the transfer of any malt beverages or wine except from a licensed wholesaler.
 - 8. **Retail Dealers to Store Inventory Only on Premises.** A licensed retail dealer shall keep no inventory or stock of malt beverages or wine at any place except the licensed place of business, and within the licensed place of business the storage area for malt beverages or wine shall be immediately adjacent to the retail area. No licensed

retail dealer shall enter into any type of arrangement whereby malt beverages or wine ordered by the retail dealer are stored by a licensed wholesaler.

9. **Gambling on Premises Prohibited.** There shall be no gambling, betting, games of chance, punchboard, slot machines, or the operation of any scheme for hazarding money or any other thing of value in any place of business licensed under this article, or in any room adjoining such business, owned, leased or controlled by a licensee. This prohibition shall not apply to the applicant's service as a retailer for the Georgia Lottery under O.C.G.A. § 50-27-17 or as otherwise permitted under the laws of the state. Any violation of this section shall be cause for suspension or revocation of a license.

Section 32-202

Division 2: License

1. **Retail Dealer License; Applications; Notice; Fingerprints; Bonds; Restrictions; Standards; Hearing.**

- A. The business of manufacturing, distributing, selling, handling, and otherwise dealing in or possessing malt beverages or wine and alcoholic beverages are declared to be privileges and not rights; and such privileges shall not be exercised in the county except as licensed under the terms of this article.
- B. Application for a retail dealer's license shall be made on forms furnished by the county. A notice of each application shall be advertised in the official newspaper of the county once a week for two (2) weeks immediately preceding the meeting of the Board of Commissioners in which the application is to be acted upon.
- C. Each applicant shall furnish a complete set of fingerprints which shall be forwarded to the Georgia Bureau of Investigation (GBI) who shall search the files of the Georgia Crime Information Center for a period of three (3) years immediately preceding the date of such application for any instance of criminal activity. Georgia Bureau of Investigation shall also submit such fingerprints to the Federal Bureau of Investigation under rules established by the United States Department of Justice for processing and identification records. The federal record, if any, shall be obtained and returned to the Board of Commissioners considering such application.
- D. Applicants must post with the Board of Commissioners along with their application, a personal performance bond; such bond to be conditioned upon the faithful observance and performance by the licensee of the rules and regulations contained in this article. Upon the violation of this article, or any part thereof, the amount of the bond to be forfeited will be determined by the Board of Commissioners in accordance with the nature of the violation after a hearing is held by the Board of Commissioners. Written notice of such hearing shall be given to the alleged violator not less than fifteen (15) days prior thereto. The determination by the Board of Commissioners to forfeit such bond may be in addition to any action taken by the Board of Commissioners under Section 32-202-10. The bond shall be payable to the county in the amount of ten thousand dollars (\$10,000.00) and must be approved by the Board of Commissioners and shall be executed in the form specified by the Board of Commissioners. However, nothing in this article shall preclude the Board of Commissioners from waiving such bond requirement whenever a licensee has established sufficient financial responsibility and/or a record of faithful compliance with the laws and regulations of the United States of America, the state and the county.
- E. No retail dealer's license shall be granted to any person, unless such person is of legal age.
- F. Only two (2) retail dealer licenses shall be issued to any one person in the county, and no person who holds more than two (2) retail dealer licenses or has a beneficial interest in more than two (2) retail dealer licenses in any other county or municipality in the state shall be eligible to receive a retail dealer's license. The terms "person" and "beneficial interest" shall have the same meaning as used in O.C.G.A. § 3-4-21.
- G. No employee of the county shall be eligible to receive a retail dealer's license.
- H. The following standards shall be applied to all decisions pertaining to the issuance or denial of licenses under this article:
 - (1) All applicants for a retail dealers license must show financial responsibility. The Board of Commissioners may require all applicants to provide financial statements and other evidence of financial responsibility in conjunction with the application.
 - (2) All applicants for a retail dealer's license must be of good character, and all operators, managers, clerks, and other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
 - (3) No license shall be granted to an applicant who has been convicted under any federal, state or local law for a criminal offense involving alcoholic beverages, gambling, or tax law violations if such

- conviction tends to indicate that the applicant would not maintain the operation for which a license is being sought in conforming with federal, state or laws of the county.
- (4) A license application may be denied to any applicant for a retail dealer's license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the applicant is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
 - (5) The Board of Commissioners, in their discretion, may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If, in their judgment, circumstances are such that the granting of the license would not be in the best interest of the general public, such circumstances may be grounds for denying the applicant.
- I. All decisions of the Board of Commissioners either approving or denying a license application shall be stated in writing and a copy of such statement shall be provided to the applicant either personally or by certified mail.
 - J. Whenever the Board of Commissioners shall deny an application for a retail dealer's license, the applicant shall have fifteen (15) days following notification of denial to request a hearing before the Board of Commissioners. The applicant shall be entitled to such hearing to present evidence and cross examine opposing witnesses.
 - K. A corporate licensee applicant shall appoint and designate to the Board of Commissioners an agent authorized to receive service of process under the laws of the state.
 - L. Licensees shall be active and solely responsible for the management and operation of the business for which the license is granted.
2. **Premises.** No retail dealer's license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of such building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit for a proposed building to be built or renovated 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 laws of the state. The proposed building shall also be subject to final inspection and approval by the Building Inspector when completed. Each such building 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 street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all the outside premises of such building. Each applicant for a retail dealer's license shall attach to his application evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building. A separate retail dealer's license shall be required for each place of business.
 3. **Distance Requirements.** No retail dealer's license shall be granted to any person unless the entire business premises of the proposed location is situated not less than one hundred yards (100 yds.) from any church building, not less than two hundred yards (200) from the property line of any school ground or college campus, and not less than one hundred yards (100 yds.) from any building used as an alcohol rehabilitation center, such distance to be measured by the most direct route of travel on the ground. Each application for a retail dealer's license shall include a scale drawing of the location of the proposed premises showing the distance to the nearest church building, school ground or campus, or alcohol rehabilitation center, or a certificate of a registered surveyor that such location complies with this article with reference to this section.
 4. **Term of License; Renewal.** A retail dealer's license shall be valid only for the calendar year indicated thereon and no such license may be renewed except upon approval of the Board of Commissioners. A licensee who desires to continue in business during a subsequent calendar year must renew license for such year prior the expiration of the current license.
 5. **License Fee.** The annual fee for a retail dealer's license shall be as set forth in the schedule of fees and charges on file in the office of the County Clerk and shall be paid prior to the issuance of such license. The fee shall accompany the application and shall be either in cash or a bank certified check. The annual fee shall be prorated if issued after February 28 of any calendar year.
 6. **Licenses Not Transferable.** No retail dealer's license issued under this article shall be transferable or assignable to any other person or location, and in the event that a licensed business is sold or closed, it shall be the duty of the licensee to immediately surrender the license to the Board of Commissioners.
 7. **Display of License.** Licenses issued under this article shall be displayed prominently at all times on the premises for which the license was issued.

8. **Licensees to Maintain a Copy of the Article; Employees to Be Familiar with Terms; Responsibility of Licensee for Violations.** Each licensed retail dealer under this article shall keep a copy of this article in the licensed premises and shall instruct any person working there with respect to the terms of this article and each licensee, the licensee's agents and employees selling malt beverages or wine shall at all times be familiar with the terms of this article. The licensee shall be responsible for any acts of agents or employees which are in violation of this article or of the laws of the state or the rules and regulations of the state Revenue Commissioner.
9. **Premises Open for Inspection.** The business premises of a licensed retail dealer under this article shall be open to inspection at any and all times by officers or officials representing the Board of Commissioners authorized to conduct such inspections.
10. **Grounds for Suspension or Revocation of License.** No person shall engage in the sale of malt beverages or wine in the county without first complying with the rules and requirements set out in this article. Any license issued under this article shall be subject to a suspension or revocation upon any of the following grounds:
 - A. The making of any statement and application for a license issued under this article which shall be later found to be false shall constitute grounds for revocation of such license;
 - B. All licenses issued under this article are conditioned upon faithful compliance with the rules and regulations set out in this article, and the laws and regulations of the United States and the state;
 - C. Whenever it can be shown that a licensee under this article 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;
 - D. Suspension or revocation of a state retail dealer's license shall automatically operate to suspend or revoke any license issued under this article;
 - E. Any violation of Section 32-201-9; or
 - F. For any other legal and sufficient cause. Any action taken by the Board of Commissioners to suspend or revoke a license issued under this article shall not preclude and may be in addition to, any criminal prosecution by a proper authority as provided by the laws and ordinances of the county, the state, or the United States. Whenever any action is taken by the Board of Commissioners to suspend or revoke any license issued under this article, the Board of Commissioners shall provide written notice to the licensee of the action taken and stating the reasons therefor. The licensee shall have fifteen (15) days following notification of such action to request a hearing before the Board of Commissioners. The licensee shall be entitled at such hearing to present evidence and cross examine opposing witnesses.