

**AN ORDINANCE BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS
MODIFYING FORSYTH COUNTY ALCOHOL ORDINANCE, OTHERWISE KNOWN
AS ORDINANCE 68, OR CHAPTER 6 OF
THE FORSYTH COUNTY CODE OF ORDINANCES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations, and

WHEREAS, O.C.G.A. § 36-1-20 authorizes the County to adopt ordinances preserving the public health, safety, and welfare, and to adopt appropriate measures to enforce those ordinances; and

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to amend the Alcohol Ordinance; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

Section 1.

Article I of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending Section 1.2 (codified as Section 6-2 of the Code of Forsyth County, Georgia), by adding, in alphabetical order, the bold, underlined definition thereto:

Alcohol beverage caterer means an on-premises consumption retailer with a separate add-on license allowing the retailer to transport and sell alcohol for consumption at licensed special events.

Business license division or business license department are interchangeable terms for the department or officials delegated by the Board of Commissioners to accept and

review alcohol license applications. The terms Department Head, Division Head, or Director for the Business License Division shall be interchangeable as those terms appear in the ordinance.

Food caterer means any person or business that prepares food for consumption off the food caterer's premises and possesses a valid business license and permit from the Forsyth County Health Department.

Section 2.

Article I of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending the top section of Section 1.3 (codified as Section 6-3 of the Code of Forsyth County, Georgia), by removing the strikethrough language and adding the bold, underlined language thereto:

Any person who desires to obtain a license for the retail sale of alcoholic beverages by the drink or by the package must meet the minimum qualifications set forth in this section. If the applicant is a partnership, each partner must meet the qualifications of any individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a limited liability company (LLC) **with individual persons as members** each member must meet the qualifications of any individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation **or a limited liability company with corporate members** having as its principal business the sale of alcoholic beverages, the majority stockholder and each principal officer of the corporation must meet the qualifications of any individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a corporation **or a limited liability company with corporate members** having as its principal business an activity other than the sale of alcoholic beverages, the officer or employee of the corporation primarily responsible for the operation of the licensed premises must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a nonprofit tax exempt civic, patriotic, or social club or corporation which is organized and operated in the county as a mutual benefit membership group, such club or corporation may be licensed without reference to the financial interest qualifications of this section if no officer, director, trustee, manager, member, or stockholder therein can, in any event, derive any financial gain from the sale of alcoholic beverages by such club or corporation. The individual being primarily responsible for the club or corporation's compliance with this section must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process. If the applicant is a private club, each member of its governing body must meet the qualifications of an individual licensee and must make sworn statements of these qualifications as part of the application process.

Section 3 .

Article I of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending Section 1.3(e) (codified as Section 6-3(e) of the Code of Forsyth County, Georgia), by adding the bold, underlined language thereto:

The named licensee shall be active in the operation of the outlet and personally present on the premises sufficiently to ensure compliance with the provisions of this ordinance. If the owner of the outlet is a corporation **or a limited liability company with corporate members**, the corporation and its principal officers shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a partnership, each partner shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a limited liability company **with individual persons as members**, each member shall be responsible for the actions of the named licensee and the conduct of the licensed business. If the owner of the outlet is a nonprofit tax exempt civic, patriotic, or social club or a private club, the entity and its principal officers and/or governing body shall be responsible for the actions of the named licensee and the conduct of the licensed business.

Section 4.

Article I of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending the top portion of Section 1.4(a) (codified as Section 6-4(a) of the Code of Forsyth County, Georgia), by adding the bold, underlined language thereto:

Any person desiring to sell alcoholic beverages by the drink or by the package shall make written application to Forsyth County for the appropriate license on forms required by the county and filed with Forsyth County. All applications shall be fully completed by the applicant and sworn to and signed by the applicant in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a partnership, then each partner shall sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a limited liability company **with individual persons as members**, then each member shall sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a corporation **or a limited liability company with corporate members** having as its principal business the sale of alcoholic beverages, the majority stockholder and each principal officer of the corporation must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a corporation **or a limited liability company with corporate members** having as its principal business an activity other than the sale of alcoholic beverages, the officer or employee of the corporation primarily responsible for the operation of the licensed premises who is also the named licensee must sign the application in the presence of a notary

public or other officer authorized to administer oaths. If the application is filed on behalf of a nonprofit tax exempt civic, patriotic, or social club or corporation which is organized and operated in the county as a mutual benefit membership group, the individual being primarily responsible for the club or corporation's compliance with this ordinance must sign the application in the presence of a notary public or other officer authorized to administer oaths. If the application is filed on behalf of a private club, then each member of its governing body must sign the application in the presence of a notary public or other officer authorized to administer oaths.

Section 5.

Article IV of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending Section 4.1 (codified as Section 6-131 of the Code of Forsyth County, Georgia), by removing the strikethrough language and adding the bold, underlined language thereto:

No alcoholic beverages may be sold by the drink for consumption on the premises, except in state licensed brewery, state licensed farm winery, state licensed distillery, hotel, or an eating establishments regularly serving prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed and a refrigerator, all of which must be approved by the Health and Fire departments) prepared to serve food every hour they are open, pursuant to the applicable building, fire and safety codes in effect for the county. **Notwithstanding the requirements of this provision, alcoholic beverages may be sold by the drink for consumption on the premises with a valid special event permit regardless of whether the location of the permitted special event is an eating establishment or has a full service kitchen.** When located in hotels, motels, and high-rise office and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall, or other publicly used interior portion of the primary use structure. Outlets not located within hotels shall derive a minimum of fifty percent (50%) of their total annual gross food and beverage sales from the sale of prepared meals or food. Hotels containing such outlets shall derive a minimum of fifty percent (50%) of their total annual gross income from the sale of prepared meals or food and from the rental rooms for overnight lodging. On or before the twentieth (20th) day of each month, each such outlet shall file a report of the previous calendar month's operations with the county verifying compliance with the above provisions. Such report shall be filed on forms designated by the Department Head. Any licensed outlet that fails to meet the appropriate percentage requirements for two consecutive months shall be subject to immediate revocation. An audit may be required at any time to ensure compliance with these provisions. ~~If such outlet provides a bar or counter service for the sale of alcoholic beverages for on premises consumption, the seating for such bar shall not exceed ten percent (10%) of the total seating capacity of the outlet; provided, however, that this limitation of seating capacity shall not apply to hotel bars that are available for the use of hotel guests.~~ Nothing in this section shall be deemed to prohibit hotel room service of alcoholic beverages or to prohibit a hotel from maintaining a bar separate from the restaurant facility, provided access to said bar shall be from a public lobby, hallway, mall, or other publicly used interior portion of the hotel.

For purposes on this section, a golf course is defined as being a par 60 or greater course and being a recognized member to the Georgia State Golf Association and United State Golf Association and may be issued an on-premises consumption license without meeting the requirement that fifty percent (50%) of its gross annual sales be derived from the sale of prepared meals or food. Marinas on Lake Sydney operating pursuant to a duly executed lease and duly issued permit from the United States Army Corps of Engineers may be issued an on-going premises consumption license without meeting the requirement that fifty percent (50%) of its gross annual sales be derived from the sale of prepared meals or food. Bowling alleys consisting of at least four working lanes and being a part of a commercial for profit business, may be issued an on-premises consumption license without meeting the requirement that fifty percent (50%) of its gross annual sales be derived from the sale of prepared meals or food. Cigar shops, as specifically defined in this Code, may be issued an on-premises consumption license for sales of beer, malt beverages, and wine but not distilled spirits, without meeting the requirement that fifty percent (50%) of its gross annual sales be derived from the sale of prepared meals or food, provided that at least sixty percent (60%) of its gross annual sales be derived from the sale of full-sized, hand-rolled cigars, and expressly excluding from the calculation of gross annual sales the sale of cigarettes, bongos, bubblers, glass pipes, water pipes, Turkish pipes, pipe screens, pipe filters, dug-outs, stash boxes, rolling papers, rolling devices, rolling trays, grinders, cutters, lighters, incense, ash trays, pipe cleaners, cases, humidors, humidifying devices, vaporizers, and other smoking paraphernalia. On or before the twentieth (20th) day of each calendar month, each cigar shop issued an on-premises consumption license shall file a report of the previous calendar month's operations with the county verifying compliance with this sales provision. In addition, an on-premises consumption license may be issued to an individual or entity operating an art studio, gallery or performing or cultural arts arena or a performing or cultural arts event, or a luxury elite, or vintage automobile storage facility, without meeting the full kitchen requirement or the requirement that fifty percent (50%) of its gross annual sales be derived from the sale of prepared meals or food, with the exception that no licenses shall be issued in conjunction with performing or cultural arts events held at public school facilities or sponsored by the public schools. For purposes of this paragraph, a luxury, elite, or vintage automobile storage facility shall mean a facility providing either owned or leased space for the storage, viewing, washing, detailing, and related automotive services on automobiles that due to their age or value are owned by either automobile collectors, enthusiasts, or are mainly for viewing and exhibition purposes. A Specialty Wine Shop holding a beer and wine by the package license may also apply for a beer and wine for consumption on premises license upon meeting the following criteria: A Specialty Wine Shop shall have a Georgia Department of Agriculture license for a food sales establishment, sell cheese or charcuterie plates to be consumed on premises; and only serve a maximum of three standard pours of wine (175 ml per glass) per person per day. Any outlet with a license to sell distilled spirits by the package is not eligible to be considered a specialty wine shop. **Food caterers may apply for a consumption on premises license provided that the licensed location is open to the public and actively engaging in business at least four (4) hours on a single day each week. It is the responsibility of the food caterer to verify with the Department of Revenue that the hours are sufficient for a state consumption on premises alcohol license.** Sunday consumption sales are not permitted at a cigar shop, art studio, gallery or performing or cultural arts arena or a performing or cultural arts event, a luxury, elite or vintage automobile

storage facility ~~or a specialty wine shop,~~ **or a food caterer** that does not meet the full kitchen requirement or the requirement that fifty percent (50%) of its gross annual sales be derived from the sale of prepared meals or food.

Section 6.

Article IV of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending Section 4.2 (codified as Section 6-132 of the Code of Forsyth County, Georgia), by removing the strikethrough language and adding the bold, underlined language thereto:

The licensee shall pay a license fee for the sale of distilled spirits, beer, and wine for consumption on the premises to Forsyth County in the amount of \$4,000.00 to be paid at the time of application for said license or renewal thereof. The licensee shall pay a license fee for the sale of distilled spirits only for consumption on the premises to Forsyth County in the amount of \$2,500.00 to be paid at the time of application for said license or renewal thereof. The licensee shall pay ~~by certified or cashier's check~~ a license fee for the sale of beer and wine only for consumption on the premises to Forsyth County in the amount of \$1,500.00 to be paid at the time of application for said license or renewal thereof. For United States Veterans Organizations Chartered by Congress and/or recognized by the United States Department of Veterans Affairs, the license fee for any of the licenses referenced in this section shall be \$1,000.00. **A licensee seeking an add-on alcohol beverage caterer license shall pay a license fee of \$1,000.00 at the time of application of said license or renewal thereof.**

Section 7.

Article IV of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending Section 4.11 (codified as Section 6-141 of the Code of Forsyth County, Georgia), by removing the strikethrough language and adding the bold, underlined language thereto:

Sec. 4-11. **Alcohol beverage catering and** ~~S~~special event permits.

(a) Alcohol beverage caterer license.

- (1) Any Forsyth County consumption on premises license holder may apply for an add-on license that would authorize the holder of such license to transport and sell alcoholic beverages for service and consumption at duly permitted special events.**
- (2) The add-on license for alcohol beverage catering must be in the name of the licensed business which holds the underlying consumption on premises license. Each license shall be valid for the calendar year.**
- (3) Before transporting and selling alcohol to a special event within Forsyth County, the alcohol beverage caterer shall file an application for a special event permit pursuant to**

subsection (b). Upon receiving the special event permit, the alcohol beverage caterer must notify the Department of Revenue of the location of the special event at least five (5) days prior to the event.

(4) For each catering event, the licensee must complete the Department of Revenue Alcohol Beverage Catering Quantity and Destination Report (Form ATT-CA-1). A copy of that form as well as the local catering license shall be kept in the vehicle transporting the alcoholic beverages to the event.

(5) A licensed alcohol beverage caterer may only transport and sell at special events the alcohol as authorized by its underlying consumption on sales license. For example, if the consumption on sales license is for malt beverages and wine only, the corresponding alcohol beverage catering license will be for malt beverages and wine only.

(6) Bartenders and/or servers for licensed alcohol beverage caterers must meet all state and local laws, age restrictions, and must possess a valid alcohol sales permit. Pursuant to state law, a bartender or server dispensing alcohol for an alcohol beverage caterer at a licensed event must be at least 21 years of age.

(7) Any alcohol beverage caterer wishing to transport or sell for a special event on a Sunday must be eligible to sell or serve alcohol on Sundays with the underlying consumption on premises license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sundays.

(8) Excise taxes are imposed upon the sale of alcoholic beverages by alcohol beverage caterers pursuant to Section 4.3 and shall be paid by the licensee in the month following the special event.

(b) Special event permits.

~~(a)~~ **(1)** Nationally recognized and chartered organizations such as veterans' organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the Georgia Income Tax Law shall not be required to operate a food establishment serving prepared food in order to sell alcoholic beverages. Such organization, however, dispensing or selling alcoholic beverages shall be subject to all county ordinance regulations and general licensing application requirements for licensees, provided, however, any applicants for temporary licenses may be exempted from certain ordinance regulations and application requirements if the Department Head, after consultation with the County Sheriff's Office, determines that such exemption will not violate the purposes of this chapter as set forth in subsection ~~6~~**1**-1(d) herein. Any applicant requesting a Nonprofit Special Event Permit must qualify for said license by submitting an application to the Department Head and by tendering payment in the amount of \$50.00 per each day alcoholic beverages are sold. Said Nonprofit Special Event Permit will be granted to the same applicant a maximum of twelve (12) days per year.

(2) For profit businesses that possess a valid Forsyth County local alcohol beverage catering license may make application with the Department Head for a For Profit Special Event Permit to operate a bar at a location (inside or outside) within Forsyth

County other than its licensed premises. For purposes of this subsection, a For Profit Special Event Permit is needed if the business will be providing alcoholic beverages for consumption at a banquet, function, luncheon, reception, festival or other similar event, where guests either pay for alcoholic drinks on a per drink basis or pay an admission fee for access to the event. Applicants for a For Profit Special Event Permit may be exempted from certain ordinance regulations and application requirements if the Department Head, after consultation with the County Sheriff's office, determines that such exemption will not violate the purposes of this ordinance as set forth in Section 1-1(d) herein. Any alcohol beverage catering licensee requesting a For Profit Special Event Permit under this subsection must qualify for said license by submitting an application on a form provided by the Department Head of Forsyth County and by tendering a payment to Forsyth County in the amount of \$25.00 for each For Profit Special Event Permit. The entrances and exits to the event must be through controlled entry points which allow for easy monitoring of patrons entering and leaving the event. Applications regarding outside events anticipating more than twenty-five (25) patrons must include site plan, a crowd control plan and a security plan, though these requirements may be waived in whole or part by the Department Head. For any location that is not owned by the applicant, such applications must include a signed and notarized letter from the property owner authorizing use of the property for the event. The rules and regulations regarding outdoor consumption pursuant to Section 4-5(b)(1)—(4) shall apply.

- (b) (3) For profit businesses that possess a valid local government-issued alcohol license to sell alcohol for consumption on the premises, **but do not have a separate Forsyth County alcohol beverage catering license,** may make application with the Department Head for a For Profit Special Event Permit to ~~operate a cash bar~~ **serve alcohol** at a location (inside or outside) within Forsyth County other than the licensed premises on a special event basis. **For purposes of this subsection, a For Profit Special Event Permit is needed if the business will be providing alcoholic beverages for consumption at a banquet, function, luncheon, reception, festival or other similar event, where guests either pay for alcoholic drinks on a per drink basis or pay an admission fee for access to the event.** Applicants for a For Profit Special Event Permits may be exempted from certain ordinance regulations and application requirements if the Department Head, after consultation with the County Sheriff's Office, determines that such exemption will not violate the purposes of this ordinance as set forth in subsection ~~6~~**1**-1(d) herein. Any licensee requesting a For Profit Special Event Permit under this subsection must qualify for said license by submitting an application on a form provided by the Department Head of Forsyth County and by tendering a payment to Forsyth County in the amount of \$250.00 for each For Profit Special Event Permit. Said For Profit Special Event Permit will be granted to the same licensee a maximum of twenty-four (24) days per calendar year. ~~For purposes of this subsection, the phrase "cash bar" is limited to and shall only include the provision of alcoholic beverages for consumption at a banquet, function, luncheon, reception, festival or other similar event, where guest pay for alcoholic drinks on a per drink basis.~~ The entrances and exits to the event must be through controlled entry points which allow for easy monitoring of patrons entering and leaving the event. Applications regarding outside events anticipating more than twenty-five (25) patrons must include site plan, a crowd control plan and a security plan, though these requirements

may be waived in whole or part by the Department Head. For any location that is not owned by the applicant, such applications must include a signed and notarized letter from the property owner authorizing use of the property for the event. The rules and regulations regarding outdoor consumption pursuant to subsection ~~6-1354-5~~5(b)(1)—(4) shall apply.

~~(c) For-profit businesses that possess a valid local government issued alcohol license to sell alcohol for consumption on the premises, may make application with the department head for a Forsyth Conference Center Special Event Permit to serve alcoholic beverages at the Lanier Technical College Forsyth Conference Center on a special event basis. Applicants for Forsyth Conference Center Special Event Permits may be exempted from certain ordinance regulations and application requirements if the department head, after consultation with the county sheriff's office, determines that such exemption will not violate the purposes of this chapter as set forth in subsection 6-1(d) herein. Any licensee requesting a Forsyth Conference Center Special Event Permit under this subsection must qualify for said Forsyth Conference Center Special Event Permit by submitting an application on a form provided by the department head to Forsyth County and by tendering payment to Forsyth County in the amount of \$50.00 for each Forsyth Conference Center Special Event Permit. Licensees must abide by all rules and policies of Lanier Technical College.~~

Section 8.

Article VI of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by amending Section 6.3 (codified as Section 6-223 of the Code of Forsyth County, Georgia), by removing the strikethrough language and adding the bold, underlined language thereto:

All wholesale dealers engaged in the wholesale distributions of alcoholic beverages to retail package outlets in this county shall pay to Forsyth County an excise tax of twenty-two cents (\$0.22) per liter of wine for each liter of wine sold to retail package licensees and proportionate tax at the same rate on all fractional parts of a liter. Further, all wholesale dealers will pay to the county an excise tax for malted beverages sold to retail package outlets in this county, equal to five (\$0.05) per twelve (12) ounces and a proportionate tax at the same rate on all fractional parts of twelve (12) ounces. Further, the wholesale dealers will pay to the county an excise tax on tap or draft beer in the sum of six dollars (\$6.00) for each container sold containing not more than fifteen and on-half (15½) gallons and a like rate for fractional parts where the draught beer is sold in or from a barrel or bulk container. Further, all wholesale dealers will pay to the county an excise tax of twenty-two cents (\$0.22) per liter for all distilled spirits, except for fortified wine, sold to a licensee authorized to sell distilled spirits by the package and a proportionate tax at the same rate on all fractional parts of a liter. Each licensee responsible for the payment of the excise tax shall file a report itemizing for the preceding calendar month the exact quantities of malt beverages, wine, and distilled spirits by size and type of container, sold during the month within the county. Said report and payment ~~shall be filed with the department head~~ **is due on or** before the tenth (10th) day of the month following the calendar month in which the beverages were sold; **however, there shall be a ten (10) day grace period so that late fees do not accrue unless**

said report and payment are not received until after the twentieth (20th) day of the month following the calendar month in which the beverages were sold.

Section 9.

Severability: Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

Section 10.

Effective Date and Repealer Provision: This Ordinance shall become effective September 1, 2024 and any and all existing or pre-existing Forsyth County alcohol ordinances, amendments, and resolutions in conflict with the terms of this Ordinance are hereby repealed.

BE IT RESOLVED this 18th day of July, 2024.

FORSYTH COUNTY BOARD OF COMMISSIONERS



Alfred John, Chairman



Kerry Hill, Vice-Chairman



Laura Semanson, Secretary



Todd Levent, Member

Cindy Jones Mills

Cindy Jones Mills, Member

Attest:

Rhadi P. Howard
Clerk to the Board

