

**CHATTOOGA COUNTY
AMENDMENT TO MALT BEVERAGES AND WINE ORDINANCE**

AN ORDINANCE AMENDING THE CHATTOOGA COUNTY MALT BEVERAGES AND WINE ORDINANCE DATED SEPTEMBER 1, 2011

WHEREAS, an ordinance regulating the sale of malt beverages and wine was adopted on September 1, 2011; and

WHEREAS, Chattooga County desires to amend Section 1.8.1(a) of said ordinance by adding thereto the following: "In the event a church, by written acknowledgment from its pastor, provides the Board with notice that the church does not object to the granting of a license for the sale of malt beverages or wine, this subsection shall not apply".

NOW, THEREFORE, BE IT RESOLVED by the Commissioner of Chattooga County, Georgia that Section 1.8.1(a) of the Ordinance dated September 1, 2011 and entitled Chattooga County Malt Beverages and Wine Ordinance, is hereby amended to read as follows:

- (a) Within a measured three hundred (300) feet of any church building. The word "building" as used herein shall mean a structure used at the time of filing of the application for license for the purposes of the church. Additionally, for the purpose of this Ordinance 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 and must consist of at least ten (10) adult members on its official rolls that meet on a regularly scheduled basis not less than one time per week at said location. 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. In the event a church, by written acknowledgment from its pastor, provides the Board with notice that the church does not object to the granting of a license for the sale of malt beverages or wine, this subsection shall not apply.

This ordinance shall be effective upon adoption.

So adopted this 24th day of April, 2014.



JASON WINTERS, Commissioner

I hereby certify that the above and foregoing amendment was duly entered upon the Minutes of the Commissioner this 24th day of April, 2014.



Martha Tucker, Clerk

[Affix Seal]

AS AMENDED ON APRIL 24, 2014.

AN ORDINANCE TO PROVIDE FOR THE REGULATION AND CONTROL OF MALT BEVERAGES AND WINE: TO ESTABLISH THE ALCOHOLIC BEVERAGE CONTROL BOARD: TO PROVIDE FOR THE CONTENTS OF APPLICATIONS FOR LICENSES TO SELL MALT BEVERAGES AND WINE: TO PROVIDE FOR PENALTIES FOR VIOLATION OF THE ORDINANCE: AND FOR OTHER PURPOSES.

ARTICLE 1. Malt Beverages and Wine.

Section 1. BE IT ORDAINED by the Commissioner of Chattooga County, and it is ordained by the authority of said Commissioner as follows:

Section 1.1. Definitions:

- (a) Unless the context or the specific provisions of this section demand otherwise, the words and terms used in this Article shall have the same definition and meaning as state law where used in Title 5A of the Code of Georgia Annotated.
- (b) "Alcoholic Beverages" shall mean all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.
- (c) "Applicant" shall mean the owner of the outlet or restaurant and include those persons having the authority to act on behalf of the owner where the owner is a firm, partnership, association, corporation or other group of persons acting as a unit.
- (d) "Board" shall mean the Alcoholic Beverage Control Board of Chattooga County, Georgia.
- (e) "Brown Bag Establishment" shall mean any restaurant, or any other establishment, providing food or entertainment in the normal course of business in which the owners or their employees or agents knowingly allow patrons to bring in and consume on the premises the patron's own alcoholic beverages.
- (f) "Brown Bagging" shall mean the act of a patron or patrons entering any restaurant or other establishment providing food or entertainment in the normal course of business and bringing in and consuming the patron's own alcoholic beverages.
- (g) "Business Location" shall mean the location, or proposed location, of a retail outlet, wholesale malt beverage outlet, wine outlet or restaurant.
- (h) "Clerk" shall mean the Clerk or Deputy clerk of the Alcoholic Beverage Control Board of Chattooga County.
- (i) "Legal Alien" means a foreign national who possesses a valid United States government issued I-551 card. An application for I-551 status does not meet the legal alien definition. Any other status which allows a person to enter the United States does not comply with this definition.