

RESOLUTION NO. 12 - 21

HENRY COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE TO AMEND SECTION 3-14-50 (PERSONS ELIGIBLE FOR RETAIL LICENSE) OF THE HENRY COUNTY CODE WHICH PROVIDES FOR THE SALE AND DISTRIBUTION OF CERTAIN ALCOHOLIC BEVERAGES

WHEREAS, Henry County staff has reviewed our current Alcohol Ordinance and proposes amending the section which governs the eligibility requirements for a retail license; and

WHEREAS, Henry County staff has reviewed the Ordinances of other jurisdictions as well as the current State Code, and has proposed amending our current Ordinance by revising the section related to the distance measurement criteria to adopt the method currently used by Georgia Department of Revenue

NOW THEREFORE BE IT RESOLVED, that the Henry County Board of Commissioners hereby amends Section 3-14-50 of the Henry County Code of Ordinances as follows to become effective on December 4, 2012:

***Sec. 3-14-50. Persons eligible for retail license.***

*No retail alcoholic beverage license shall be issued:*

- (1) To a person who, in the opinion and judgment of the board of commissioners, is not of good moral character and reputation in the county in which he resides.*
- (2) A person who is not a citizen of the United States or a person who does not possess a permanent resident alien green card.*
- (3) To any person who has been convicted of a felony or any crime involving moral turpitude, or any federal or state law relating to liquor, malt beverages or wine.*
- (4) To any person who is not a natural person.*
- (5) To a person whose place of business is conducted by a manager or agent unless the manager or agent possesses the qualifications required of a license holder.*
- (6) To a person who is the previous holder of an alcoholic beverage license and is, in the judgment and discretion of the board of commissioners, an unfit person to have a license because of the manner in which he previously conducted business there under as to the necessity for unusual police observation and inspection in order to prevent the violation of any law or regulation relating to such business.*
- (7) Unless the licensee is the owner or lessee of the premises to be licensed.*
- (8) For a location not suitable in the judgment and discretion of the board of commissioners because of traffic congestion, general character of the neighborhood, or by reason of the effect which such an establishment would have on the adjacent and surrounding properties, or on the neighborhood.*

- (9) *For a location within an area where, in the judgment of the board of commissioners, the number of alcoholic beverage licenses already granted makes it contrary to the public interest and welfare.*
- (10) *For a location at which a previous alcoholic beverage license has been revoked or suspended, and where, in the judgment of the board of commissioners, the problems which have arisen from the operation of an alcoholic beverage license at such location indicate that it is not in the interest of public health, safety, welfare or morals that the sale of alcoholic beverages be permitted at such location.*
- (11) *Where the granting of such license would constitute a violation of state law or regulations.*
- (12) *For a grocery store, unless the grocery store:* For purposes of issuance of a beer or wine license,
- a. *Maintains on display to the customer, a minimum stock of food and groceries, excluding tobacco, of not less than four thousand dollars (\$4,000.00) retail value; and*
  - b. *Has a floor space of not less than eight hundred (800) square feet, excluding storage; and*
  - c. *The location used for sale of beer or wine may be either shut off and locked by a door from the remainder of the building, or the display coolers or counters must be locked securely with signs posting the non-sale of alcoholic beverages during times that are not permitted by this article. The provisions herein requiring four thousand dollars (\$4,000.00) retail value of grocery stock and eight hundred (800) square feet of floor space shall not apply to those businesses existing prior to March 16, 1982.*
- (13)
- a. *No license for the sale of malt beverages or wine for the purpose of off premises consumption, shall be issued for any location within 100 yards of the front door of any church building or within 200 yards of any school building, school grounds or college campus. This subsection shall not apply at any location for which a license has been issued prior to July 1, 1981, nor to the renewal of such license. Nor shall this paragraph apply at any location for which a new license is applied for if the sale of wine and malt beverages was lawful at such location at any time during the twelve (12) months immediately preceding such application;*
  - b. *No license for the sale of wine or malt beverages for the purpose of off premises consumption, shall be issued for any location within one hundred (100) yards of the front door of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.*
  - c. *The term "school grounds" and "college campus" shall apply only to the parcel or parcels of land on which a school, school building, or educational building is located. The term "college" shall mean an educational institution authorized by the state to award associate, baccalaureate or higher degrees.*

- d. As used in this subsection, the term "school grounds" shall mean any portion of the property on which the school is located including parking lots, carpool lines, playgrounds, ball fields, and any other portions of the property. As used in this subsection, the term "school building" or "educational building" shall apply only to state, county, city or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state and which are public schools or private schools as currently defined in O.C.G.A. §20-2-690(b) and as may be amended from time to time.
- e. As used in this subsection, the term "church building" includes sanctuaries, fellowship halls, Sunday schools, administrative offices and any other structure on the church's property for which a building permit must be issued.
- f. For purposes of this subsection (13), the distance between the church building, school building, school grounds or college campus and the location proposed for the sale of alcoholic beverages shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
- 1) In a straight line from the front door of the structure from which beverage alcohol is sold or offered for sale;
  - 2) To the front door of the building of a church, government-owned treatment center or retail package store;
  - 3) To the nearest property line of the real property being used for school or educational purposes

*In measuring the most direct route of travel on the ground, one would have to go around a non-movable obstacle such as a tree or building, and count that distance toward the total distance measurement. The measurement done "As the Crow Flies", would not meet the measurement method in the above regulation. Any license issued prior to the effective date of December 4, 2012 would be required to adhere to the distance measurement procedures in place at the time of application submittal. Only those applications received after the effective date of December 4, 2012 would be required to adhere to the above measurement requirements.*

- g. *The requirements for minimum distance from a church building, college or university located in a "shopping center", as defined by the latest version of "A Glossary of Zoning Development and Planning Terms" edited by Michael Davidson and Fay Dolnick; shall not apply to any new license for retail package or retail consumption. Therefore, those seeking a alcoholic beverage license for the purpose of off premises consumption shall not be required to consider churches, colleges or universities which are located within these shopping centers in order to meet the distance requirements noted in Section 14(a).*

*h. This subsection shall not prohibit the renewal of any license lawfully issued prior to the effective date of December 4, 2012.*

*(Ord. No. 82-3, §§ I(5), III(2), XII(1)--(5), 3-16-82; Ord. No. 86-07, 3-18-86; 04-02, §1, 3-2-04)*

*State law references: Authority of county to set licensing standards, Official Code of Georgia Annotated § 3-3-2.*

Be it further resolved that all ordinances and parts of ordinances in conflict with the above are hereby repealed.

Be it resolved this 4th day of December, 2012.

HENRY COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Elizabeth "BJ" Mathis, Chairman

ATTEST:

\_\_\_\_\_  
Shay Mathis, County Clerk