

AGENDA
WALKER COUNTY
BOARD OF COMMISSIONERS
WALKER COUNTY COURTHOUSE ANNEX III, 201 S MAIN STREET
LAFAYETTE, GEORGIA 30728

The following constitutes the agenda for the regular scheduled meeting of the Board of Commissioners of Walker County, Georgia to be held on August 10, 2023 at 7:00 p.m.

REGULAR SCHEDULED MEETING

- **Invocation & Pledges**
- **Chairman Whitfield will Call to Order the Regular Meeting**
- **Clerk establishes a Quorum is present**
- **Approve Agenda**
- **Approve Minutes**
Approval of the Minutes for the Regular Scheduled Meeting Held on July 27, 2023 at 7:00 p.m.
- **Public Hearing**
Ordinance O-04-23 to Amend Chapter 4 (Alcoholic Beverages) of the Code of Walker County, GA
- **Public Comment**
- **New Business**
Ordinance O-04-23 to Amend Chapter 4 (Alcoholic Beverages) of the Code of Walker County, GA

Resolution R-031-23 to Revise the Fee Schedule for Alcoholic Beverage Licenses

Animal Assistance Services Agreement with Georgia Department of Corrections
- **Commissioner Comments**
- **Executive Session (if necessary)**
- **Adjourn**

NEXT REGULAR MEETING - Thursday, August 24, 2023



**Walker County Governmental Authority
101 South Duke Street, P.O. Box 445
LaFayette, GA 30728
706-638-1437**

**Minutes of the Regular Meeting
August 10, 2023 - 7:00 PM**

- I. **Call to Order:**

Chairman Shannon Whitfield called to order the Regular Scheduled Board of Commissioners Meeting held at Annex III, 201 S. Main Street, LaFayette, Georgia at 7:15 PM on August 10, 2023. The prayer and pledge were conducted at a public hearing immediately preceding the regular meeting.
- II. **Attendees:**

The following were present: Chairman Whitfield, Commissioner Robert Blakemore, Commissioner Mark Askew, Commissioner Brian Hart, Commissioner Robert Stultz, Legal and Policy Director David Gottlieb, Public Relations Director Joe Legge and Board Clerk Whitney Summey. Other guests signed in at the meeting as well. Please see the attached sign in sheet.
- III. **Approval of Agenda:**

Commissioner Hart made a motion to approve the agenda, seconded by Commissioner Stultz, 4 ayes and 0 nays, motion carried to approve the agenda.
- IV. **Approval of Minutes:**

Commissioner Blakemore made a motion to approve the minutes of the Regular Scheduled Meeting held July 27, 2023 at 7:00 p.m., seconded by Commissioner Askew, 4 ayes and 0 nays, motion was approved.
- V. **Public Hearing:**
 - I. Chairman Whitfield explained some of the changes to Ordinance O-04-23 from the previous public hearing on July 27, 2023. He explained the initial license application process and some of the time frames. He asked if anyone would like to speak on Ordinance O-04-23.
 - II. Mital Patel asked if a license could be transferred to another person if the business was to be sold. County Attorney David Gottlieb said a license is not transferable and the new owner would have to apply for a new license. He said all of the license applications have to follow state laws as well. Mr. Patel asked if a business had multiple owners or was a limited liability company would each owner have to meet the requirements of the license. Mr. Gottlieb explained the responsible party or parties of the business or limited liability corporation would have to meet the requirements. Mr. Patel and the Board discussed specific sections of the ordinance pertaining to the owner meeting the requirements of the license. Mr. Patel asked how many licenses would be issued in the county. Mr. Gottlieb said the ordinance allows for five licenses per district, so 20 licenses total for the county. He said this does not pertain to licenses within city limits. Mr. Patel asked if the license would be issued on a lottery system and provided an example of licenses issued in Florida. Planning and Zoning Director Jon Pursley explained the discussions his office has had for the process of time stamping applications so licenses could be issued on a first come, first serve basis. Mr. Patel explained some of the concerns he had with a first come, first serve process and suggested a lottery system be looked at and considered.
 - III. Earl Wilson said he is a clerk at a liquor store in Catoosa County and he also served on the alcoholic beverage board in East Ridge in the past. He explained that Ringgold did a lottery system when they issued licenses and explained the benefits of it. He discussed with the Board some contradicting statements in the ordinance pertaining to on site samplings. Mr. Wilson and the Board discussed the details of on site samplings and some of the verbiage that needed to be addressed. Mr. Wilson asked about ADA compliance requirements not being in the ordinance. Jon Pursley explained the businesses would have to meet ADA requirements during building inspections, which would also be covered under the International Building Code. Chairman Whitfield thanked Mr. Wilson for his comments and insight.
 - IV. Priyann Patel said he has owned the store on Hwy 136 known as Yanks since 2006. He suggested giving existing businesses a chance to apply for the license first. Commissioner Blakemore agreed the idea would be good for existing businesses in the county.
- VI. **Public Comment:**
 - I. Randy Pittman, Eddie Upshaw, and Alan Slaven, with the Historic Preservation Commission, provided the Board with information about the upcoming Battle of Chickamauga reenactment event. Mr. Pittman explained some of the things the commission will be doing during the event.

He said there are already 160 reenactors signed up for the event. He added there will be forty cannons and four mull drawn cannons. The Board thanked them for the information and for all of their work with the Historic Preservation Commission.

VII. Recess:

- I. Chairman Whitfield said they would take a brief recess at 8:30PM. Chairman Whitfield called the meeting back to order at 8:43PM.

VIII. New Business:

- I. Chairman Whitfield read Ordinance O-04-23 to amend chapter 4 (Alcoholic Beverages) of the Code of Walker County, GA. County Attorney David Gottlieb suggested the Board discuss changes they would like addressed and he could bring back an updated draft. Commissioner Askew suggested tabling until the next meeting and getting a new draft. The Board agreed with his suggestion. Chairman Whitfield asked the Board what topics they would like County Attorney David Gottlieb to address and bring back. Commissioner Hart said he would like to clarify samplings, ranking existing business owners, and having a lottery system versus first come, first serve system. Commissioner Blakemore said samplings should only be conducted by distributors and owners with 25% or more investment in the company and be required to meet background check requirements. Commissioner Askew said he would like clarity on individual and limited liability corporations requirements and a selection system. Commissioner Stultz said he would like clarity on background checks for multi-person LLCs. Commissioner Askew made a motion to table until the next meeting, seconded by Commissioner Hart, 4 ayes and 0 nays, motion carried.
- II. Chairman Whitfield read Resolution R-031-23 to revise the fee schedule for alcoholic beverage licenses. He said it would be in the best interest of the Board to table this resolution because of the reference to Ordinance O-04-23 that was tabled tonight. Commissioner Askew made a motion to table until the next meeting, seconded by Commissioner Hart, 4 ayes and 0 nays, motion carried.
- III. Chairman Whitfield read the Animal Assistance Agreement with Georgia Department of Corrections. He said this is the second year this is the second year of the agreement. He said this agreement helps the animal shelter get animal training that makes them more appealing to potential adopters. Commissioner Blakemore made a motion to approve, seconded by Commissioner Stultz, 4 ayes and 0 nays, motion carried.

IX. Commissioner Comments:

- I. Commissioner Blakemore thanked everyone for coming out and participating. He said the public's input helps the Board do a better job for everyone in the County.
- II. Commissioner Askew thanked everyone for coming out participating and giving the Board insight. He thanked all employees for their hard work. He urged everyone to be mindful of school being back in session and the new traffic on the road.
- III. Commissioner Hart thanked the Road Department for the completion of some roads in his district that have been a concern for citizens. He said Ruth Bass will be greatly missed by the community. He said she ran the LaFayette Housing Authority for many years and was an amazing person.
- IV. Commissioner Stultz thanked everyone for coming out tonight. He thanked all of the county employees for their hard work and dedication. He said Coach Bobby Chappel passed away last week. He said he was an icon in the community and touched the lives of many, many people in the county. He said he was a great man and will be dearly missed.
- V. Chairman Whitfield said this was a great meeting and thanked everyone for their input tonight. He said he worked with Ruth Bass for several years on the library board and she will be missed. He said Coach Bobby Chappel touched his life and he had great respect for him. He said he will be greatly missed.

X. Executive Session:

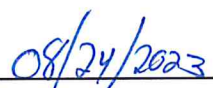
- I. Chairman Whitfield made a motion to go into executive session for personnel and real estate, seconded by Commissioner Stultz, 4 ayes and 0 nays, motion carried. Executive session began at 9:03 PM. Chairman Whitfield called the regular meeting back to order at 9:50 PM.

XI. Adjournment:

- I. Commissioner Blakemore made a motion to adjourn the meeting, Commissioner Askew seconded the motion. Motion carried and the meeting was adjourned at 9:51 PM.



Shannon K. Whitfield
Chairman/CEO
Walker County Georgia



Date

Regular Scheduled Board of Commissioners Meeting

Walker County Annex III

August 10, 2023

7:00 PM

<u>Roll Call</u>	<u>Present/Absent</u>
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Commissioner Blakemore	Present
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Commissioner Askew	Present
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Chairman Whitfield	Present
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Commissioner Hart	Present
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Commissioner Stultz	Present
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Sign In Sheet

Regular Scheduled Board of Commissioners Meeting

August 10, 2023

7:00 PM

Name	Address
Ed Fleener	9706 Hwy 151
Chris Post	917 N Long Hollow, Chickamauga
Yogesh Patel	805 Mission Ridge Road Rosky
Jayesh Patel	=
Ramesh Patel	=
Eddie Upshaw	-
Randall Pittman	WCHPC
PRIYANK PATEL	9180 W HWY 136 CHICKAMAUGA GA
Eugene + Lorri Ridley	
Jim Sope	Villanova
Bill BROWN	ROCK SPRING, GA
Angie Teems	
PAUL GILT	LANDFILL
Laura Owsley	La Fayette
HAREM H. DESAI	107. N. DUKE ST LAFAYETTE.
Bobby V. Snider	Road Dept
Carl Benson	Road Dept
Alan Slaven	123 Gravitt Drive
Jon Pursley	Flaming
Robby Tate	La Fayette.
GENE HESTER	Noble

ARREST REPORTS

Walker County arrests: Friday, July 7, to Thursday, July 13

This booking report was provided by the Walker County Sheriff's Office. Those arrested on charges are presumed innocent until proven guilty in a court of law. The listings below include (in order) name of inmate (last first middle), race/sex, age, felony/misdemeanor, and charge(s). (FVA=Family Violence Act; FTA=Failure to appear; VGCSA=Violation of the Georgia Controlled Substances Act)

♦ YOUNCE DANIEL DEWAYNE W/M 39 MISD PUI
♦ ALLRED THOMAS BLAKE W/M 32 MISD FTA
♦ KINSEY DWAYNE ROBERT W/M 46 FELONY PROBATION VIOLATION
♦ JOHNSON DUSTIN RAY W/M 26 MISD DRIVING WHILE LICENSE SUSPENDED
♦ COKER NATHAN TROY W/M 40 FELONY POSS. OF HYDROCODONE, POSS. OF SCHEDULE IV, TRAFFICKING DRUGS
♦ SIMPSON HALEY MAE W/F 29 FELONY POSS. OF

METH, POSS. OF SCHEDULE IV, POSS. OF SCHEDULE II
♦ BELLOMY SHANE MICHAEL W/M 36 FELONY FTA (M), FTA (F)
♦ CARLOS JESUS NMN H/M 43 MISD THEFT BY RECEIVING STOLEN PROPERTY
♦ KIKER JEREMY NICHOLAS W/M 31 MISD HINDERING 911 CALL, SIMPLE BATTERY- FVA
♦ HOLT YOLONDA LORINE W/F 54 MISD FTA, DUI
♦ DUNN MONICA MARIA W/F 35 MISD GIVING FALSE NAME
♦ REYNOSO MIGUEL W/M 32 MISD DUI, OPEN CONTAINER, FAILURE TO OBEY TRAFFIC CONTROL DEVICE
♦ GRACE DANIEL MASSEY W/M 44 FELONY PROBATION VIOLATION
♦ GOSS DRAKE KENRICK W/M 23 MISD CRUELTY TO CHILDREN 3RD, BATTERY FVA
♦ GOLDBERG STEVEN

BRADLEY W/M 47 FELONY PROBATION VIOLATION
♦ ELLISON MICHAEL CHANCE W/M 29 FELONY PROBATION VIOLATION
♦ WEBB REBECCA LYNN W/F 33 FELONY POSSESSION OF METH
♦ PARKER CHRISTOPHER EUGENE W/M 36 MISD OBSTRUCTION OF LAW ENFORCEMENT OFFICER
♦ DEBORD JOSEPH CAMERON W/M 23 FELONY FTA X2 (O.C. POSSESSION OF METH)
♦ DILLARD KENNETH CHARLES W/M 33 MISD UNLAWFUL DUMPING
♦ BIGELOW PATRICIA JOY W/F 38 FELONY PROBATION VIOLATION
♦ WEST JAMES JEFFERSON W/M 24 FELONY PROBATION VIOLATION
♦ NEWBY MADDOX PIERCE W/M 19 MISD SIMPLE BATTERY
♦ LASSITER BRITNEY ANN W/F 37 HOLD
♦ LOMINICK DEZMOND TAMARINE B/M 35 MISD DRIVING ON SUSPENDED, NO INSURANCE
♦ SOLIS JEOVANY VINICIO W/M 19 MISD DRIVING WITHOUT A LICENSE

♦ MOTLEY JIMMY MICHAEL W/M 37 FELONY PROBATION VIOLATION
♦ F U Q U A D A V I D CHARLES W/M 36 MISD BATTERY
♦ WOOD HAILEY ALLISON W/F 22 HOLD FOR TRANSPORT
♦ ROBERTS AMBER NICOLE W/F 33 HOLD FOR TRANSPORT
♦ WOMBLE RAMONIA DIANNE W/F 50 HOLD FOR TRANSPORT
♦ DUKE LISA CHRISTINE W/F 40 HOLD FOR TRANSPORT
♦ SMITH CANDICE BJANA B/F 39 MISD SIMPLE BATTERY
♦ KIRK JOHN FRANKLIN W/M 59 MISD DRIVING ON SUSPENDED
♦ HARDEGREE ALEXANDER BROOKS W/M 31 MISD SIMPLE BATTERY
♦ LOWRY LOGAN ALEXANDER W/M 27 FELONY FTA X2
♦ HAMILTON DEVON WARON W/M 29 FELONY PROBATION VIOLATION
♦ BAYNE DANIEL EUGENE W/M 50 MISD CRIMINAL TRESPASS
♦ BOSS TIMOTHY DEWAYNE W/M 52 MISD BATTERY

♦ ROBINSON ANGELINA NICOLE W/F 28 MISD CRIMINAL TRESPASS
♦ BOEHM OTTO WILLIS W/M 24 MISD DUI, OPEN CONTAINER, FAILURE TO MAINTAIN LANE, NO SEAT BELT
♦ PAINTER TOMMY WAYNE W/M 42 FELONY TRAFFICKING DRUGS
♦ JACOME CRYSTAL MERCEDES W/F 33 — HOLD FOR OTHER AGENCY
♦ SIFFLES CODY RAY W/M 28 MISD FTA, SIMPLE BATTERY- FVA, CRIMINAL TRESPASS- FVA
♦ WILSON RACHEL OWEN W/F 18 MISD DUI DRUGS, RUNNING RED LIGHT, FAILURE TO MAINTAIN LANE
♦ HALE JONATHAN CHASE W/M 32 MISD DUI DRUGS, FAILURE TO MAINTAIN LANE, IMPROPER PARKING ON ROADWAY FAILURE TO MAINTAIN LANE, HINDERING 911 CALL, DAMAGE TO PROPERTY 2ND DEGREE,
♦ DANIEL JESSICA AUTUMN W/F 34 MISD BATTERY- FVA, CRUELTY TO CHILDREN 3RD DEGREE
♦ BYESS CHARLES VINCENT W/M 47 MISD FTA

♦ FRASHER DESTINY ANN W/F 24 FELONY PROBATION VIOLATION
♦ CARRINGTON KERRI LEIGH W/F 41 FELONY PROBATION VIOLATION
♦ WARE KEENON DIANTE B/M 29 MISD PUBLIC INDECENCY, LOITERING AND PROWLING, FTA X5
♦ PICKARD VERONICA LYNN W/F 52 — HOLD FOR OTHER AGENCY
♦ GLENN TANZANIA MALOWI B/F 27 FELONY THEFT BY TAKING MOTOR VEHICLE, ENTERING AUTOMOBILE W/INTENT TO COMMIT THEFT, THEFT BY TAKING X11, SIMPLE ASSAULT, WILLFUL OBSTRUCTION (F)X2
♦ VAN-NICE HANNAH ASHLEY W/F 33 — RETURN FROM HOSPITAL
♦ HOWARD MARY KATHLEEN W/F 39 FELONY AGGRAVATED ANIMAL CRUELTY
♦ LOWE ASHLEY KAY B/F 35 MISD DUI, DRIVING WHILE LICENSE SUSPENDED, FAILURE TO MAINTAIN LANE, FAILURE TO STOP AT STOP SIGN, DRIVING ON WRONG SIDE OF ROADWAY, NO PROOF OF INSURANCE

LOCAL COLUMNIST ■ JOE PHILLIPS

Unconventional Foy

Foy was a Peter Pan — a young adult, out of school, still curious, still amazed. He and his kids toyed with things — making stilt, damming creeks, building toys, fixing broken stuff.

Foy was the son of a railroad man who left east Tennessee and moved to Billy's Island in the Okefenokee Swamp to work as a cypress logger.

The island included houses, a railroad, stores, farms, a school, cattle, a church, cemetery and moonshiners. All that is gone now, except for the cemetery.

He had a long beard and pre-

ferred faded, patched but clean overalls. People side-glanced him and his kids.

He married Sybil, a perfectly normal slender girl with short, strawberry hair, the daughter of the postmaster of a nearby town. She sang in a trio that mimicked The McGuire Sisters.

Postmasters knew what was going on in town — who communicated with whom, who ordered what through mail-order.

The post office is gone. The town's cadaver is a row of empty



Phillips

red brick stores holding each other mostly vertical at the shoulders. Vacant stately homes await a second life. They sit under oak and pecan trees and among high weeds, shedding paint like a snake shedding skin.

Sybil made her own dresses, maybe from the same pattern, as well as clothes for her kids.

The remarkable things about the kids were that they traveled in a mob and were named after animals and garden tools; Fawn, Doe, Rake,

Crow and Buck.

Foy attached a square of cardboard to the strut of Buck's bicycle to make the sound of a motor.

The hardware store sold two-stroke engines that were a hit with anyone who could scratch up the cost of the kit. I think it was about \$20 or less.

He was the first to hang one of those engines on a bike and go put-putting around town. It became his favored mode of transportation. Just another weird thing.

Foy was a "prepper" before the term was invented. He walked through fields graz-

ing, stripping seeds from tall grasses, picked and ate beggar lice seeds from his pants legs.

The last time I saw him and his mob of kids they were walking along the highway picking dandelion flowers to make jelly.

Foy and Sybil were an unconventional couple living in an old south Georgia farm house. Fawn recalled that when jets flew over from Moody Air Force Base she could feel the whole house rattle.

The kids, despite their names, all amounted to something. Moved off. Moved back. Sybil died much too early

and was buried in her simple house dress.

Foy remained a local curiosity. In the nursing home someone shaved him. He was a "right smart looking man," Doe said, "but he didn't look like Daddy. It just wasn't Daddy."

A day later Peter Pan died.

Joe Phillips writes his "Dear me" columns for several small newspapers. He has many connections to Walker County, including his grandfather, former superintendent Waymond Morgan. He can be reached at joe@phillips@hotmail.com.

Overcrowded 5th Congressional District membership on DNR Board prompts replacement

By Dave Williams
Capitol Beat News Service

ATLANTA — Gov. Brian Kemp has removed veteran Republican political operative Nick Ayers from the state Board of Natural Resources, citing an oversupply of board members

from Georgia's 5th Congressional District.

In an executive order Kemp issued recently, he pointed to a provision in Georgia's Constitution that no more than two members of the board can come from the same congressional district. Including Ayers, three

of the 19 board members were from the 5th District, which includes the heart of metro Atlanta.

In a second executive order, the governor named Lesley Chandler Reynolds of Greene County to replace Ayers. Reynolds is the wife of Harold Reynolds, chair-

man of the University System of Georgia Board of Regents and founding partner of the company that developed Reynolds Plantation on Lake Oconee.

Ayers served as chief of staff to then-Vice President Mike Pence between 2017 and 2019. Before that, he

was executive director of the Republican Governors Association. He got his start in politics with the College

Republicans at the University of Georgia and later served as chief of staff for Sen. Sonny Perdue.

UPDATE

From A1

have worked their way up to higher positions, but the pension plan does not reflect these changes because of the freeze.

A proposal to make a budget amendment to hire Buck Consultants, at \$5,250, to evaluate the situation and make recommendations to bring it up to date passed the board by a unanimous vote.

Tamara Walk is a reporter for The Catoosa County News in Ringgold, Ga., and Walker County Messenger in Lafayette, Ga.

BUSY

From A1

television Channel 3's "Trends at 3" hosted by LaTrice Currie.

Walker County Government was awarded the 2023 Georgia County Excellence Award for Innovation by the ACCG, Georgia's County Association. The award recognized Walker County for its partnership with WCAAHAA in turning a former Long John Silver's restaurant into the African American Museum and Cultural Center, thus adding to the county's historic fabric. The award came with a plaque and an article in the June edition of the Georgia Trends Magazine.

June 29 marked the completion of the Museum and Cultural Center's murals. Citizens of LaFayette have expressed pride in being Walker's first city with an external wall mural highlighting Walker County's African American heroes.

The project included a mini-mural contest held in January and February with a March appearance of Walker County's elementary, middle and high schools' winners on Beverly's Historical Moments television show.

The Center's rear wall mural is titled, "Be The Bee," in honor of LaFayette's Honeybee Festival. Visitors may interact with the wall and appear to have wings. The mural on the north wall of the museum features local Walker County African American heroes and is titled "Our Story, We Too Sing America." Featured on the wall is Chickamauga's Mr. Willie Haslerig, a Montford Point

Marine who received the Congressional Gold Medal in recognition of his "personal sacrifice and service to the USA during WWII".

Also pictured on the mural is Ms. Martha Davis-Bellamy, a 93-year-old native of LaFayette who is believed to be LaFayette's first African American female to serve in the military. Ms. Bellamy served during the Korean War era and presently lives in Florida.

Another prominent citizen featured on the wall is Mr. Eugene Dorsey Ward. Mr. Ward was employed in Walker County's education system for approximately thirty years and was the county's first African American principal of a racially integrated school, circa 1971.

Finally, highlighted on the mural is Mrs. Rosa Belle Glenn-Clements. Mrs. Clements began her teaching career in Walker County, circa 1921, as the principal-teacher of the First North Georgia Baptist Industrial Institute in LaFayette. She served as teacher for Hill Elementary School, LaFayette; principal-teacher for the Blowing Spring Colored School and principal-teacher for Wallaceville Elementary School.

With community support, Mrs. Clements was instrumental in the construction of the brick Wallaceville Elementary School. This new facility included a principal, eight teachers, eight grades, a cafeteria with auditorium, and seventeen acres of land, circa 1951.

The murals' artist, Mr. Nathaniel Stepney, started work on the mural project in February. He has appeared on Beverly's Historical Moments television show and offered

encouragement to Walker County's young artists. He states, "I am honored to have been chosen to work on this project. Also, I greatly appreciate all those who stopped by and offered me encouragement." Local citizens watched with excitement as they discovered the different steps needed to develop a large scale mural.

We all watched digital graffiti become beautiful art. Beauty, art education and historical understanding are the goals of this project. Those were the goals presented to the Georgia Council for the Arts and the Walker County Government. In all our projects, WCAAHAA strives to achieve those goals. We see Walker County as a loving and welcoming community. We wish to partner with the present community historical fabric by highlighting Walker County's African American accomplishments and contributions since 1865.

WCAAHAA faces a tremendous amount of work to complete the development of the museum and memorial park. Anyone wishing to contribute, volunteer or visit the center, please call 706-670-1165 or explore our website, www.walkercountyafrikanamerican.com

The murals are supported in part by the Georgia Council for the Arts through the appropriations of the Georgia General Assembly. Georgia Council for the Arts also receives support from its partner agency, the National Endowment for the Arts. Also, this project is supported by the James C & Charlotte B. Wardlaw Foundation and the Walker County Tourism Committee.

Article submitted by Beverly Foster, president of WCAAHAA.

NOTICE OF PUBLIC HEARING

The Governing Authority of Walker County, Georgia proposes to update its code of ordinances.

O-04-23 proposes to amend Chapter 4 (Alcoholic Beverages) to provide licensing procedures for retail package sales of distilled spirits; and other provisions.

Public hearings on the proposed ordinance change will be held at 7:00 p.m. on Thursday, July 27, 2023 and 7:00 p.m. on Thursday, August 10, 2023 at Walker County Courthouse Annex III, 201 S Main Street in LaFayette, GA. A copy of the proposed ordinance is available for review at the Board of Commissioner's Office (101 S Duke St, LaFayette) and online at walkercountyga.gov.

BALLINGER RECYCLING

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Chapter 4 ALCOHOLIC BEVERAGES

ARTICLE I – ALCOHOLIC BEVERAGE COMMISSION

Sec. 4-1. Established.

The Chairperson, with approval of the Board of Commissioners, shall appoint a 5-member Alcoholic Beverage Commission, independent of the County Governing Authority. Other than the appointment of the initial Alcoholic Beverage Commission, each member appointed shall serve a 3-year term from the date of his appointment. If for any reason any member of the Alcoholic Beverage Commission is no longer serving his term, the Chairperson shall recommend to the Board of Commissioners a replacement to complete the remainder of the member's term.

The Chairperson, with approval of the Board of Commissioners, shall recommend one of the members of the Alcoholic Beverage Commission to serve as its Chair for the remainder of his term. The Chair shall moderate all meetings of the Alcoholic Beverage Commission during his term of office, but shall have no executive functions or powers greater than the other members of the Alcoholic Beverage Commission. The Chair shall serve as same for the remainder of his term upon the Alcoholic Beverage Commission and shall remain a voting member while holding this designation. A quorum of 3 members of the Alcoholic Beverage Commission shall be necessary at any meeting for the transaction of any business.

Sec. 4-2. Powers and duties.

(a) The Alcoholic Beverage Commission shall have all the powers, duties and responsibilities as are granted to them by the terms and provisions of this entire Chapter, and all other provisions of State law as may be applicable to the sale of alcoholic beverages. It is the intent of this article that all of the duties, responsibilities, and decisions pertaining to the granting of licenses, revoking the same, suspending same, and the like, and all other matters pertaining to the control of alcoholic beverages as provided under this Chapter shall be vested in said Board as herein provided.

(b) The Alcoholic Beverage Commission shall furnish a copy of the issuance of any license, license renewal, suspension, revocation, appeals, minutes of Alcoholic Beverage Commission meetings and such other documents as the Alcoholic Beverage Commission may designate to the Board of Commissioners, County Attorney and Planning Director.

(c) The Planning Office shall, upon the filing of any appeal, suspension or revocation of an alcoholic beverage license or any decision concerning same, document the date and time of the filing thereof and shall furnish a copy of same instant to the Alcoholic Beverage Commission, County Attorney, Sheriff and Planning Director.

(d) The Alcoholic Beverage Commission shall meet no less than monthly at a designated and properly advertised time, date and location, and all meetings and other actions of the Alcoholic Beverage Commission shall otherwise comply with the State Open Meetings Act and State Open Records Act. Members of the Alcoholic Beverage Commission may be compensated for their service at a rate or amount established by the County Governing Authority.

Secs. 4-3—4-10. Reserved.

ARTICLE II. IN GENERAL

Secs. 4-11. Definitions.

Unless the context or the specific provisions of this section demand otherwise, the words and terms used herein shall have the definitions and meanings ascribed to them under O.C.G.A. title 3 or other provisions of State law applicable to alcoholic beverages.

Alcoholic beverages means any form of distilled or fermented beverage which contains alcohol, including malt beverages, wine and distilled spirits

Board means Alcoholic Beverage Commission, unless otherwise specified.

Brewer means a manufacturer of malt beverages.

Brewery means a place where malt beverages are manufactured or brewed.

Business location means the location or proposed location of a retail or wholesale outlet that sells alcoholic beverages.

Clerk means the clerk of the Alcoholic Beverage Commission, unless otherwise specified.

Convenience store means a business whose primary function is the sale of food and related merchandise and the sale of beer and wine at retail is incidental to the operation thereof. All malt beverages and wine must be located within the interior of any such outlet; and no such beverages shall be opened or consumed either inside or outside on the premises. Nothing in this section nor any section contained herein shall prohibit the use of a drive-in window at a convenience store outlet.

Food service establishment means any public place selling prepared food for consumption to the public on the premises, containing a minimum of 1,200 square feet of heated space devoted to eating and food preparation with a minimum of 25 percent of any such area to be devoted to kitchen and food preparation area, which derives at least 51 percent of its total annual gross sales from the sale of prepared meals.

Growler means a container made of a material customary to the industry provided that the container is capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container does not exceed 64 ounces and is filled by a licensee or employee of the licensed establishment with malt beverage drawn from a barrel, cask, tank, or keg.

Measured means the straight-line distance from the front door of the building in which the outlet or proposed outlet is located to the front door of the building of an involved institution or establishment, except as otherwise stated herein. The term "measured" means from the front door of the licensed facility to the nearest property line of the real property of a school.

Private Club means any nonprofit association organized under the laws of this state which has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter; has at least 75 regular dues-paying members; owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space as suitable kitchen and dining room space and equipment; and is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and has no member, officer, agent, or employee directly or indirectly receiving, in the form of

salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary, per O.C.G.A. 3-7-1(2).

Retail means a business whose primary function is the sale of alcoholic beverages packaged to go and not for consumption on the premises and the sale of food and related merchandise is incidental to the operation thereof. All alcoholic beverages must be located within the interior of any such outlet; and no such beverages shall be opened or consumed either inside or outside on the premises. Nothing in this section nor any section contained herein shall prohibit the use of a drive-in window at a retail outlet.

Retail manager means the person who does or will actually manage or operate a licensed outlet on a day-to-day basis.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Sec. 4-12. Necessity for license.

It shall be unlawful to manufacture, sell or offer to sell at wholesale or retail, within the County, provision of any quantity of alcoholic beverages in exchange for any consideration whatsoever without a license. A "sale" is not limited to the direct exchange of money for alcoholic beverages.

Licenses granted under this division shall be a mere grant or privilege during the term of said license, subject to all the terms and conditions imposed by this ordinance and any other related laws of the State of Georgia and this Code.

Sec. 4-13. Separate license for each outlet; non-transferability; surrender.

- (a) A separate license shall be required for each outlet selling alcoholic beverages, and a separate application shall be made for each location.
- (b) No license shall be transferable or assignable.
- (c) Immediately upon the sale or closing of an outlet, it shall be the duty of the licensee to surrender his license to the County.
- (d) A license issued under this Chapter shall be a mere grant or privilege during the term of said license subject to all the terms and conditions imposed by this article and division and any other related laws of the State of Georgia and this Code.

Sec. 4-14. Classification of licenses.

- (a) *Generally.* Licenses under this article shall be classified as follows:

- (1) *Retail Off-premises.* A store where alcoholic beverages are packaged to go and not for consumption on the premises.

(2) *Retail On-premises.* A bona fide food service establishment that offers for sale alcoholic beverages for consumption on-premises, or packaged to go, or both, subject to limits and regulations under state law.

(3) *Wholesaler or wholesale dealer.* Any person or business who sells alcoholic beverages to other wholesale dealers or retailers.

(4) *Production.* Any maker, producer or bottler of an alcoholic beverage. The term also means:

(a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;

(b) In the case of malt beverages, any brewer including a microbrewery or brewpub; and

(c) In the case of wine, any vintner including a farm winery.

(5) *Sample.* A location permitted to allow customers to lawfully taste a sample of an alcoholic beverage in order to make a selection or determination of whether to purchase the item sampled in a sealed container for off-premises consumption.

(6) *Special Event.* Any organized activity sponsored by a business, organization, corporation, association or individual having as its purpose entertainment, recreation, and/or education, such as a festival or celebration, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way or streets. The term "special event" shall not include an occasional family celebration, party, wedding, anniversary or private gathering.

(7) *In room service.* Refer to Sec. 4-321.

(b) *Fee established.* The amount of the annual license fee for each class shall be as set forth in the alcoholic beverage license fee schedule approved by resolution by the Walker County Board of Commissioners.

(c) The annual license fee shall not be prorated for any portion of a year and shall remain the full amount when said fiscal year expires with regard to the time the application is made.

(d) All license fees required under this chapter shall be paid prior to the issuance of any license.

(e) All license applicants shall be required to possess a County business license before an alcoholic beverage license shall be issued.

Sec. 4-15. Initial license application.

Application for an alcoholic beverage license shall be made as follows: Each initial applicant shall make written application to the Board for the privilege of engaging in the sale (specifying whether retail, wholesale, or manufacturer) of distilled spirits, malt beverages or wine, such application using forms approved by the Clerk or Deputy Clerk.

(1) The application shall be filed with the Planning Office along with a fee as set forth in the County fee schedule for a background check of the applicant and of the proposed location and processing of the application, which said fee is not refundable.

(2) The application shall state:

a. As to the applicant, full name, age, home address, business address, complete record of all convictions, guilty pleas and nolo contendere pleas for violations of all laws, local, State and Federal (except minor traffic violations).

b. As to the applicant's proposed outlet manager (if not the same as applicant), full name, age, home address, business address, complete record of all convictions, guilty pleas and pleas of nolo contendere for violations of all laws, local, State and Federal, (except minor traffic violations).

c. Exact location (street address) of proposed business outlet.

d. Name and address of owner or landlord and or resident manager of property proposed for the outlet location and whether or not there is a building proposed to be used already erected thereon.

e. Trade name (or proposed trade name) of proposed business outlet.

f. Such other information as may be required by the Board, Planning Office, Sheriff's Office or County Attorney from time to time.

(3) The application shall be sworn to.

(4) There shall be attached to the application a copy of applicant's application or proposed application for a license from the State of Georgia, if one is required.

Sec. 4-16. Action by Alcoholic Beverage Commission.

Within 7 days from the time the application is filed, the Clerk shall notify the Planning Director (or such other investigative officer as approved by the Board) and the Sheriff's Office, who shall conduct a criminal background check of the applicant and all aspects of the proposed outlet location and make a full report to the Board. The Clerk shall also refer said application, together with any objections filed, to the Board. The Board shall, after formal review of the applicant and proposed outlet location, direct the Clerk to issue or refuse the license for which application is made, upon payment of the appropriate fee. The Board shall either issue or refuse to issue the license for which application is made within 60 days from the time application is filed.

Sec. 4-17. Grounds for denial of license.

(a) *Prohibited location.* It shall be unlawful to grant a license for the sale of alcoholic beverages within the following areas of the County:

(1) Within a measured 300 feet of any church building, or of any public or private alcohol treatment center. The term "measured" is defined in Section 4-11. The term "building," as used herein, means a structure used, at the time the application for license is filed, for the purposes of a church, hospital, nursing rest home or alcohol treatment building. Additionally,

for the purpose of this article, a church is hereby defined as an organization for the purpose of preaching the gospel and other related religious activities located within a permanent structure either owned or leased by such organization. Said organization must consist of at least 15 adult members on its official rolls that meet on a regularly scheduled basis of not less than 30 times per year. Such organization must also qualify under the rules of Internal Revenue Service as an organization to which contributions may be deducted for Federal income tax purposes.

(2) Within 300 feet, measured in a straight line, from the nearest property line of any school or schoolhouse to the front door of the building in which the outlet is to be operated.

(3) In any existing building or establishment having a history of or reputation for prostitution or other sex offenses; fighting, shooting, or other violence; gambling; illegal dealing of alcoholic beverages or drugs; or other violations of the law.

(4) At least 300 feet must separate the front doors of retail package license holders.

(b) *Prohibited outlet building.* It shall be unlawful to grant a license for the sale of alcoholic beverages at retail stores which do not meet the requirements of section 4-20, except in cases where an outlet is adjacent to a freeway, or where the outlet is part of a campground, or private club from which visibility from a public street, road or highway would be impracticable.

(c) *Prohibited persons.* It shall be unlawful to grant a license for the sale of alcoholic beverages to:

(1) A person who has been convicted of or entered a plea of guilty or nolo contendere to either a felony, a crime of moral turpitude or an offense under O.C.G.A. title 3 related to alcoholic beverages within 10 years immediately prior to the filing of said application.

(2) A person whose license under this article has been revoked for cause or who has had a license of any type under this article revoked for cause within 2 years immediately prior to the filing of the application.

(3) A person, who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon first application.

(4) A person who is under the age of 21 years.

(5) An officer or employee of the County.

(6) Any partnership or corporation where an individual having the controlling interest, either as owner, partner, stockholder, director or officer, has been convicted of or entered a plea of guilty or nolo contendere to a felony, a crime of moral turpitude or an offense under O.C.G.A. title 3 related to alcoholic beverages within 10 years immediately prior to the filing of said application.

(d) *Additional considerations.* The Board in reaching its final determination on an initial application shall also be guided by the following factors as to whether to grant such license:

(1) The proximity of other outlets, giving due regard to the nature of the commercial area.

(2) The nature of the neighborhood immediately adjacent to the proposed outlet location, that is, whether the same is predominantly residential, industrial or commercial.

(3) The proximity of public parks and playgrounds.

- (4) Whether the proposed outlet location has adequate off-street parking facilities or other parking available for its patrons.
- (5) Currently existing or future County zoning ordinances.

Sec. 4-18. Renewal of licenses; denial.

- (a) All licenses shall be issued for a period of one year, the same to be the County's fiscal year running from October 1 through September 30 of the following calendar year and, provided the outlet continues to comply with the provisions of this article, shall be renewable as a matter of course upon payment of the appropriate fee.
- (b) Each licensee shall make written application for renewal on or before August 1 of each year on forms approved by the Clerk. Upon receipt of request for renewal by the Clerk, the renewal applications will be presented to the Planning Director and the Sheriff's Office who will review the application and make their recommendations to renew or not to renew. If the recommendation is to renew, then the Clerk shall issue the renewal license upon payment of the license fee. In the event the recommendation is not to renew, the application shall be referred to the Board for their consideration of renewal or rejection.
- (c) The Board shall grant the licensee a public hearing if the application for renewal is denied and the licensee shall be afforded complete due process of law on any hearing before the Board.
- (d) At the public hearing, the Board may grant, or deny for cause, the renewal of any license issued hereunder.
- (e) No license shall be issued for less than the 12-month fiscal year as herein provided, and in case of revocation or surrender of any license before the expiration of such County fiscal year, the holder thereof shall not be entitled to receive any refund whatsoever.

Sec. 4-19. Suspension and revocation of licenses.

- (a) *Summary action.*

(1) If at any time during the holding of a license granted under this article, it should appear that the licensee has violated the provisions of this article, or the applicable laws of the State or any Federal laws, or if it should appear that the application contained known false information, or if it appears necessary for the public safety, health and welfare, the Sheriff or his deputies, the Planning Director or his assistants who are acting under his authority, or any officially designated license inspector, may request the Board to suspend or revoke said licensee's license to sell any alcoholic beverages within the County.

(2) The Board shall hold a hearing on such request for a suspension or revocation and after such hearing, the Board may suspend or revoke said license or place said licensee on probation.

- (A) A probation or suspension issued by the Board may not exceed 3 months on first offense.
- (B) A probation or suspension issued by the Board may not exceed 6 months on a second offense.

(b) *Action by the Board.* The Board shall have full power and authority to revoke, refuse to renew, suspend or place on probation any license to sell or consume alcoholic beverages for a violation of this Chapter, or of the applicable State or Federal laws, or when said Board shall determine, after 5 days' notice and hearing that the operation of the licensed business is detrimental to the health, safety or welfare of the public. For the purpose of this section, it shall be sufficient if said notice is mailed, giving the time and place of the hearing by United States certified mail at the address of the licensee as shown in the application.

Sec. 4-20. Visibility and lighting of outlets.

Except as otherwise specifically excluded in this Chapter, no license shall be granted to a retailer under any provision or section of this chapter unless the front entrance to the outlet is clearly visible from a public street, road or highway, and the front of any said package sales outlet shall have a minimum window at least 3 feet by 4 feet, and no screen, blind, curtain, partition, article or things which shall prevent a clear view into the interior of the outlet shall be permitted in the window or upon the doors of any retail outlet. Each retail outlet shall be so lighted that the interior of the store or premises is visible day or night and all parking areas adjacent to or used in connection with said business shall be fully lighted and unobstructed. This section does not apply to state licensed farm wineries.

Sec. 4-21. No consumption on-premises.

Sam Long The retail licenses authorized under this Chapter shall be for retail sales in package only and there shall be no consumption on the premises of any outlet of any distilled spirits, malt beverages or wine unless said outlet has obtained the appropriate license for on-premises consumption under Article VI.

Sec. 4-22. Intoxicated persons.

No alcoholic beverages shall be sold to any noticeably intoxicated person, nor shall any intoxicated person be allowed to remain upon the premises of any outlet.

Sec. 4-23. Employees, drinking on-premises.

No employee of any outlet shall work in said outlet while intoxicated and no employee shall drink any distilled spirits, malt beverages or wine whatsoever while working and employed in any outlet.

Sec. 4-24. Sale to and/or possession by minors.

No alcoholic beverages shall be sold to a minor under any conditions whatsoever. No minor may purchase or possess any alcoholic beverage. A minor, for the purposes of this Chapter, shall be considered to be any person under 21 years of age.

Sec. 4-25. Minors on premises of retail package store selling distilled spirits.

Minors shall not be allowed to congregate or loiter on the premises of any retail store outlet selling distilled spirits.

Sec. 4-26. Licenses, posting.

All licenses required under this Chapter must be posted in a conspicuous place within the outlet, as required by law, and if said license is not so posted, the outlet shall not be authorized to continue business until the license is posted.

Sec. 4-27. Signage.

(a) All licensees hereunder shall post, in a manner which complies with O.C.G.A. § 3-1-5 in a conspicuous place, a sign which clearly reads: "Warning: Drinking Alcoholic Beverages during pregnancy can cause birth defects."

(b) Any licensee who fails or refuses to post such sign as required by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$100.00 for each violation.

(c) All other signage shall be otherwise governed by applicable federal, state, or local law, if any, and or applicable provisions of the Code of Walker County.

Sec. 4-28. Compliance with rules and regulations of health authorities and other ordinances.

All retail licensees under this article are hereby required to comply with all rules and regulations and requirements of the County Board of Health, State Board of Health and any and all other State, Federal and local authorized public health authorities. In addition, all retail licensees under this article are also required to comply at all times with any and all applicable ordinances of the County.

Sec. 4-29. Possession for the purpose of sale or resale.

It shall be unlawful for any person, firm or corporation to sell or possess for the purpose of sale or resale of any alcoholic beverages where such person, firm or corporation does not have a license from the County to sell or possess for sale or resale such beverages.

Sec. 4-30. Receipt of any delivery to retail licensee.

Alcoholic beverages shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the County to make deliveries. Receipt of alcoholic beverages by any other means by a retail licensee shall be grounds for revocation of a retail license.

Sec. 4-31. Manager of outlet; requirement for registration of manager.

If the person to whom any license under this Chapter is issued does not personally manage the outlet, the name of the manager of the outlet must also be registered with the Board, and the manager of the outlet must meet all the requirements of a person to whom a license could be granted hereunder. If such licensed outlet is not managed directly by the holder of the license, or there is no manager registered as provided thereunder who meets all the requirements hereunder, then said license may be suspended or revoked. If such a manager is changed, the holder of the license must notify the Clerk no later than 10 days from the date of the change of such manager and all information required hereunder with regard to managers shall also be furnished to the Clerk at said time.

Sec. 4-32. Package sales prohibited in certain establishments; exceptions.

The sale of alcoholic beverages by the package to be carried off the premises shall be prohibited in any restaurant, cafe, eating place, private club or in any establishment other than in a retail store, a grocery store or a state licensed farm winery owning a retail license for the sale of alcoholic beverages to be consumed off the premises, except for the removal of partially consumed bottles of wine as permitted by O.C.G.A. § 3-6-4.

Sec. 4-33. - Familiarity with chapter.

It shall be the duty of each licensee to maintain a copy of this Chapter on the premises, and to instruct each employee as to the terms thereof; and each licensee and employee shall at all times be familiar with this Chapter.

Sec. 4-34—4-99. Reserved.

ARTICLE III. EXCISE TAX

Sec. 4-100. Taxation.

In addition to the annual license fees required under this Chapter, there is hereby levied and imposed an excise tax which shall be paid to the County, as provided by Georgia laws, on all alcoholic beverages sold by each wholesale dealer within the area of the County. That excise tax shall be the maximum allowed by State law unless a lower tax rate is adopted by County resolution.

Sec. 4-101. Method of tax payment.

Unless otherwise specified by State law, tax shall be paid to the County by each wholesale dealer on all alcoholic beverages sold within the County not later than the 10th day of each month, based upon the units of alcoholic beverage sold during the previous calendar month by said wholesalers to retailers in the County.

Sec. 4-102. Payment of tax, report.

The wholesale dealer shall keep true and correct records of all sales and shipments and shall render a sworn statement of the name accompanying the monthly report to the Clerk and said report shall show the exact quantities of alcoholic beverages sold, by size and type of container and the amount of excise tax collected.

Sec. 4-103. County's right of audit.

The County shall have the right to audit, and to require production of records from each wholesaler supplying retailers in the area of the County, and also from each retailer so supplied.

Sec. 4-104. Failure to make a timely report and payment; penalty.

The failure to make a timely report and remittance of aforesaid taxes shall render a wholesale dealer liable for a penalty equal to 10 percent of the total amount due, in addition to the amount due; and additionally, if said report is not filed or if said taxes are not remitted and paid within 30 days from the date that the same are due, the County shall have the right to suspend and/or revoke any wholesale license, and further to prohibit said wholesaler from making any deliveries of any type whatsoever within the area of the County.

Sec. 4-105. Sale prohibited when tax not paid.

It shall be unlawful for any person to sell at retail or otherwise dispense beverages within the County on which the tax required in this division has not been paid to the wholesaler or distributor or to the County.

Secs. 4-106—4-199. Reserved.

ARTICLE IV. RETAIL PACKAGE SALES OF DISTILLED SPIRITS

Secs. 4-200. Limitation on number of licenses

- (a) It is the policy of the Board of Commissioners of Walker County that licensed establishments for the retail package sale of distilled spirits be regulated in such a way as to avoid their over-accumulation within one commission district and within Walker County as a whole.
- (b) As provided herein, no license shall be issued for retail package sales of distilled spirits unless the number of active retail distilled spirit licenses issued in Walker County is less than five (5) licenses per County Commission District. As an additional requirement, no license shall

be issued for the retail package sales of distilled spirits unless the number of active retail distilled spirit licenses issued within the same County Commission District is less than five (5).

(c) When additional licenses for the retail package sale of distilled spirits become available, new complete applications for licenses for retail package sales of distilled spirits shall be given priority in the order in which they are received. No applications shall be accepted or held at any time while the number of active licenses for retail package sales of distilled spirits exceeds the number of active licenses allowed for Walker County or for the Commission District where the applicant's business would be located. Any such license application inadvertently accepted shall be returned as incomplete in accordance with this Chapter.

(d) In the event there are multiple new simultaneously submitted valid applications for retail package sales of distilled spirits within a particular commission district such that if all were granted the total number of licensed establishments would exceed the limits imposed by subsection (b), priority shall be granted based in descending order beginning with the application whose proposed premises is the greater distance from the nearest other existing establishment within the same commission district. Nothing in this subsection shall be construed to allow new applications to be granted in such a way as to exceed the limits of subsection (b).

(e) A separate license shall be required for each location selling distilled spirits and a separate application shall be made for each outlet.

(f) All holders of licenses issued hereunder must, after the issuance of such license, open for business the establishment referred to in the license within 90 days if locating in an existing building or 365 days if construction has not begun on the building as of the date of license approval. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

(g) License holders of retail package sales of distilled spirits shall require that the alcoholic beverages purchased be placed in an opaque container before being removed from the store; provided, however, that this subparagraph shall not apply to the purchase of a 12-pack or larger container.

(h) No license holder for retail package sales of distilled spirits will be granted an additional license(s) until they have been open and operational for a minimum of 365 days.

Sec. 4-201. - Type of retail establishment where permitted.

~~(a) No distilled spirits shall be sold at retail except in establishments maintaining at least 90 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of products that are alcoholic and located in zoning districts that are permitted for such use. This section shall not be applicable to locations that are distilleries or micro-distilleries.~~

(a) No distilled spirits by the package shall be sold at retail except in:

(1) Retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package;

(2) Retail establishments in which space has been set aside devoted exclusively to the retail sale of distilled spirits by the package, with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building in which the facility is located, except as provided in subsection (a)(3) of this section; or

(3) In hotels or motels where every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary use structure.

(b) Exception; Nothing in this section shall prohibit the retail sale within these establishments of liquid commodities and mixes normally used in the preparation and serving of distilled spirits.

~~(b) — No license shall be issued for the retail sale of distilled spirits at any establishment licensed and operating self-service motor fuel dispensing pumps.~~

~~(c) — Tobacco products and lottery tickets may not be sold at a business that sells distilled spirits.~~

~~(d)~~(c) Each building must meet International Building Code standards and be a minimum of 1,500 square feet.

~~(e)~~(d) If the building is attached to another commercial business, the walls on either side must be solid with no access to each other.

Sec. 4-202. When sales are permitted.

(a) It shall be unlawful for any licensee or person employed by a licensee for retail package sales of distilled spirits, to sell, purchase, or transfer to others, any distilled spirits at any time on Sunday before the hour of 12:30 p.m. or after 11:30 p.m. or at any time before the hour of 8:00 a.m. or after 12:00 midnight on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday of each week;

(b) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on election days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell alcoholic beverages within 300 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Sec. 4-203. Price tags and labels.

Licensees shall plainly indicate the price of all distilled spirits exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below as such containers are placed. It shall be unlawful for any person to have in his possession, custody or control any distilled spirits for retail sale unless the container shall have firmly affixed thereto a label on which there is stated in plain words or figures, the true alcoholic content by volume of the alcoholic beverage.

Sec. 4-204. Visibility.

(a) Adequate visibility must be provided and maintained of the store front so that all activities within the store can be seen from the road or parking lot.

(b) All shelving must be perpendicular to the storefront from visibility except for the furthest most shelf from the front window.

(c) Interior lighting shall be fluorescent or LED and be at least 100 foot-candles in intensity; and the interior shall be so lighted that it is visible day or night.

(d) In addition to visibility requirements in Section 4-20, no advertising, screen, blind, curtain, partition, article of thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors, and no booth, screen, partition, or other obstructions shall be permitted within the interior.

Secs. 4-205—4-219. Reserved.

ARTICLE V. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

Sec. 4-220. License required.

- (a) A separate license shall be required for each location selling malt beverages or wine, and a separate application shall be made for each outlet.
- (b) Licenses are issued individually by beverage classification.
 - (1) A separate license is required for the sale of malt beverages by the package
 - (2) A separate license is required for the sale of wine by the package.
 - (3) A distilled spirits licensee who desires to also sell wine also needs a wine license.
 - (4) A distilled spirits licensee who desires to also sell malt beverages also needs a malt beverage license.

Sec. 4-221. When sales are permitted.

- (a) Licensees for package sales of malt beverages or wine may engage in sales Monday through Saturday 24 hours per day and Sunday from 12:30 p.m. through 11:30 p.m.; provided they do not also hold a license for packaged distilled spirits. If the licensee holds both a malt beverage and distilled spirits license or a wine and distilled spirits license, refer to section 4-202 for hours of operation.
- (b) There shall be no sales of alcoholic beverages on any day on which sales of alcoholic beverages are prohibited by the laws of the State of Georgia.
- (c) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on elections days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell alcoholic beverages within 300 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Secs. 4-222—4-229. Reserved.

ARTICLE VI. RETAIL SALES OF ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION

Sec. 4-230. License issuance authorized.

Licenses for the sale of malt beverages, wine and distilled spirits for on-premises consumption shall be a mere grant or privilege during the term of said license, subject to all the terms and conditions imposed by this article and division, and any other related laws of the State of Georgia and this Code. A license for on-premises consumption may be issued as provided in this article.

Sec. 4-231. Business hours of outlets.

Licensees for on-premises consumption of malt beverages, wine, and/or distilled spirits shall not engage in the sale of same except between the hours of 8:00 a.m. through 12:00 midnight on Monday through Thursday and 8:00 a.m. through 1:00 a.m. on Friday and Saturday and 11:00 a.m. through 12:00 midnight on Sunday.

Sec. 4-232. License.

An applicant for an on-premises consumption license shall be required to submit an application as is set forth in this article and pursuant to the requirements of O.C.G.A. § 3-3-2. An application for a license may be denied upon the grounds as is set forth in Article II.

Sec. 4-233. Laws and regulations adopted.

The State laws and regulations as they now exist or as they may be changed from time to time, relating to the sale and distribution of alcoholic beverages in Georgia, as revised and promulgated by the General Assembly of the State and by the State Revenue Department, and especially as they relate to wholesale, retail package sales, and retail sales for consumption on the premises, are hereby incorporated into and made a part of this article as if fully set out herein. Said laws and regulations are made applicable to all portions of this article, including this division.

Sec. 4-234. Business application.

(a) Except as otherwise specifically provided for in this article, no retail consumption license shall be issued to any person unless the business or proposed business to be licensed hereunder is a bona fide food service establishment or a bona fide private club, as defined in Section 4-11.

(b) Applicants possessing all of the necessary qualifications for the issuance of a license for the sale of malt beverages, wine and/or distilled spirits for consumption on the premises shall be required to possess a County business license and the appropriate State, County, and County Health Department certificates for the sale and service of food and beverages to the general public with a seating capacity of not less than 50 people. It shall be further required of applicants as a condition to the issuance of a license for the sale of alcoholic beverages for consumption on the premises, that said sale of alcoholic beverages shall be ancillary to the

primary business of the serving of food and that the service of food shall consist of at least 51 percent of the gross receipts of the business applying for said license. The licensee shall be required at all reasonable times and places as designated by the Alcoholic Beverage Commission, to produce financial records and documentation as may be required by the Alcoholic Beverage Commission. The requirements contained herein shall not apply to a farm winery or sample license described in Article VII.

Sec. 4-235. Open area and patio sales.

The consumption and/or sale of alcoholic beverages by outlets possessing a license for on-premises consumption shall be allowed in open areas and patios, provided that such open areas and patios are separated from areas in which consumption of alcoholic beverages is prohibited by a physical barrier, fence, rail or similar structure sufficient to prevent ingress and egress by a person except through a controlled access point and, further provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such establishment, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress. If the designated area is separated from the licensee's premises so that it is necessary to traverse public property to get from one location to another, it shall be unlawful for alcoholic beverages to be carried from the premises to the designated area or vice versa by anyone except the licensee or the licensee's employees.

Sec. 4-236. Sale of mixed drinks for off-premises consumption.

(a) Food service establishments licensed to sell distilled spirits for consumption on the premises are allowed to sell mixed drinks for off-premises consumption in approved containers under certain conditions, per O.C.G.A. § 3-3-11.

(b) *Approved container* means a tamper evident container that:

(1) Does not contain openings or straw holes;

(2) Is sealed in a manner that is visibly apparent if the container has been subsequently opened or tampered with;

(3) Has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.

(c) *Curbside pick-up* means when a licensee furnishes purchased goods to a customer's vehicle within a clearly designated pick-up area located within a paved parking area adjacent to the licensed premises.

(d) *Mixed drink* means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that:

(1) Is prepared on the day of sale by an employee of the licensee;

(2) Contains no more than 3 ounces of distilled spirits;

(3) Is sealed in an approved container.

(4) Is sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entree ordered;

(5) Accompanied by a food order and a sales receipt with a timestamp that indicates the date and time of such purchases;

(6) Sold for personal use and not for resale and picked up in person by the same individual customer to whom the mixed drinks and entrees were sold and from whom the food service establishment received payment; provided, however, that such individual customer shall not include a delivery service or third-party agent; and

(7) Furnished with the accompanying food order to the customer on the premises or by way of curbside pick-up.

(8) If transported in a motor vehicle, the customer shall place the mixed drink in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(9) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with O.C.G.A. § 3-4-130 through 3-4-133.

Sec. 4-237. Special event beverage license.

(a) Notwithstanding any provisions to the contrary, the Alcoholic Beverage Commission shall have authority to issue a special event license for the sale of alcoholic beverages. The issuance of a special event license for alcohol sales shall be conditioned upon obtaining a separate additional special event permit approved by the Planning Commission Office and compliance with other county ordinances, state laws and such other terms as the Board may require in its discretion.

(b) The applicant for any special event license shall be responsible for the provision of local law enforcement and sanitation services within the boundaries of the event, and for the grant of the license privilege, the Planning Director, Public Works Director, the Sheriff, and the Fire Chief shall approve the impacted government services. In addition, each department of the government reviewing an application may recommend in writing certain recommendations or restrictions as deemed necessary to facilitate the event, to comply with other laws or regulations and or to ensure the safety, health and welfare of the community. Applicants shall further be responsible for compliance with all laws at a special event, including, but not limited to, preventing underage consumption of alcoholic beverages.

(c) The Planning Director, Sheriff or Fire Chief or their representative or their respective designee, may terminate any activity, whether a portion of or the entire event, which does not meet the requirements upon which the special event license was issued. Upon notification to the applicant to cease any activity, the activity so ordered to be ceased shall immediately be terminated and the continuation of said unauthorized activity shall be unlawful and may subject the applicant to criminal and civil sanctions.

Sec. 4-238. Private clubs.

Private clubs that meet State requirements under O.C.G.A. § 3-7-2 and other State law requirements may be licensed for the sale of alcoholic beverages, including distilled spirits, by the drink for consumption on the premises. The Board may issue a license for all activities authorized by State law, unless otherwise prohibited by this article.

Sec. 4-239. Caterers.

Caterers may be issued additional alcoholic beverage licenses as allowed by State law. State law currently provides caterers that hold alcoholic beverage licenses may obtain

additional alcoholic beverage licenses from the same local government that grants their on-premises license for off-premises sales and be charged an additional license fee, provided that the combined license fees do not exceed \$5,000.00 annually (O.C.G.A. § 3-11-2).

Caterers engaging in off-premises catered special events outside of their primary licensing authority may be charged a permit fee in an amount to be determined by the Board of Commissioners per event, as well as excise taxes by the local government into which the alcoholic beverages have been brought (O.C.G.A. § 3-11-3). Caterers may only serve alcoholic beverages at catered events that are legal to be sold in the jurisdiction where the event is held. Caterers may not employ anyone under the age of 21 to sell or serve alcohol.

Sec. 4-240. Indemnification of County/liability.

As a condition of issuance of any license under any article of this chapter, the approved applicant shall indemnify, hold harmless, release and defend the County, County officials, and officers and employees from and against any and all liability, loss, suits, claims, damages, cost, judgments and expenses including attorney's fees and cost of litigation which in whole or in part result from, or arise out of, or are claimed to result from or to arise out of any acts, negligence, errors, or omissions of applicant, applicant's employees, representatives, contractors, subcontractors, or other agents whatsoever, and without limitations.

Secs. 4-241—4-299. Reserved.

ARTICLE VII. FARM WINERIES, BREWPUBS, BREWERIES AND DISTILLERIES AND GROWLER SALES

Sec. 4-300. License required.

(a) No person shall be permitted to operate a farm winery, brewpub, brewery, micro-brewery, distillery, or micro-distillery without first obtaining an applicable license from the State of Georgia and the County pursuant to this Chapter.

(b) All licensees under this article shall pay all state and local license fees and excise taxes applicable to individuals licensed

Sec. 4-301. Farm wineries.

Farm wineries are domestic manufacturers of wine located on the premises where agricultural products are cultivated for use in the making of the wine sold. These locations may sell their wine on the premises, provided that they have a State and local license. Farm wineries are subject to local license fees and excise taxes (O.C.G.A. § 3-6-21.1 et seq.).

Sec. 4-302. Brewpubs.

(a) A brewpub license authorizes the holder of such license to:

- (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverage in a calendar year solely for retail sale.
 - (2) Operate an eating establishment complying with all requirements of the definition of "*food service establishment*" as defined in section 4-11, and shall be the sole retail outlet for such malt beverage and may offer for sale for consumption on-premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer.
 - (3) Sell up to a maximum of 5,000 barrels annually of such malt beverage to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.
 - (4) Sell malt beverages manufactured on the premises by the package at retail for consumption off the premises. This includes the filling of growlers 64 ounces or less.
- (b) Possession of a brewpub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.

Sec. 4-303. Breweries and Micro-breweries.

- (a) A licensed brewery or micro-brewery is authorized to manufacture malt beverages for sale primarily to wholesale dealers.
- (b) A licensed brewery or micro-brewery shall comply with O.C.G.A. § 3-5-24.1 relating to the limited sale of malt beverages to the public for onsite consumption or offsite package sales and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the county. No additional local license is required for the limited sale of malt beverages produced at the micro-brewer's licensed premises.
- (d) A brewery or micro-brewery shall not dispense more than 24 ounces of malted beverages brewed and consumed onsite within a four-hour period to any individual except when food is being provided by a third-party vendor, the consumer or the licensee; or as may be permitted by state law.
- (e) During events, concerts, celebrations or large gatherings representing a special purpose or event, the brewer shall ensure that food is provided by a third-party vendor or the group in attendance.
- (g) Except as set forth in this section, a brewery or micro-brewery licensee shall be subject to all other provisions of this chapter.

Sec. 4-304. Distilleries and Micro-distilleries.

- (a) A licensed distillery or micro-distillery is authorized to manufacture distilled spirits for sale to wholesale dealers and consumers.
- (b) A licensed distillery or micro-distillery shall comply with O.C.G.A. § 3-4-24.2 relating to the limited sale of distilled spirits to the public for onsite consumption and may sell on all days and at times that sales of distilled spirits by retailers are lawful within the county. No

additional local license is required for the limited sale of distilled spirits produced at the distillery's licensed premises.

- (c) A distillery or micro-distillery shall not dispense more than six ounces of distilled spirits manufactured and consumed onsite within a four-hour period to any individual except when food is provided by a third-party vendor, the consumer or the licensee; or as may be permitted by state law.
- (d) A distillery or micro-distillery shall not be permitted at a location that is not properly zoned for that use.
- (e) During events, concerts, celebrations or large gatherings representing a special purpose or event the distiller shall ensure that food is provided by a third-party vendor or the group in attendance.
- (f) Except as set forth in this section, a distillery licensee shall be subject to all other provisions of this chapter.

Sec. 4-305. Growler sales.

Businesses licensed to sell malted beverages by the package may also fill growlers with malt beverages at the licensed location subject to the following requirements:

- (1) At least 90 percent of the licensee's total sales from alcohol sales are from packaged sale of malt beverages or wine and the licensee's premises have a minimum of 400 square feet of floor space dedicated to the display of packaged malt beverages or wine offered for sale.
- (2) A growler shall not exceed 64 ounces. Growlers may only be filled from kegs or barrels procured by the licensee from a duly licensed wholesaler or brewpub.
- (3) Only professionally sanitized and sealed growlers may be filled and made available for retail sale. The filled growler must be securely sealed on the premises with a tamper-proof cap and seal. Each filled growler must be removed from the premises in a securely sealed condition. No open growler container shall be removed from the licensed premises.

Sec. 4-306. Samples of wine or malt beverages on tap for purchase in sealed containers for off-premises consumption.

- (a) A license for the sampling of package malt beverages or wine may be issued to give or sell samples of tap malt beverages for growlers or wine offered for purchase in sealed containers for off-premises consumption. The fee for said license is set forth in the alcoholic beverage license fee schedule and said license shall be subject to the application and all other requirements of this article.
- (b) A sample shall not exceed 3 ounces, nor shall an individual be offered more than 3 samples within a 24-hour period.
- (c) The intent of the sample license is to permit customers to lawfully taste a sample of a tap malt beverage or wine on-premises in order to make a selection or determination of whether to purchase the malt beverage or wine sampled in a sealed container for off-premises consumption.
- (d) The licensee shall comply with all state, federal and local packaging and labeling laws regarding alcoholic beverages.

Secs. 4-307-319. Reserved.

ARTICLE VIII. HOTEL IN-ROOM SERVICE

Sec. 4-320. License.

- (a) Any hotel as defined in O.C.G.A § 3-9-10 may provide in-room service of alcoholic beverages after obtaining proper state and local licensure for the same in accordance with the terms of this chapter.
- (b) The sale of alcoholic beverages by in-room service shall be subject to all restrictions and limitations imposed by this chapter and shall be authorized only on such days and only during such hours as the sale of alcoholic beverages with the exception that in-room delivery of alcoholic beverages to guests may extend to 1:00 a.m.

Sec. 4-321 In-room service.

- (a) For purposes of this chapter, "in-room service" consists of:
 - (1) The delivery of alcoholic beverages by an employee of the hotel to a registered guest's room when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; or
 - (2) The provision of a cabinet, refrigerator, mini-bar or other facility located in a hotel guest room which contains alcoholic beverages, and which is accessible only to the guest and for which the sale of alcoholic beverages contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.
- (b) In order to be eligible for an in-room service license, a hotel must:
 - (1) Be used and held out to the public as a place where sleeping accommodations are offered to guests for adequate pay, and meet other standards and conditions of a "hotel" as defined in this chapter or other codes of the county; and
 - (2) Contain six or more separate and distinct rooms used for the sleeping accommodations of guests.
- (c) A hotel may consist of a single building or may consist of two or more buildings located on the same premises and used in connection with the hotel operation.
- (d) A facility which is styled as an inn, bed and breakfast or other similar appellation may be licensed as a hotel if it meets the requirements of this article.

Sec. 4-322. General provisions.

All alcoholic beverages sold pursuant to this article shall be purchased from a licensed wholesale dealer and shall be subject to all taxes imposed under this chapter and county code, including the excise tax on the retail sale by the drink of alcoholic beverages.

Secs. 4-323-399. Reserved.

ARTICLE IX. THE CIVIC CENTER AND ANY OTHER COUNTY FACILITY

Sec. 4-400. Applicability of section.

All other sections of this article not inconsistent with this Chapter shall apply. In the event of a conflict between any other provisions of this article and the provisions of this Chapter, the provisions of this article shall control unless otherwise stated. Notwithstanding the above, no provision of this Article shall be in effect if it is in violation of a County ordinance or State law.

Sec. 4-401. License authorized and required.

A person is required to apply for and to obtain a license to sell or pour any alcoholic beverages for on-premises consumption within the confines of the Civic Center or another County facility. The costs of such licenses shall be the same as the costs for a special event as provided in Section 4-14(a)(6). Any third party (whether caterer or otherwise) desiring to sell alcoholic beverages for on-premises consumption at the Civic Center or another County facility shall first be required to obtain a special event alcoholic beverage license.

Sec. 4-402. Minimum policy guidelines.

The following shall be the minimum policy guidelines the Civic Center and any other County facility shall use in regulating the consumption and sale of alcoholic beverages on the premises of the Civic Center and any other County facility:

- (1) No alcoholic beverage shall be sold, dispensed or given away at youth-oriented events. The Civic Center or other facility management, in its sole discretion, will determine whether an event is youth oriented.
- (2) No alcoholic beverage shall be sold, dispensed or given away to anyone under 21 years of age. It shall be the policy of the County to ensure that identification of those who purchase or consume alcoholic beverages are checked to determine whether the person is 21 years of age or older.
- (3) The selling and dispensing of alcoholic beverages shall be curtailed a minimum of 30 minutes prior to the conclusion of a public event.
- (4) Only designated areas shall be used for selling or dispensing or consuming alcoholic beverages. These areas are to be designated by the facility management.
- (5) Alcoholic beverages shall not be permitted to be taken outside the Civic Center building or outside the premises of any other County facility.
- (6) Only a licensee possessing the appropriate license is be permitted to sell or dispense alcoholic beverages.

(7) Food must be served and/or offered for sale during any period of time that alcoholic beverages are served at either the Civic Center or any other County facility.



ORDINANCE O-04-23

AN ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF WALKER COUNTY, GEORGIA REGARDING ALCOHOLIC BEVERAGES; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ANY AND ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners is the governing authority for Walker County, Georgia; and

WHEREAS, on November 8, 2022, Walker County voters approved a referendum to allow the governing authority to regulate the retail package sales of distilled spirits in accordance with O.C.G.A § 3-4-41(a); and

WHEREAS, Walker County desires to amend its Alcoholic Beverages Code to provide for the licensing of retail package sales of distilled spirits, along with other revisions;

THEREFORE, BE IT ORDAINED by the Board of Commissioners of Walker County that Chapter 4 of the Code of Walker County, Georgia is repealed and replaced with the following:

1.

[The body of the Code begins on the next page]

Chapter 4 ALCOHOLIC BEVERAGES

ARTICLE I – ALCOHOLIC BEVERAGE COMMISSION

Sec. 4-1. Established.

The Chairperson, with approval of the Board of Commissioners, shall appoint a 5-member Alcoholic Beverage Commission, independent of the County Governing Authority. Other than the appointment of the initial Alcoholic Beverage Commission, each member appointed shall serve a 3-year term from the date of his appointment. If for any reason any member of the Alcoholic Beverage Commission is no longer serving his term, the Chairperson shall recommend to the Board of Commissioners a replacement to complete the remainder of the member's term.

The Chairperson, with approval of the Board of Commissioners, shall recommend one of the members of the Alcoholic Beverage Commission to serve as its Chair for the remainder of his term. The Chair shall moderate all meetings of the Alcoholic Beverage Commission during his term of office, but shall have no executive functions or powers greater than the other members of the Alcoholic Beverage Commission. The Chair shall serve as same for the remainder of his term upon the Alcoholic Beverage Commission and shall remain a voting member while holding this designation. A quorum of 3 members of the Alcoholic Beverage Commission shall be necessary at any meeting for the transaction of any business.

Sec. 4-2. Powers and duties.

(a) The Alcoholic Beverage Commission shall have all the powers, duties and responsibilities as are granted to them by the terms and provisions of this entire Chapter, and all other provisions of State law as may be applicable to the sale of alcoholic beverages. It is the intent of this article that all of the duties, responsibilities, and decisions pertaining to the granting of licenses, revoking the same, suspending same, and the like, and all other matters pertaining to the control of alcoholic beverages as provided under this Chapter shall be vested in said Board as herein provided.

(b) The Alcoholic Beverage Commission shall furnish a copy of the issuance of any license, license renewal, suspension, revocation, appeals, minutes of Alcoholic Beverage Commission meetings and such other documents as the Alcoholic Beverage Commission may designate to the Board of Commissioners, County Attorney and Planning Director.

(c) The Planning Office shall, upon the filing of any appeal, suspension or revocation of an alcoholic beverage license or any decision concerning same, document the date and time of the filing thereof and shall furnish a copy of same instant to the Alcoholic Beverage Commission, County Attorney, Sheriff and Planning Director.

(d) The Alcoholic Beverage Commission shall meet no less than monthly at a designated and properly advertised time, date and location, and all meetings and other actions of the Alcoholic Beverage Commission shall otherwise comply with the State Open Meetings Act and State Open Records Act. Members of the Alcoholic Beverage Commission may be compensated for their service at a rate or amount established by the County Governing Authority.

Secs. 4-3—4-10. Reserved.

ARTICLE II. IN GENERAL

Secs. 4-11. Definitions.

Unless the context or the specific provisions of this section demand otherwise, the words and terms used herein shall have the definitions and meanings ascribed to them under O.C.G.A. title 3 or other provisions of State law applicable to alcoholic beverages.

Alcoholic beverages means any form of distilled or fermented beverage which contains alcohol, including malt beverages, wine and distilled spirits

Board means Alcoholic Beverage Commission, unless otherwise specified.

Brewer means a manufacturer of malt beverages.

Brewery means a place where malt beverages are manufactured or brewed.

Business location means the location or proposed location of a retail or wholesale outlet that sells alcoholic beverages.

Clerk means the clerk of the Alcoholic Beverage Commission, unless otherwise specified.

Convenience store means a business whose primary function is the sale of food and related merchandise and the sale of beer and wine at retail is incidental to the operation thereof. All malt beverages and wine must be located within the interior of any such outlet; and no such beverages shall be opened or consumed either inside or outside on the premises. Nothing in this section nor any section contained herein shall prohibit the use of a drive-in window at a convenience store outlet.

Food service establishment means any public place selling prepared food for consumption to the public on the premises, containing a minimum of 1,200 square feet of heated space devoted to eating and food preparation with a minimum of 25 percent of any such area to be devoted to kitchen and food preparation area, which derives at least 51 percent of its total annual gross sales from the sale of prepared meals.

Growler means a container made of a material customary to the industry provided that the container is capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container does not exceed 64 ounces and is filled by a licensee or employee of the licensed establishment with malt beverage drawn from a barrel, cask, tank, or keg.

Measured means the straight-line distance from the front door of the building in which the outlet or proposed outlet is located to the front door of the building of an involved institution or establishment, except as otherwise stated herein. The term "measured" means from the front door of the licensed facility to the nearest property line of the real property of a school.

Private Club means any nonprofit association organized under the laws of this state which has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this chapter; has at least 75 regular dues-paying members; owns, hires, or leases a building or space within a building for the reasonable use of its members, which building or space as suitable kitchen and dining room space and equipment; and is staffed with a sufficient number of employees for cooking, preparing, and serving meals for its members and guests; and has no member, officer, agent, or employee directly or indirectly receiving, in the form of

salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary, per O.C.G.A. 3-7-1(2).

Retail means a business whose primary function is the sale of alcoholic beverages packaged to go and not for consumption on the premises and the sale of food and related merchandise is incidental to the operation thereof. All alcoholic beverages must be located within the interior of any such outlet; and no such beverages shall be opened or consumed either inside or outside on the premises. Nothing in this section nor any section contained herein shall prohibit the use of a drive-in window at a retail outlet.

Retail manager means the person who does or will actually manage or operate a licensed outlet on a day-to-day basis.

Wholesaler means any person who sells alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers.

Sec. 4-12. Necessity for license.

It shall be unlawful to manufacture, sell or offer to sell at wholesale or retail, within the County, provision of any quantity of alcoholic beverages in exchange for any consideration whatsoever without a license. A "sale" is not limited to the direct exchange of money for alcoholic beverages.

Licenses granted under this division shall be a mere grant or privilege during the term of said license, subject to all the terms and conditions imposed by this ordinance and any other related laws of the State of Georgia and this Code.

Sec. 4-13. Separate license for each outlet; non-transferability; surrender.

- (a) A separate license shall be required for each outlet selling alcoholic beverages, and a separate application shall be made for each location.
- (b) No license shall be transferable or assignable.
- (c) Immediately upon the sale or closing of an outlet, it shall be the duty of the licensee to surrender his license to the County.
- (d) A license issued under this Chapter shall be a mere grant or privilege during the term of said license subject to all the terms and conditions imposed by this article and division and any other related laws of the State of Georgia and this Code.

Sec. 4-14. Classification of licenses.

- (a) *Generally.* Licenses under this article shall be classified as follows:
 - (1) *Retail Off-premises.* A store where alcoholic beverages are packaged to go and not for consumption on the premises.

(2) *Retail On-premises.* A bona fide food service establishment that offers for sale alcoholic beverages for consumption on-premises, or packaged to go, or both, subject to limits and regulations under state law.

(3) *Wholesaler or wholesale dealer.* Any person or business who sells alcoholic beverages to other wholesale dealers or retailers.

(4) *Production.* Any maker, producer or bottler of an alcoholic beverage. The term also means:

(a) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;

(b) In the case of malt beverages, any brewer including a microbrewery or brewpub; and

(c) In the case of wine, any vintner including a farm winery.

(5) *Sample.* A location permitted to allow customers to lawfully taste a sample of an alcoholic beverage in order to make a selection or determination of whether to purchase the item sampled in a sealed container for off-premises consumption.

(6) *Special Event.* Any organized activity sponsored by a business, organization, corporation, association or individual having as its purpose entertainment, recreation, and/or education, such as a festival or celebration, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way or streets. The term "special event" shall not include an occasional family celebration, party, wedding, anniversary or private gathering.

(7) *In room service.* Refer to Sec. 4-321.

(b) *Fee established.* The amount of the annual license fee for each class shall be as set forth in the alcoholic beverage license fee schedule approved by resolution by the Walker County Board of Commissioners.

(c) The annual license fee shall not be prorated for any portion of a year and shall remain the full amount when said fiscal year expires with regard to the time the application is made.

(d) All license fees required under this chapter shall be paid prior to the issuance of any license.

(e) All license applicants shall be required to possess a County business license before an alcoholic beverage license shall be issued.

Sec. 4-15. Initial license application.

Application for an alcoholic beverage license shall be made as follows: Each initial applicant shall make written application to the Board for the privilege of engaging in the sale (specifying whether retail, wholesale, or manufacturer) of distilled spirits, malt beverages or wine, such application using forms approved by the Clerk or Deputy Clerk.

(1) The application shall be filed with the Planning Office along with a fee as set forth in the County fee schedule for a background check of the applicant and of the proposed location and processing of the application, which said fee is not refundable.

(2) The application shall state:

a. As to the applicant, full name, age, home address, business address, complete record of all convictions, guilty pleas and nolo contendere pleas for violations of all laws, local, State and Federal (except minor traffic violations).

b. As to the applicant's proposed outlet manager (if not the same as applicant), full name, age, home address, business address, complete record of all convictions, guilty pleas and pleas of nolo contendere for violations of all laws, local, State and Federal, (except minor traffic violations).

c. Exact location (street address) of proposed business outlet.

d. Name and address of owner or landlord and or resident manager of property proposed for the outlet location and whether or not there is a building proposed to be used already erected thereon.

e. Trade name (or proposed trade name) of proposed business outlet.

f. Such other information as may be required by the Board, Planning Office, Sheriff's Office or County Attorney from time to time.

(3) The application shall be sworn to.

(4) There shall be attached to the application a copy of applicant's application or proposed application for a license from the State of Georgia, if one is required.

Sec. 4-16. Action by Alcoholic Beverage Commission.

Within 7 days from the time the application is filed, the Clerk shall notify the Planning Director (or such other investigative officer as approved by the Board) and the Sheriff's Office, who shall conduct a criminal background check of the applicant and all aspects of the proposed outlet location and make a full report to the Board. The Clerk shall also refer said application, together with any objections filed, to the Board. The Board shall, after formal review of the applicant and proposed outlet location, direct the Clerk to issue or refuse the license for which application is made, upon payment of the appropriate fee. The Board shall either issue or refuse to issue the license for which application is made within 60 days from the time application is filed.

Sec. 4-17. Grounds for denial of license.

(a) *Prohibited location.* It shall be unlawful to grant a license for the sale of alcoholic beverages within the following areas of the County:

(1) Within a measured 300 feet of any church building, or of any public or private alcohol treatment center. The term "measured" is defined in Section 4-11. The term "building," as used herein, means a structure used, at the time the application for license is filed, for the purposes of a church, hospital, nursing rest home or alcohol treatment building. Additionally,

for the purpose of this article, a church is hereby defined as an organization for the purpose of preaching the gospel and other related religious activities located within a permanent structure either owned or leased by such organization. Said organization must consist of at least 15 adult members on its official rolls that meet on a regularly scheduled basis of not less than 30 times per year. Such organization must also qualify under the rules of Internal Revenue Service as an organization to which contributions may be deducted for Federal income tax purposes.

(2) Within 300 feet, measured in a straight line, from the nearest property line of any school or schoolhouse to the front door of the building in which the outlet is to be operated.

(3) In any existing building or establishment having a history of or reputation for prostitution or other sex offenses; fighting, shooting, or other violence; gambling; illegal dealing of alcoholic beverages or drugs; or other violations of the law.

(4) At least 300 feet must separate the front doors of retail package license holders.

(b) *Prohibited outlet building.* It shall be unlawful to grant a license for the sale of alcoholic beverages at retail stores which do not meet the requirements of section 4-20, except in cases where an outlet is adjacent to a freeway, or where the outlet is part of a campground, or private club from which visibility from a public street, road or highway would be impracticable.

(c) *Prohibited persons.* It shall be unlawful to grant a license for the sale of alcoholic beverages to:

(1) A person who has been convicted of or entered a plea of guilty or nolo contendere to either a felony, a crime of moral turpitude or an offense under O.C.G.A. title 3 related to alcoholic beverages within 10 years immediately prior to the filing of said application.

(2) A person whose license under this article has been revoked for cause or who has had a license of any type under this article revoked for cause within 2 years immediately prior to the filing of the application.

(3) A person, who at the time of application for renewal of any license issued hereunder, would not be eligible for such license upon first application.

(4) A person who is under the age of 21 years.

(5) An officer or employee of the County.

(6) Any partnership or corporation where an individual having the controlling interest, either as owner, partner, stockholder, director or officer, has been convicted of or entered a plea of guilty or nolo contendere to a felony, a crime of moral turpitude or an offense under O.C.G.A. title 3 related to alcoholic beverages within 10 years immediately prior to the filing of said application.

(d) *Additional considerations.* The Board in reaching its final determination on an initial application shall also be guided by the following factors as to whether to grant such license:

(1) The proximity of other outlets, giving due regard to the nature of the commercial area.

(2) The nature of the neighborhood immediately adjacent to the proposed outlet location, that is, whether the same is predominantly residential, industrial or commercial.

(3) The proximity of public parks and playgrounds.

- (4) Whether the proposed outlet location has adequate off-street parking facilities or other parking available for its patrons.
- (5) Currently existing or future County zoning ordinances.

Sec. 4-18. Renewal of licenses; denial.

- (a) All licenses shall be issued for a period of one year, the same to be the County's fiscal year running from October 1 through September 30 of the following calendar year and, provided the outlet continues to comply with the provisions of this article, shall be renewable as a matter of course upon payment of the appropriate fee.
- (b) Each licensee shall make written application for renewal on or before August 1 of each year on forms approved by the Clerk. Upon receipt of request for renewal by the Clerk, the renewal applications will be presented to the Planning Director and the Sheriff's Office who will review the application and make their recommendations to renew or not to renew. If the recommendation is to renew, then the Clerk shall issue the renewal license upon payment of the license fee. In the event the recommendation is not to renew, the application shall be referred to the Board for their consideration of renewal or rejection.
- (c) The Board shall grant the licensee a public hearing if the application for renewal is denied and the licensee shall be afforded complete due process of law on any hearing before the Board.
- (d) At the public hearing, the Board may grant, or deny for cause, the renewal of any license issued hereunder.
- (e) No license shall be issued for less than the 12-month fiscal year as herein provided, and in case of revocation or surrender of any license before the expiration of such County fiscal year, the holder thereof shall not be entitled to receive any refund whatsoever.

Sec. 4-19. Suspension and revocation of licenses.

- (a) *Summary action.*

(1) If at any time during the holding of a license granted under this article, it should appear that the licensee has violated the provisions of this article, or the applicable laws of the State or any Federal laws, or if it should appear that the application contained known false information, or if it appears necessary for the public safety, health and welfare, the Sheriff or his deputies, the Planning Director or his assistants who are acting under his authority, or any officially designated license inspector, may request the Board to suspend or revoke said licensee's license to sell any alcoholic beverages within the County.

(2) The Board shall hold a hearing on such request for a suspension or revocation and after such hearing, the Board may suspend or revoke said license or place said licensee on probation.

- (A) A probation or suspension issued by the Board may not exceed 3 months on first offense.
- (B) A probation or suspension issued by the Board may not exceed 6 months on a second offense.

(b) *Action by the Board.* The Board shall have full power and authority to revoke, refuse to renew, suspend or place on probation any license to sell or consume alcoholic beverages for a violation of this Chapter, or of the applicable State or Federal laws, or when said Board shall determine, after 5 days' notice and hearing that the operation of the licensed business is detrimental to the health, safety or welfare of the public. For the purpose of this section, it shall be sufficient if said notice is mailed, giving the time and place of the hearing by United States certified mail at the address of the licensee as shown in the application.

Sec. 4-20. Visibility and lighting of outlets.

Except as otherwise specifically excluded in this Chapter, no license shall be granted to a retailer under any provision or section of this chapter unless the front entrance to the outlet is clearly visible from a public street, road or highway, and the front of any said package sales outlet shall have a minimum window at least 3 feet by 4 feet, and no screen, blind, curtain, partition, article or things which shall prevent a clear view into the interior of the outlet shall be permitted in the window or upon the doors of any retail outlet. Each retail outlet shall be so lighted that the interior of the store or premises is visible day or night and all parking areas adjacent to or used in connection with said business shall be fully lighted and unobstructed. This section does not apply to state licensed farm wineries.

Sec. 4-21. No consumption on-premises.

The retail licenses authorized under this Chapter shall be for retail sales in package only and there shall be no consumption on the premises of any outlet of any distilled spirits, malt beverages or wine unless said outlet has obtained the appropriate license for on-premises consumption under Article VI.

Sec. 4-22. Intoxicated persons.

No alcoholic beverages shall be sold to any noticeably intoxicated person, nor shall any intoxicated person be allowed to remain upon the premises of any outlet.

Sec. 4-23. Employees, drinking on-premises.

No employee of any outlet shall work in said outlet while intoxicated and no employee shall drink any distilled spirits, malt beverages or wine whatsoever while working and employed in any outlet.

Sec. 4-24. Sale to and/or possession by minors.

No alcoholic beverages shall be sold to a minor under any conditions whatsoever. No minor may purchase or possess any alcoholic beverage. A minor, for the purposes of this Chapter, shall be considered to be any person under 21 years of age.

Sec. 4-25. Minors on premises of retail package store selling distilled spirits.

Minors shall not be allowed to congregate or loiter on the premises of any retail store outlet selling distilled spirits.

Sec. 4-26. Licenses, posting.

All licenses required under this Chapter must be posted in a conspicuous place within the outlet, as required by law, and if said license is not so posted, the outlet shall not be authorized to continue business until the license is posted.

Sec. 4-27. Signage.

- (a) All licensees hereunder shall post, in a manner which complies with O.C.G.A. § 3-1-5 in a conspicuous place, a sign which clearly reads: "Warning: Drinking Alcoholic Beverages during pregnancy can cause birth defects."
- (b) Any licensee who fails or refuses to post such sign as required by this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$100.00 for each violation.
- (c) All other signage shall be otherwise governed by applicable federal, state, or local law, if any, and or applicable provisions of the Code of Walker County.

Sec. 4-28. Compliance with rules and regulations of health authorities and other ordinances.

All retail licensees under this article are hereby required to comply with all rules and regulations and requirements of the County Board of Health, State Board of Health and any and all other State, Federal and local authorized public health authorities. In addition, all retail licensees under this article are also required to comply at all times with any and all applicable ordinances of the County.

Sec. 4-29. Possession for the purpose of sale or resale.

It shall be unlawful for any person, firm or corporation to sell or possess for the purpose of sale or resale of any alcoholic beverages where such person, firm or corporation does not have a license from the County to sell or possess for sale or resale such beverages.

Sec. 4-30. Receipt of any delivery to retail licensee.

Alcoholic beverages shall be received at or delivered to the premises of the retail licensee by no other means than by a conveyance owned and operated by a wholesale dealer with a permit from the County to make deliveries. Receipt of alcoholic beverages by any other means by a retail licensee shall be grounds for revocation of a retail license.

Sec. 4-31. Manager of outlet; requirement for registration of manager.

If the person to whom any license under this Chapter is issued does not personally manage the outlet, the name of the manager of the outlet must also be registered with the Board, and the manager of the outlet must meet all the requirements of a person to whom a license could be granted hereunder. If such licensed outlet is not managed directly by the holder of the license, or there is no manager registered as provided thereunder who meets all the requirements hereunder, then said license may be suspended or revoked. If such a manager is changed, the holder of the license must notify the Clerk no later than 10 days from the date of the change of such manager and all information required hereunder with regard to managers shall also be furnished to the Clerk at said time.

Sec. 4-32. Package sales prohibited in certain establishments; exceptions.

The sale of alcoholic beverages by the package to be carried off the premises shall be prohibited in any restaurant, cafe, eating place, private club or in any establishment other than in a retail store, a grocery store or a state licensed farm winery owning a retail license for the sale of alcoholic beverages to be consumed off the premises, except for the removal of partially consumed bottles of wine as permitted by O.C.G.A. § 3-6-4.

Sec. 4-33. - Familiarity with chapter.

It shall be the duty of each licensee to maintain a copy of this Chapter on the premises, and to instruct each employee as to the terms thereof; and each licensee and employee shall at all times be familiar with this Chapter.

Sec. 4-34—4-99. Reserved.

ARTICLE III. EXCISE TAX

Sec. 4-100. Taxation.

In addition to the annual license fees required under this Chapter, there is hereby levied and imposed an excise tax which shall be paid to the County, as provided by Georgia laws, on all alcoholic beverages sold by each wholesale dealer within the area of the County. That excise tax shall be the maximum allowed by State law unless a lower tax rate is adopted by County resolution.

Sec. 4-101. Method of tax payment.

Unless otherwise specified by State law, tax shall be paid to the County by each wholesale dealer on all alcoholic beverages sold within the County not later than the 10th day of each month, based upon the units of alcoholic beverage sold during the previous calendar month by said wholesalers to retailers in the County.

Sec. 4-102. Payment of tax, report.

The wholesale dealer shall keep true and correct records of all sales and shipments and shall render a sworn statement of the name accompanying the monthly report to the Clerk and said report shall show the exact quantities of alcoholic beverages sold, by size and type of container and the amount of excise tax collected.

Sec. 4-103. County's right of audit.

The County shall have the right to audit, and to require production of records from each wholesaler supplying retailers in the area of the County, and also from each retailer so supplied.

Sec. 4-104. Failure to make a timely report and payment; penalty.

The failure to make a timely report and remittance of aforesaid taxes shall render a wholesale dealer liable for a penalty equal to 10 percent of the total amount due, in addition to the amount due; and additionally, if said report is not filed or if said taxes are not remitted and paid within 30 days from the date that the same are due, the County shall have the right to suspend and/or revoke any wholesale license, and further to prohibit said wholesaler from making any deliveries of any type whatsoever within the area of the County.

Sec. 4-105. Sale prohibited when tax not paid.

It shall be unlawful for any person to sell at retail or otherwise dispense beverages within the County on which the tax required in this division has not been paid to the wholesaler or distributor or to the County.

Secs. 4-106—4-199. Reserved.

ARTICLE IV. RETAIL PACKAGE SALES OF DISTILLED SPIRITS

Secs. 4-200. Limitation on number of licenses

- (a) It is the policy of the Board of Commissioners of Walker County that licensed establishments for the retail package sale of distilled spirits be regulated in such a way as to avoid their over-accumulation within one commission district and within Walker County as a whole.
- (b) As provided herein, no license shall be issued for retail package sales of distilled spirits unless the number of active retail distilled spirit licenses issued in Walker County is less than five (5) licenses per County Commission District. As an additional requirement, no license shall be issued for the retail package sales of distilled spirits unless the number of active retail distilled spirit licenses issued within the same County Commission District is less than five (5).

(c) When additional licenses for the retail package sale of distilled spirits become available, new complete applications for licenses for retail package sales of distilled spirits shall be given priority in the order in which they are received. No applications shall be accepted or held at any time while the number of active licenses for retail package sales of distilled spirits exceeds the number of active licenses allowed for Walker County or for the Commission District where the applicant's business would be located. Any such license application inadvertently accepted shall be returned as incomplete in accordance with this Chapter.

(d) In the event there are multiple new simultaneously submitted valid applications for retail package sales of distilled spirits within a particular commission district such that if all were granted the total number of licensed establishments would exceed the limits imposed by subsection (b), priority shall be granted based in descending order beginning with the application whose proposed premises is the greater distance from the nearest other existing establishment within the same commission district. Nothing in this subsection shall be construed to allow new applications to be granted in such a way as to exceed the limits of subsection (b).

(e) A separate license shall be required for each location selling distilled spirits and a separate application shall be made for each outlet.

(f) All holders of licenses issued hereunder must, after the issuance of such license, open for business the establishment referred to in the license within 90 days if locating in an existing building or 365 days if construction has not begun on the building as of the date of license approval. Failure to open the licensed establishment as referred to within such period shall serve as a forfeiture and cancellation of the unused license and no refund of the license fee shall be made to the license holder.

(g) License holders of retail package sales of distilled spirits shall require that the alcoholic beverages purchased be placed in an opaque container before being removed from the store; provided, however, that this subparagraph shall not apply to the purchase of a 12-pack or larger container.

(h) No license holder for retail package sales of distilled spirits will be granted an additional license(s) until they have been open and operational for a minimum of 365 days.

Sec. 4-201. - Type of retail establishment where permitted.

(a) No distilled spirits by the package shall be sold at retail except in:

(1) Retail establishments devoted exclusively to the retail sale of alcoholic beverages by the package;

(2) Retail establishments in which space has been set aside devoted exclusively to the retail sale of distilled spirits by the package, with ingress and egress provided directly to and only to the exterior of the building in which the facility is located and not to any other enclosed part of the building in which the facility is located, except as provided in subsection (a)(3) of this section; or

(3) In hotels or motels where every public entrance to this use shall be from a lobby, hallway or other interior portion of the primary use structure.

(b) Exception; Nothing in this section shall prohibit the retail sale within these establishments of liquid commodities and mixes normally used in the preparation and serving of distilled spirits.

(c) Each building must meet International Building Code standards and be a minimum of 1,500 square feet.

(d) If the building is attached to another commercial business, the walls on either side must be solid with no access to each other.

Sec. 4-202. When sales are permitted.

(a) It shall be unlawful for any licensee or person employed by a licensee for retail package sales of distilled spirits, to sell, purchase, or transfer to others, any distilled spirits at any time on Sunday before the hour of 12:30 p.m. or after 11:30 p.m. or at any time before the hour of 8:00 a.m. or after 12:00 midnight on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday of each week;

(b) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on election days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell alcoholic beverages within 300 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Sec. 4-203. Price tags and labels.

Licensees shall plainly indicate the price of all distilled spirits exposed for sale by tags or labels on the bottles or containers or on the shelf immediately below as such containers are placed. It shall be unlawful for any person to have in his possession, custody or control any distilled spirits for retail sale unless the container shall have firmly affixed thereto a label on which there is stated in plain words or figures, the true alcoholic content by volume of the alcoholic beverage.

Sec. 4-204. Visibility.

(a) Adequate visibility must be provided and maintained of the store front so that all activities within the store can be seen from the road or parking lot.

(b) All shelving must be perpendicular to the storefront from visibility except for the furthest most shelf from the front window.

(c) Interior lighting shall be fluorescent or LED and be at least 100 foot-candles in intensity; and the interior shall be so lighted that it is visible day or night.

(d) In addition to visibility requirements in Section 4-20, no advertising, screen, blind, curtain, partition, article of thing which shall prevent a clear view into the interior shall be permitted in the window or upon the doors, and no booth, screen, partition, or other obstructions shall be permitted within the interior.

Secs. 4-205—4-219. Reserved.

ARTICLE V. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

Sec. 4-220. License required.

- (a) A separate license shall be required for each location selling malt beverages or wine, and a separate application shall be made for each outlet.
- (b) Licenses are issued individually by beverage classification.
 - (1) A separate license is required for the sale of malt beverages by the package
 - (2) A separate license is required for the sale of wine by the package.
 - (3) A distilled spirits licensee who desires to also sell wine also needs a wine license.
 - (4) A distilled spirits licensee who desires to also sell malt beverages also needs a malt beverage license.

Sec. 4-221. When sales are permitted.

- (a) Licensees for package sales of malt beverages or wine may engage in sales Monday through Saturday 24 hours per day and Sunday from 12:30 p.m. through 11:30 p.m.; provided they do not also hold a license for packaged distilled spirits. If the licensee holds both a malt beverage and distilled spirits license or a wine and distilled spirits license, refer to section 4-202 for hours of operation.
- (b) There shall be no sales of alcoholic beverages on any day on which sales of alcoholic beverages are prohibited by the laws of the State of Georgia.
- (c) Pursuant to the provisions of O.C.G.A. § 3-3-20, and subject to the provisions of subsection (a), the sale of alcoholic beverages shall be permitted on elections days as the same are defined in the Official Code of Georgia Annotated; provided, however, that it shall nonetheless be unlawful for any person to sell alcoholic beverages within 300 feet of any polling place or of the outer edge of any building within which such polling place is established on primary or election days.

Secs. 4-222—4-229. Reserved.

ARTICLE VI. RETAIL SALES OF ALCOHOLIC BEVERAGES FOR ON PREMISES CONSUMPTION

Sec. 4-230. License issuance authorized.

Licenses for the sale of malt beverages, wine and distilled spirits for on-premises consumption shall be a mere grant or privilege during the term of said license, subject to all the terms and conditions imposed by this article and division, and any other related laws of the State of Georgia and this Code. A license for on-premises consumption may be issued as provided in this article.

Sec. 4-231. Business hours of outlets.

Licensees for on-premises consumption of malt beverages, wine, and/or distilled spirits shall not engage in the sale of same except between the hours of 8:00 a.m. through 12:00 midnight on Monday through Thursday and 8:00 a.m. through 1:00 a.m. on Friday and Saturday and 11:00 a.m. through 12:00 midnight on Sunday.

Sec. 4-232. License.

An applicant for an on-premises consumption license shall be required to submit an application as is set forth in this article and pursuant to the requirements of O.C.G.A. § 3-3-2. An application for a license may be denied upon the grounds as is set forth in Article II.

Sec. 4-233. Laws and regulations adopted.

The State laws and regulations as they now exist or as they may be changed from time to time, relating to the sale and distribution of alcoholic beverages in Georgia, as revised and promulgated by the General Assembly of the State and by the State Revenue Department, and especially as they relate to wholesale, retail package sales, and retail sales for consumption on the premises, are hereby incorporated into and made a part of this article as if fully set out herein. Said laws and regulations are made applicable to all portions of this article, including this division.

Sec. 4-234. Business application.

(a) Except as otherwise specifically provided for in this article, no retail consumption license shall be issued to any person unless the business or proposed business to be licensed hereunder is a bona fide food service establishment or a bona fide private club, as defined in Section 4-11.

(b) Applicants possessing all of the necessary qualifications for the issuance of a license for the sale of malt beverages, wine and/or distilled spirits for consumption on the premises shall be required to possess a County business license and the appropriate State, County, and County Health Department certificates for the sale and service of food and beverages to the general public with a seating capacity of not less than 50 people. It shall be further required of applicants as a condition to the issuance of a license for the sale of alcoholic beverages for consumption on the premises, that said sale of alcoholic beverages shall be ancillary to the primary business of the serving of food and that the service of food shall consist of at least 51 percent of the gross receipts of the business applying for said license. The licensee shall be required at all reasonable times and places as designated by the Alcoholic Beverage Commission, to produce financial records and documentation as may be required by the Alcoholic Beverage Commission. The requirements contained herein shall not apply to a farm winery or sample license described in Article VII.

Sec. 4-235. Open area and patio sales.

The consumption and/or sale of alcoholic beverages by outlets possessing a license for on-premises consumption shall be allowed in open areas and patios, provided that such open areas and patios are separated from areas in which consumption of alcoholic beverages is prohibited by a physical barrier, fence, rail or similar structure sufficient to prevent ingress and

egress by a person except through a controlled access point and, further provided that the licensee is in compliance with all other appropriate regulations as to the safe and orderly operation of such establishment, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress. If the designated area is separated from the licensee's premises so that it is necessary to traverse public property to get from one location to another, it shall be unlawful for alcoholic beverages to be carried from the premises to the designated area or vice versa by anyone except the licensee or the licensee's employees.

Sec. 4-236. Sale of mixed drinks for off-premises consumption.

(a) Food service establishments licensed to sell distilled spirits for consumption on the premises are allowed to sell mixed drinks for off-premises consumption in approved containers under certain conditions, per O.C.G.A. § 3-3-11.

(b) *Approved container* means a tamper evident container that:

(1) Does not contain openings or straw holes;

(2) Is sealed in a manner that is visibly apparent if the container has been subsequently opened or tampered with;

(3) Has an affixed label or marking that identifies the licensee that prepared and sold the mixed drink.

(c) *Curbside pick-up* means when a licensee furnishes purchased goods to a customer's vehicle within a clearly designated pick-up area located within a paved parking area adjacent to the licensed premises.

(d) *Mixed drink* means a beverage prepared by combining distilled spirits with nonalcoholic liquid or liquids and that:

(1) Is prepared on the day of sale by an employee of the licensee;

(2) Contains no more than 3 ounces of distilled spirits;

(3) Is sealed in an approved container.

(4) Is sold to an individual 21 years of age or older who shall be limited to two mixed drinks per entree ordered;

(5) Accompanied by a food order and a sales receipt with a timestamp that indicates the date and time of such purchases;

(6) Sold for personal use and not for resale and picked up in person by the same individual customer to whom the mixed drinks and entrees were sold and from whom the food service establishment received payment; provided, however, that such individual customer shall not include a delivery service or third-party agent; and

(7) Furnished with the accompanying food order to the customer on the premises or by way of curbside pick-up.

(8) If transported in a motor vehicle, the customer shall place the mixed drink in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(9) Sales of mixed drinks for off-premises consumption shall be taxed in accordance with O.C.G.A. § 3-4-130 through 3-4-133.

Sec. 4-237. Special event beverage license.

- (a) Notwithstanding any provisions to the contrary, the Alcoholic Beverage Commission shall have authority to issue a special event license for the sale of alcoholic beverages. The issuance of a special event license for alcohol sales shall be conditioned upon obtaining a separate additional special event permit approved by the Planning Commission Office and compliance with other county ordinances, state laws and such other terms as the Board may require in its discretion.
- (b) The applicant for any special event license shall be responsible for the provision of local law enforcement and sanitation services within the boundaries of the event, and for the grant of the license privilege, the Planning Director, Public Works Director, the Sheriff, and the Fire Chief shall approve the impacted government services. In addition, each department of the government reviewing an application may recommend in writing certain recommendations or restrictions as deemed necessary to facilitate the event, to comply with other laws or regulations and or to ensure the safety, health and welfare of the community. Applicants shall further be responsible for compliance with all laws at a special event, including, but not limited to, preventing underage consumption of alcoholic beverages.
- (c) The Planning Director, Sheriff or Fire Chief or their representative or their respective designee, may terminate any activity, whether a portion of or the entire event, which does not meet the requirements upon which the special event license was issued. Upon notification to the applicant to cease any activity, the activity so ordered to be ceased shall immediately be terminated and the continuation of said unauthorized activity shall be unlawful and may subject the applicant to criminal and civil sanctions.

Sec. 4-238. Private clubs.

Private clubs that meet State requirements under O.C.G.A. § 3-7-2 and other State law requirements may be licensed for the sale of alcoholic beverages, including distilled spirits, by the drink for consumption on the premises. The Board may issue a license for all activities authorized by State law, unless otherwise prohibited by this article.

Sec. 4-239. Caterers.

Caterers may be issued additional alcoholic beverage licenses as allowed by State law. State law currently provides caterers that hold alcoholic beverage licenses may obtain additional alcoholic beverage licenses from the same local government that grants their on-premises license for off-premises sales and be charged an additional license fee, provided that the combined license fees do not exceed \$5,000.00 annually (O.C.G.A. § 3-11-2).

Caterers engaging in off-premises catered special events outside of their primary licensing authority may be charged a permit fee in an amount to be determined by the Board of Commissioners per event, as well as excise taxes by the local government into which the alcoholic beverages have been brought (O.C.G.A. § 3-11-3). Caterers may only serve alcoholic beverages at catered events that are legal to be sold in the jurisdiction where the event is held. Caterers may not employ anyone under the age of 21 to sell or serve alcohol.

Sec. 4-240. Indemnification of County/liability.

As a condition of issuance of any license under any article of this chapter, the approved applicant shall indemnify, hold harmless, release and defend the County, County officials, and officers and employees from and against any and all liability, loss, suits, claims, damages, cost, judgments and expenses including attorney's fees and cost of litigation which in whole or in part result from, or arise out of, or are claimed to result from or to arise out of any acts, negligence, errors, or omissions of applicant, applicant's employees, representatives, contractors, subcontractors, or other agents whatsoever, and without limitations.

Secs. 4-241—4-299. Reserved.

ARTICLE VII. FARM WINERIES, BREWPUBS, BREWERIES AND DISTILLERIES AND GROWLER SALES

Sec. 4-300. License required.

- (a) No person shall be permitted to operate a farm winery, brewpub, brewery, micro-brewery, distillery, or micro-distillery without first obtaining an applicable license from the State of Georgia and the County pursuant to this Chapter.
- (b) All licensees under this article shall pay all state and local license fees and excise taxes applicable to individuals licensed

Sec. 4-301. Farm wineries.

Farm wineries are domestic manufacturers of wine located on the premises where agricultural products are cultivated for use in the making of the wine sold. These locations may sell their wine on the premises, provided that they have a State and local license. Farm wineries are subject to local license fees and excise taxes (O.C.G.A. § 3-6-21.1 et seq.).

Sec. 4-302. Brewpubs.

- (a) A brewpub license authorizes the holder of such license to:
 - (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverage in a calendar year solely for retail sale.
 - (2) Operate an eating establishment complying with all requirements of the definition of "*food service establishment*" as defined in section 4-11, and shall be the sole retail outlet for such malt beverage and may offer for sale for consumption on-premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer.
 - (3) Sell up to a maximum of 5,000 barrels annually of such malt beverage to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.

(4) Sell malt beverages manufactured on the premises by the package at retail for consumption off the premises. This includes the filling of growlers 64 ounces or less.

(b) Possession of a brewpub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.

Sec. 4-303. Breweries and Micro-breweries.

(a) A licensed brewery or micro-brewery is authorized to manufacture malt beverages for sale primarily to wholesale dealers.

(b) A licensed brewery or micro-brewery shall comply with O.C.G.A. § 3-5-24.1 relating to the limited sale of malt beverages to the public for onsite consumption or offsite package sales and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the county. No additional local license is required for the limited sale of malt beverages produced at the micro-brewer's licensed premises.

(d) A brewery or micro-brewery shall not dispense more than 24 ounces of malted beverages brewed and consumed onsite within a four-hour period to any individual except when food is being provided by a third-party vendor, the consumer or the licensee; or as may be permitted by state law.

(e) During events, concerts, celebrations or large gatherings representing a special purpose or event, the brewer shall ensure that food is provided by a third-party vendor or the group in attendance.

(g) Except as set forth in this section, a brewery or micro-brewery licensee shall be subject to all other provisions of this chapter.

Sec. 4-304. Distilleries and Micro-distilleries.

(a) A licensed distillery or micro-distillery is authorized to manufacture distilled spirits for sale to wholesale dealers and consumers.

(b) A licensed distillery or micro-distillery shall comply with O.C.G.A. § 3-4-24.2 relating to the limited sale of distilled spirits to the public for onsite consumption and may sell on all days and at times that sales of distilled spirits by retailers are lawful within the county. No additional local license is required for the limited sale of distilled spirits produced at the distillery's licensed premises.

(c) A distillery or micro-distillery shall not dispense more than six ounces of distilled spirits manufactured and consumed onsite within a four-hour period to any individual except when food is provided by a third-party vendor, the consumer or the licensee; or as may be permitted by state law.

(d) A distillery or micro-distillery shall not be permitted at a location that is not properly zoned for that use.

(e) During events, concerts, celebrations or large gatherings representing a special purpose or event the distiller shall ensure that food is provided by a third-party vendor or the group in attendance.

(f) Except as set forth in this section, a distillery licensee shall be subject to all other provisions of this chapter.

Sec. 4-305. Growler sales.

Businesses licensed to sell malted beverages by the package may also fill growlers with malt beverages at the licensed location subject to the following requirements:

- (1) At least 90 percent of the licensee's total sales from alcohol sales are from packaged sale of malt beverages or wine and the licensee's premises have a minimum of 400 square feet of floor space dedicated to the display of packaged malt beverages or wine offered for sale.
- (2) A growler shall not exceed 64 ounces. Growlers may only be filled from kegs or barrels procured by the licensee from a duly licensed wholesaler or brewpub.
- (3) Only professionally sanitized and sealed growlers may be filled and made available for retail sale. The filled growler must be securely sealed on the premises with a tamper-proof cap and seal. Each filled growler must be removed from the premises in a securely sealed condition. No open growler container shall be removed from the licensed premises.

Sec. 4-306. Samples of wine or malt beverages on tap for purchase in sealed containers for off-premises consumption.

- (a) A license for the sampling of package malt beverages or wine may be issued to give or sell samples of tap malt beverages for growlers or wine offered for purchase in sealed containers for off-premises consumption. The fee for said license is set forth in the alcoholic beverage license fee schedule and said license shall be subject to the application and all other requirements of this article.
- (b) A sample shall not exceed 3 ounces, nor shall an individual be offered more than 3 samples within a 24-hour period.
- (c) The intent of the sample license is to permit customers to lawfully taste a sample of a tap malt beverage or wine on-premises in order to make a selection or determination of whether to purchase the malt beverage or wine sampled in a sealed container for off-premises consumption.
- (d) The licensee shall comply with all state, federal and local packaging and labeling laws regarding alcoholic beverages.

Secs. 4-307-319. Reserved.

ARTICLE VIII. HOTEL IN-ROOM SERVICE

Sec. 4-320. License.

- (a) Any hotel as defined in O.C.G.A § 3-9-10 may provide in-room service of alcoholic beverages after obtaining proper state and local licensure for the same in accordance with the terms of this chapter.

(b) The sale of alcoholic beverages by in-room service shall be subject to all restrictions and limitations imposed by this chapter and shall be authorized only on such days and only during such hours as the sale of alcoholic beverages with the exception that in-room delivery of alcoholic beverages to guests may extend to 1:00 a.m.

Sec. 4-321 In-room service.

(a) For purposes of this chapter, "in-room service" consists of:

(1) The delivery of alcoholic beverages by an employee of the hotel to a registered guest's room when such alcoholic beverages have been ordered by the guest and when the guest shall be billed for the cost of such alcoholic beverages at the time of delivery and when the sale of such alcoholic beverages is completed at the time of delivery; or

(2) The provision of a cabinet, refrigerator, mini-bar or other facility located in a hotel guest room which contains alcoholic beverages, and which is accessible only to the guest and for which the sale of alcoholic beverages contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.

(b) In order to be eligible for an in-room service license, a hotel must:

(1) Be used and held out to the public as a place where sleeping accommodations are offered to guests for adequate pay, and meet other standards and conditions of a "hotel" as defined in this chapter or other codes of the county; and

(2) Contain six or more separate and distinct rooms used for the sleeping accommodations of guests.

(c) A hotel may consist of a single building or may consist of two or more buildings located on the same premises and used in connection with the hotel operation.

(d) A facility which is styled as an inn, bed and breakfast or other similar appellation may be licensed as a hotel if it meets the requirements of this article.

Sec. 4-322. General provisions.

All alcoholic beverages sold pursuant to this article shall be purchased from a licensed wholesale dealer and shall be subject to all taxes imposed under this chapter and county code, including the excise tax on the retail sale by the drink of alcoholic beverages.

Secs. 4-323-399. Reserved.

ARTICLE IX. THE CIVIC CENTER AND ANY OTHER COUNTY FACILITY

Sec. 4-400. Applicability of section.

All other sections of this article not inconsistent with this Chapter shall apply. In the event of a conflict between any other provisions of this article and the provisions of this Chapter, the provisions of this article shall control unless otherwise stated. Notwithstanding

the above, no provision of this Article shall be in effect if it is in violation of a County ordinance or State law.

Sec. 4-401. License authorized and required.

A person is required to apply for and to obtain a license to sell or pour any alcoholic beverages for on-premises consumption within the confines of the Civic Center or another County facility. The costs of such licenses shall be the same as the costs for a special event as provided in Section 4-14(a)(6). Any third party (whether caterer or otherwise) desiring to sell alcoholic beverages for on-premises consumption at the Civic Center or another County facility shall first be required to obtain a special event alcoholic beverage license.

Sec. 4-402. Minimum policy guidelines.

The following shall be the minimum policy guidelines the Civic Center and any other County facility shall use in regulating the consumption and sale of alcoholic beverages on the premises of the Civic Center and any other County facility:

- (1) No alcoholic beverage shall be sold, dispensed or given away at youth-oriented events. The Civic Center or other facility management, in its sole discretion, will determine whether an event is youth oriented.
- (2) No alcoholic beverage shall be sold, dispensed or given away to anyone under 21 years of age. It shall be the policy of the County to ensure that identification of those who purchase or consume alcoholic beverages are checked to determine whether the person is 21 years of age or older.
- (3) The selling and dispensing of alcoholic beverages shall be curtailed a minimum of 30 minutes prior to the conclusion of a public event.
- (4) Only designated areas shall be used for selling or dispensing or consuming alcoholic beverages. These areas are to be designated by the facility management.
- (5) Alcoholic beverages shall not be permitted to be taken outside the Civic Center building or outside the premises of any other County facility.
- (6) Only a licensee possessing the appropriate license is be permitted to sell or dispense alcoholic beverages.
- (7) Food must be served and/or offered for sale during any period of time that alcoholic beverages are served at either the Civic Center or any other County facility.



2.

This ordinance is effective immediately upon its adoption.

3.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

4.

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED this 10th day of August, 2023.

ATTEST:

WALKER COUNTY, GEORGIA

Whitney Summey, Deputy Clerk

SHANNON K. WHITFIELD, Chairman

(SEAL)

The foregoing Ordinance received a motion for tabled from Commissioner Askew, second by Commissioner Hart, and upon the question the vote is 4 ayes, 0 nays to adopt the Ordinance.



RESOLUTION R-031-23

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WALKER COUNTY TO REVISE THE SCHEDULE OF FEES FOR ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the Board of Commissioners of Walker County desires to revise the license fees for selling alcoholic beverages; and

WHEREAS, the Board has the authority to set said fees, pursuant to the Walker County Code of Ordinances; and

WHEREAS, the Board recently amended Chapter 4 of the County Code of Ordinances to establish new licenses for retail package sales of distilled spirits, manufacturing of distilled spirits, wholesale of distilled spirits and in room service of alcoholic beverages;

THEREFORE, BE IT RESOLVED by the Board of Commissioners of Walker County, Georgia that the fees associated with Alcoholic Beverage Licenses shall be set forth in “Exhibit A” attached hereto and made a part thereof;

BE IT FURTHER RESOLVED licenses issued prior to September 30, 2023 for retail package sales of distilled spirits only will be valid through September 30, 2024.

SO RESOLVED AND ADOPTED this 10th day of August 10, 2023.

ATTEST:

WALKER COUNTY, GEORGIA

Whitney Summey, Deputy Clerk

SHANNON K. WHITFIELD, Chairman

(SEAL)

The foregoing Resolution received a motion for tabled from Commissioner Perkins, second by Commissioner Hart, and upon the question the vote is 4 ayes, 0 nays to adopt the Resolution.

EXHIBIT A

Walker County Alcoholic Beverage License Fee Schedule (effective August 10, 2023)			
Initial Application Fee		\$150	
Off-premise	Malt Beverage	\$500	Package/Retail
Off-premise	Wine	\$500	Package/Retail
Off-premise	Distilled Spirits	\$4,000	Package/Retail
On-premise	Malt Beverage	\$500	By the drink
On-premise	Wine	\$500	By the drink
On-premise	Distilled Spirits	\$4,000	By the drink
Production	Malt Beverage	\$250	Manufacturer (includes Brewpubs, Micro-Breweries & Breweries)
Production	Wine	\$250	Manufacturer (includes Farms)
Production	Distilled Spirits	\$250	Manufacturer (includes Micro-Distilleries & Distilleries)
Sample	Malt Beverage	\$25	Manufacturer (includes Brewpubs, Micro-Breweries & Breweries)
Sample	Wine	\$25	Manufacturer (includes Farms)
Sample	Distilled Spirits	\$25	Manufacturer (includes Micro-Distilleries & Distilleries)
In room Service	Combo	\$500	Package/Retail & By the drink
Special Event	All	\$300	By the drink
Wholesale	Malt Beverage	\$500	Distributor
Wholesale	Wine	\$500	Distributor
Wholesale	Distilled Spirits	\$500	Distributor

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ANIMAL ASSISTANCE
SERVICES AGREEMENT
BY AND BETWEEN
GEORGIA DEPARTMENT OF CORRECTIONS
AND
WALKER COUNTY, GEORGIA

THIS AGREEMENT is entered into the 1st day of July, 2023, by and between the GEORGIA DEPARTMENT OF CORRECTIONS, an agency of the State of Georgia (hereinafter referred to as the "Department"), and Walker County, a political subdivision of the State of Georgia (the "Contractor").

In consideration of these premises and the mutual promises and agreements hereinafter set forth, the parties hereby agree as follows:

1. Scope of Services. The Contractor agrees to perform the services described in Exhibit "A", attached hereto and incorporated by reference herein (the "Services"). Contractor agrees to maintain for the duration of this Agreement all licenses, certifications and permits applicable to the Services to be performed. No additional or different services shall be performed unless provided for by an amendment to this Agreement, executed by the parties in the manner provided for herein. The Department and Contractor shall meet annually to review the Services. No provision of this Agreement shall be construed to prohibit Contractor from offering similar or different services to the public, including other State agencies.

2. Independent Contractor. In the performance of the Services, and for all tax, liability and insurance purposes, Contractor shall at all times be an independent contractor and not an agent, representative or employee of the Department. Contractor shall determine the means and manner of performance of Services to be rendered, and, in conformity with the foregoing status of the parties, Contractor shall not hold itself out to be an employee or agent of the Department or use the name of the Department in its business in any way.

3. Compensation. The parties agree that Contractor will provide services at no cost to Department and that Contractor will provide all necessary equipment, supplies and materials necessary for operations, including but not limited to, food, medications, veterinary and/or medical services, dog handling and grooming equipment, and other items as necessary to facilitate the care of dogs at no cost to the Department.

4. Benefits. The Contractor acknowledges that it is not entitled to any benefits, including health insurance, workers compensation coverage, unemployment compensation coverage, which are ordinarily provided to employees of the Department.

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5. Pledges of Credit. Contractor acknowledges that the State of Georgia may not lawfully pledge its credit so as to cause a State agency to incur a financial obligation unless funds to honor the obligation have been lawfully appropriated. In the event that the source of any payment by the Department as provided for herein is insufficient, in the sole discretion of the Department, then this Agreement shall terminate without further obligation of the Department.

6. Expenses. The Department shall not be liable for and shall not reimburse the Contractor for any travel or other expenses incurred by the Contractor for the duration of this Agreement or for any renewals made pursuant to this Agreement, unless approved in advance by the Department in writing. Any such reimbursement shall be made in accordance with and in amounts permitted by applicable state rules and regulations.

7. Equipment. The Department is not required to provide any office space nor any equipment to the Contractor except as specifically provided under this Agreement.

8. Term of Agreement. This Agreement shall be effective as of July 1, 2023 and shall continue in force and effect until 11:59 p.m. on June 30, 2024, unless such period is extended by mutual agreement of the parties in writing.

9. Termination for Convenience. Either Party may at any time and for any reason terminate this Agreement by providing written notice in advance of such termination to the other Party. In the event this Agreement is terminated, Contractor shall have no more than five (5) days from the date of receipt of the notice of termination to remove the animals from Department's facility.

9.1 Force Majeure: Should either party be prevented from performing any of its obligations under this agreement due to a force majeure event, such obligation shall be extended by a period equivalent to the duration of the effect of such force majeure event. For the purposes of this agreement, a "force majeure event" means catastrophic storms or floods, lightning, tornadoes, hurricanes, earthquakes and other acts of God; wars; civil disturbances; terrorist attacks; revolts; insurrections; sabotage; commercial embargoes; fires; and diseases, pandemics, and epidemics (including quarantines and other government-imposed measures in response thereto) that were not requested, promoted, or caused by the affected party; provided that such act or event delays or renders impossible the affected party's performance of its obligations under this agreement, is beyond the reasonable control of the affected party and not due to its fault or negligence, and could not have been mitigated, prevented or avoided by the affected party through the

exercise of due diligence, including the expenditure of any reasonable sums taking into account the value of the agreement.

Notwithstanding anything to the contrary contained in this agreement, Contractor acknowledges that delays, and shortages or increases in the cost of labor or materials or other costs or damages, attributable to force majeure do not entitle contractor to any additional

compensation and therefore also do not entitle Contractor to any increase in the contract price. For the purposes of this agreement, a delay, or shortage or increase in cost, in the cost of labor or materials, will be deemed attributable to force majeure if it is caused in whole by the force majeure event or the force majeure event was otherwise a material factor in causing the delay or shortage or increase in cost in labor or materials.

10. Compliance with Laws. The Contractor agrees to perform the Services in accordance with the terms and conditions of this Agreement and in compliance with all laws, rules, regulations and orders of federal, State and local governments, including orders of any court of competent jurisdiction. Without limitation to the generality of the foregoing, Contractor agrees to comply with any special conditions, undertakings or representations attached hereto, all of which form a part hereof.

11. Conflicts of Interest. The Contractor covenants that the Contractor presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the Contractor's services hereunder. The Contractor further covenants that in the performance of this Agreement, the Contractor will not employ any person having such an interest.

12. Trading with State Employees. The parties certify that this Agreement does not and will not violate the provisions of O.C.G.A. §45-10-20, *et seq.*, in any respect. The Contractor agrees not to employ any individual that would result in a violation of this law.

13. Screening. Contractor acknowledges and agrees that Contractor, including employees of Contractor, shall be subject to background investigations, including but not limited to criminal background investigations, conducted by duly authorized agents of the State, and Contractor and Contractor's personnel shall be subject to, and agree to comply with, rules pertaining or related to safety and security, including spoken directives of GDC facility staff and the Department's standard operating procedures related to Employee Standards of Conduct and sexual harassment.

14. Sexual Harassment Prevention. The State of Georgia promotes respect and dignity and does not tolerate sexual harassment in the workplace. The State is committed to providing a workplace and environment free from sexual harassment for its employees and for all persons who interact with state government. All State of Georgia employees are expected and required to interact with all persons including other employees, contractors, and customers in a professional manner that contributes to a respectful work environment free from sexual harassment. Furthermore, the State of Georgia maintains an expectation that its contractors and their employees and subcontractors will interact with entities of the State of Georgia, their customers, and other contractors of the State in a professional manner that contributes to a respectful work environment free from sexual harassment.

Pursuant to the State of Georgia's Statewide Sexual Harassment Prevention Policy (the "Policy"), all contractors who are regularly on State premises or who regularly interact with State personnel must complete sexual harassment prevention training on an annual basis.

A contractor, including its employees and subcontractors, who have violated the Policy, including but not limited to engaging in sexual harassment and/or retaliation may be subject to appropriate corrective action. Such action may include, but is not limited to, notification to the employer, removal from State premises, restricted access to State premises and/or personnel, termination of contract, and/or other corrective action(s) deemed necessary by the State.

- i. If Contractor is an individual who is regularly on State premises or who will regularly interact with State personnel, Contractor certifies that:
 - a. Contractor has received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-and-compliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy>;
 - b. Contractor has completed sexual harassment prevention training in the last year; or will complete the Georgia Department of Administrative Services' sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training> (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVt0DDnc2s?rel=0> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and,

c. Upon request by the State, Contractor will provide documentation substantiating the completion of sexual harassment training.

ii. If Contractor has employees and subcontractors that are regularly on State premises or who will regularly interact with State personnel, Contractor certifies that:

a. Contractor will ensure that such employees and subcontractors have received, reviewed, and agreed to comply with the State of Georgia's Statewide Sexual Harassment Prevention Policy located at <http://doas.ga.gov/human-resources-administration/board-rules-policy-andcompliance/jointly-issued-statewide-policies/sexual-harassment-prevention-policy>;

b. Contractor has provided sexual harassment prevention training in the last year to such employees and subcontractors and will continue to do so on an annual basis; or Contractor will ensure that such employees and subcontractors complete the Georgia Department of Administrative Services' sexual harassment prevention training located at <http://doas.ga.gov/human-resources-administration/sexual-harassment-prevention/hr-professionals/employee-training> (scroll down to section for entities without a LMS section) or this direct link <https://www.youtube.com/embed/NjVt0DDnc2s?rel=0> prior to accessing State premises and prior to interacting with State employees; and on an annual basis thereafter; and

c. Upon request of the State, Contractor will provide documentation substantiating such employees and subcontractors' acknowledgment of the State of Georgia's Statewide Sexual Harassment Prevention Policy and annual completion of sexual harassment prevention training.

15. Standards of Conduct and Sexual Harassment. Contractor agrees that the Contractor and any of its agents, employees, officials or subcontractors who enter any facility, institution, office or other premise of the Department or who come into contact with any employee of the Department shall comply with the Department's Policies and Procedures relating to Standards of Conduct and Sexual Harassment and shall follow all orders or directives given by Department personnel. If the Contractor or any of its agents, employees, officials or subcontractors should be accused of violating any of these policies or procedures or otherwise violating this provision, then the Contractor will allow and assist the Department in investigating the charge or accusation. If the charge is established or if the Contractor, its agents, employees, officials or subcontractors is found guilty of sexual harassment disciplinary action, including dismissal and termination of the contract and/or services may be instituted by

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the Department. The Department, in its sole discretion, may allow the contractor to take appropriate action to sanction the violation and to ensure that there are no further violations. The Department may also bar anyone from its premises whom it finds to have violated these policies or procedures or who has otherwise violated this provision. The Contractor shall execute acknowledgements evidencing that the Contractor has been advised of the Department's Standard of Conduct, Guidelines for Contract Personnel and Unlawful and Sexual Harassment Policies of the Department.

16. Indemnification - Contractor hereby releases and discharges the State of Georgia, its agencies, departments (including the Department), authorities and instrumentalities (including the State Tort Claims Trust Fund), and the officers, directors and employees of each, waiving all rights against any of them (collectively, the "State"), and agrees to indemnify, protect and save harmless the State, with respect to any claim, demand, liability, loss, penalty, cost, or expense (including court costs and reasonable attorneys' fees) arising out of or occurring in connection with (a) any breach of this Agreement or any of the terms or conditions hereof; (b) the violation of any federal or State law, rule or regulation (including those pertaining to the protection of the environment); or (c) damage to or destruction of property (including loss of use) or injury to persons (including death), in whole or in part caused by or resulting from any act of negligence or willful misconduct of the Contractor. In connection with the foregoing indemnity obligations, Contractor shall, at its sole expense, participate in the defense of any suit or action brought against the State, and no settlement or compromise entered into by the Contractor and stemming from the action or suit shall be effective to bind the State unless entered into with the express approval of the State. The indemnity obligations of this paragraph shall survive any termination of this Agreement.

17. Insurance. Contractor hereby warrants and affirms that it has procured and shall maintain, from insurance carriers licensed to transact business in the State of Georgia, such insurance coverage as will protect Contractor's and Department's interests under this Agreement in accordance with rules and regulations established in the State of Georgia Insurance and Bonding Guidelines (SPD-SP048). Neither the policy limits nor any other provision of any insurance policy shall be construed as a limitation on the indemnity obligations herein.

18. Confidentiality. Contractor agrees to adhere to the Department's Confidentiality policy and procedures which have been or will be provided to the Contractor in writing by the Department. Contractor will hold in strictest confidence and will not disclose to others for any reason whatsoever, any works, writings, plans, proposals, documents, contracts, records, data, analyses, compilations, forecasts, studies, reports, recordings, maps, or other information or material received or prepared by Contractor (collectively, the "Information"), except to the extent that such Information (a) is otherwise available from third persons without restriction on its

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further use or disclosure, (b) is required by order of any court or by law or by any regulatory agency to which Contractor is subject or in connection with any civil or administrative proceeding, or (c) to the extent such Information is or becomes publicly known other than through actions, direct or indirect, of the Contractor.

19. Prison Rape Elimination Act. Contractor agrees to assist the Department in complying with standards articulated under 28 C.F.R. 115, entitled the Prison Rape Elimination Act, by submitting to a background check and agreeing not to sexually abuse or harass any offenders. Contractor agrees to undergo training, as the Department sees fit, regarding the Department's zero-tolerance policy for sexual abuse and sexual harassment and Contractor agrees to document that Contractor understands such training. Contractor agrees to inform Department of any knowledge, suspicion, or information regarding the occurrence of sexual abuse or harassment in any facility in which the Contractor is present. Contractor agrees to keep all information about sexual abuse or sexual harassment, other than such information as is required to report the incident, completely confidential. Contractor acknowledges that failure to maintain the standards articulated in this paragraph is considered a material breach of this Agreement and is grounds for termination of this Agreement.

20. Cooperation. Contractor, its employees, agents, subcontractors and assigns, agree to cooperate fully in the defense of any litigation brought against the Department or Contractor relating to the Services to be performed under this Agreement, and each party shall give the other prompt notice of any claim, demand, suit or proceeding.

21. Taxes. Contractor shall be solely responsible for the payment, in a timely manner, of all federal, State and local taxes, fees or assessments of any type.

22. Amendment. The parties recognize and agree that it may be necessary or convenient for the parties to amend this Agreement so as to provide for the orderly implementation of all of the undertakings described herein, and the parties agree to cooperate fully in connection with such amendments if and as necessary. However, no change, modification or amendment to this Agreement shall be effective unless the same is reduced to writing and signed by the parties hereto.

23. Assignment. Neither party may assign its respective rights and obligations arising out of this Agreement without the prior consent in writing of the other party.

24. Notices. Any notice under this Agreement shall be deemed duly given if delivered by hand (against receipt) or if sent by registered or certified mail -- return receipt requested, to a party hereto at the address set forth below or to such other

address as the parties may designate by notice from time to time in accordance with this Agreement.

If to the Contractor: Walker County Georgia
Government
Attn: Commission
Chairperson Address: 101
South Duke Street
Lafayette, Georgia 30728

If to the Department: Jennifer Ammons, General Counsel
Georgia Department of Corrections
P.O. Box 1529
Forsyth, Georgia 31029

Copy to: Jodi Ford, Director
300 Patrol Rd.
Forsyth, Georgia 31029

27. Headings. The headings in this Agreement have been inserted for convenience only and shall not affect or control the meaning or construction of any of the provisions of this Agreement.

28. Meanings of Certain Terms. Where used herein, and unless the contract otherwise clearly requires, the term "including" shall be interpreted in its most expansive sense and shall not operate as a limitation.

28. Equal Employment Opportunity. The Contractor agrees to comply with Executive Order No. 11246, as amended and as supplemented by U.S. Department of Labor regulations (41 CFR, Part 60-1, et seq.), which require that the Contractor not discriminate on the basis of race, creed, color, religion, national origin, sex, or age in the performance of this Agreement. The Contractor further agrees to include the provisions of this paragraph in every contract, subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor.

29. Compliance with Federal and State Work Authorization and Immigration Laws. Contractor certifies its compliance with Illegal Immigration Reform and Enforcement Act of 2011 and specifically those provisions codified at O.C.G.A. §13-10-90, et seq. Contractor warrants that it has registered with and uses the federal work authorization program commonly known as "E-Verify." Contractor further agrees

that it will contract for the physical performance of services in satisfaction of this contract only with subcontractors who present an affidavit as required by O.C.G.A. §13-10-91. Contractor warrants that it will include a similar provision in all contracts entered into for the physical performance of services in satisfaction of this contract.

30. Survival. The terms, conditions, representations, obligations, understandings and undertakings herein shall survive any termination of this Agreement.

31. Severability. If any term or provision in this Agreement shall be found to be illegal or unenforceable, then, notwithstanding the offending terms or provisions, this Agreement shall remain in full force in effect and such terms or provisions shall be deemed stricken herefrom.

32. Legislative Modification. Notwithstanding any other provision of this Agreement to the contrary, in the event that any federal, state, or local law, rule, regulation, or interpretation thereof restricts, prohibits, or in any way materially changes the method or amount of reimbursement or payment for services under this Agreement at any time during the duration of this Agreement, then this Agreement shall, to the extent permitted by the laws of the State of Georgia, be deemed amended by the parties to provide for payment of compensation and other fees in a manner consistent with any such prohibition, restriction, or limitation.

33. Drug-Free Workplace. The Contractor acknowledges that Contractor is fully aware of the contents and requirements of the Drug-Free Workplace Act, O.C.G.A. §50-24-1, *et seq.* (A) The Contractor hereby certifies that he will not engage in the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana

during the performance of this Agreement and any extensions thereof. (B) The Contractor may be suspended, this contract terminated or the Contractor debarred if it is determined that: (1) the Contractor has made false certification hereinabove; or (2) the Contractor has violated such certification by failure to carry out the requirements of the "Drug-Free Workplace Act".

34. Governing Law. This Agreement is executed in the State of Georgia, and the laws of the State of Georgia shall govern all matters pertaining to the validity, construction, interpretation and effect of this Agreement. Jurisdiction and Venue for any civil action arising out of this agreement shall lie in the Superior Court of Fulton County, Georgia.

35. Remedies. No remedies or rights herein conferred upon the parties are intended to be exclusive of any remedy or right provided by law, but each shall be

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cumulative and shall be in addition to every other remedy or right given hereunder or now or hereafter existing at law or in equity (including the right of specific performance).

36. Waiver. The failure of either party to exercise or enforce any right conferred upon it hereunder shall not be deemed to be a waiver of any such right nor operate to bar the exercise or performance thereof at any time or times thereafter; nor shall its waiver of any right hereunder at any given time, including rights to any payment, be deemed a waiver thereof for any other time.

37. Boycott of Israel. Contractor certifies that Contractor is not currently engaged in and agrees for the duration of the Contract not to engage in, a boycott of Israel, as defined in O.C.G.A. §50-5-85.

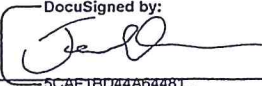
38. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute one agreement. No party shall be bound by this Agreement until all parties have executed it.

Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties hereto and replaces, cancels and supersedes any prior agreements and understandings relating to the subject matter hereof; and all prior representations, agreements, and undertakings between the parties hereto with respect to the subject matter hereof are merged herein.

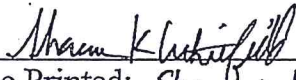
IN WITNESS WHEREOF, the parties have caused the authorized representatives of each to execute this Agreement on the day and year first above written.

GEORGIA DEPARTMENT
CORRECTIONS

WALKER COUNTY, GEORGIA

By: 
5CAF1BD44A64481...
Jennifer Ammons
General Counsel

Date: 08/15/2023 | 12:18 EDT

By: 
Name Printed: Shawna K Whitfield
Title: Chairman/CEO

Date: 08/10/2023

Exhibit "A"

Scope of Services and

The Georgia Department of Corrections

This agreement provides for an affiliation and working relationship between the Georgia Department of Corrections (GDC) and the Contractor. GDC and the Contractor agree to work together to establish and maintain quality processes for the provision and delivery of services to the animals in the Program. GDC and the contractor will work collaboratively to establish standard operating procedures outlining in detail specific provisions to care for fostered shelter animals in the Program, including but not limited to facility specifications, shelter, food, water, veterinary services, and human care standards. The parties agree jointly that *no pit bull dogs* will be accepted or allowed in the program.

I. Contractor Responsibilities

A. The Contractor shall provide oversight, evaluation, and direction for the Program. The Contractor will also provide instruction for the offender participants relating to animal care and training.

B. The Contractor shall provide at no cost to GDC or the Facility all equipment, supplies, and material reasonably necessary for normal operations of the Program, including but not limited to food, medications, veterinary services, animal handling and kenneling equipment, and other items necessary to facilitate the proper care of the animals in the Program. The Contractor will also be responsible for any medical care required for the animals.

C. The Contractor shall select and provide animals for the Program and will have final authority over the animals placed in the Program. Furthermore, the Contractor retains the right to retire any animal from the Program at any time and specifically for any reason pertaining to the animal's health, welfare, and safety.

D. The Contractor shall ensure that all Contractor staff and volunteers who participate in the Program will sign Exhibit "B" Participant Agreement and Release Form, attached hereto and incorporated herein by reference.

E. The Contractor must have approval from GDC Public Affairs for all publications, advertisements, media contact, public information which relates to the animal assistance program at the facility.

F. Meet annually with GDC to review the services.

II. Georgia Department of Corrections Responsibilities

A. GDC acknowledges that the Contractor has final legal authority over the placement, care, use, and ultimate disposition of animals the Contractor places in the Program. GDC will not relinquish an animal to anyone other than the Contractor.

B. GDC will allow Contractor staff access to the Facility as necessary for the successful implementation of the Program and the overall health and safety of the animals in the Program, subject in all cases to GDC standard operating procedures, including but not limited to those regarding the safety and security of the Facility.

C. GDC will identify a number of offenders sufficient to provide care for the animals assigned. GDC will cooperate with the Contractor in establishing criteria for the selection of offender participants; however, GDC will retain the final authority for selection and removal, if necessary, of an offender participant from the Program. If there is not a sufficient number of interested offenders at the facility, GDC will notify the Contractor and the Contractor will resume custody of the animal(s).

D. GDC will make all reasonable efforts to ensure that offenders are given the opportunity to provide the animals with adequate food, safety, shelter, affection, socialization and exercise. GDC will contact the Contractor without delay if an animal becomes injured or otherwise appears to be in need of emergency medical care.

E. Meet annually with Contractor to review the services.

F. GDC will ensure that all volunteers and offenders who participate in the Program will sign Exhibit "B" Participant Agreement and Release Form, attached hereto and incorporated herein by reference.

Exhibit "B"
Release Form

I hereby acknowledge that I am requesting by this Release Form to participate in the Animal Assistance Program. By signing below, I am assuming all risks in connection with the Animal Assistance Program, understanding that I will have close and regular contact with animals selected for this program. I further understand that as a participant in the Program, I will be assigned to care for one or more animals, including but not limited to grooming, training, feeding, washing, and cleaning of kennel areas. I promise that I will not provoke, abuse, or harm any animal with which I have contact in this program, and I understand that if I do I will be removed from the program immediately and subjected to disciplinary action, criminal prosecution, or both. I understand that some animals, including but not limited to dogs, which by their very nature, may be aggressive and unpredictable. By accepting the opportunity to participate in the Program, I accept the risk that I may be bitten, attacked, mauled, or injured by an animal.

I hereby waive, release, and discharge the State of Georgia, the Georgia Department of Corrections and its employees, agents, and assigns, and the Contractor and its employees and volunteers from any and all claims, liabilities, costs, or expenses for any and all bodily injury, personal injury, death, loss or damage to personal property, and financial loss that might be sustained by me in connection with my participation in the Program or visit to the Department's Facility.

I hereby accept responsibility for any loss, damage, or injury incurred by me to persons or property during my participation in the Program. I promise to abide by all Georgia Department of Corrections policies, procedures, rules and regulations while on Georgia Department of Corrections property.

By signing below, I certify that I have read this document and fully understand its contents. I am aware that this Release Form serves as a release of liability and a binding contract and I sign it of my own free will.

**WALKER COUNTY BOARD OF COMMISSIONER
EXECUTIVE SESSION
AFFIDAVIT**

The undersigned, having been duly sworn, states under oath that the following is true and accurate:

1.

The Walker County Board of Commissioners met in an open and duly advertised meeting on August 10, 2023.

2.

During the meeting the Walker County Board of Commissioners voted to enter into executive session.

3.

In my capacity as Commission Chairman, I preside over the executive session. The executive session was called to order at 9:05 p.m. The following Commissioners were present: Blakemore, Stultz, Askew, Hart

Also in attendance: County Attorney Gottlieb

4.

The subject matter of the executive session was devoted to the following matter(s) within the exceptions provided in the open meeting law: (Initial all that are applicable):

 Litigation Matters: Consultation with the Walker County government attorney to discuss pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought, or to be brought, by or against Walker County government or any officer or employee in which Walker County government or any officer or employee may be directly involved; as provided in O.C.G.A. 50-14-2(1);

Skw X **Real Estate Matters:** Discussion regarding the future purchase or acquisition, disposal, or leasing of real estate; as provided by O.C.G.A. 50-14-3(b)(1);

Skw X **Personnel Matters:** Discussion or deliberation upon the appointment, employment, compensation, hiring, disciplinary action or dismissal of a Walker County government officer or employee; as provided in O.C.G.A. 50-14-3(6);

 Other: (describe exemption of the open meeting law) _____

_____ as provided in O.C.G.A. _____.

SKW x No other matters were discussed during the executive session.

_____ Discussion occurred on a topic not authorized by law. The meeting was declared out of order, immediately ceased and was adjourned.

This 10th day of August, 2023.

Shannon K. Whitfield

Print Name: Shannon K. Whitfield

Print Title: Commission Chairman

Sworn to and subscribed before me this
10th day of August, 2023.

Notary Public

My commission expires: _____

