

## Chapter 3

### ALCOHOLIC BEVERAGES\*

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\***Cross reference**--Public drunkenness, § 11-14.

**State law references**--Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, sec. 9, par. 6; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under twenty-one years of age, jurisdiction of municipal courts, O.C.G.A. § 36-32-10; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

#### Section 3-0A    ARTICLE I. IN GENERAL

##### Section 3-1     Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic beverages* means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.

*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than twenty-one (21) percent alcohol by volume, including, but not limited to, all fortified wines.

*Fortified wine* means any alcoholic beverage containing more than twenty-one (21) percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. "Fortified wine" includes, but is not limited to, brandy.

*Liquor* means distilled spirits.

*Malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than six (6) percent alcohol by volume, and including ale, porter, brown, stout, lager beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

*Private Party* means a gathering of individuals by invitation without charge for admission to which the general public is neither invited to attend nor allowed to attend.

*Private residence* means a house, dwelling or building wherein not less than one (1) family customarily resides. This shall not apply to any of the above which have been unoccupied for a period of twelve (12) consecutive months immediately prior to the filing of an application

hereunder.

*School* means only such state, county, city or other schools as teach the subjects commonly taught in the common schools of this state and shall not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Wine* means any alcoholic beverage containing not more than twenty-one (21) percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. "Wine" includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

Section 3-2 Purposes of chapter.

This chapter has been enacted for the purpose of promoting the health and general welfare of the city; to establish reasonable and ascertainable standards for the regulation and control of the licensing and sale of alcoholic beverages; to protect and preserve schools, and churches; to give effect to existing land use; to preserve residential areas, with reasonable consideration being given to the character of the area and its peculiar suitability for particular uses, the congestion in roads, and streets, and with a general view of promoting desirable living conditions, sustaining the stability of neighborhoods and property values; and to protect against the evils of concentration of package liquor store licenses in one (1) family, or corporation, or both; and to prevent an undesirable person from engaging in or having an interest in alcoholic beverages or the sale thereof in the city.

Section 3-3 Compliance with chapter required.

It shall be unlawful for any person to sell or offer for sale at wholesale or retail any alcoholic beverages as defined in section 3-1, which shall include beer, wine and distilled spirits, within the city without having first complied with the provisions of this chapter, but the properly licensed sale of same is hereby declared lawful.

Section 3-4 Intoxicating liquor; sale, transportation or possession of nontax-paid beverages prohibited.

(a) It shall be unlawful for any individual to sell any nontax-paid intoxicating liquors or beverages within the city limits.

(b) It shall be unlawful for any individual to transport any nontax-paid intoxicating liquors or beverages within the city limits.

(c) It shall be unlawful for any individual to possess any nontax-paid intoxicating liquors or beverages within the city limits.

Section 3-5 3-5--3-20. Reserved.