

**Irwin County
Application for License
Sale of Beer and Wine**

License Classification:

Wholesale Malt Beverage	[]	Wholesale Wine	[]
Retail Malt Beverage Package	[]	Retail Wine Package	[]
Retail Malt Beverage Consumption	[]	Retail Wine Consumption	[]

Application Type: New [] Renewal [] Amendment []

Applicant Classification: Individual [] Partnership [] Corporation []

Type of Business

Grocery Store	[]	Restaurant	[]
Convenience Store	[]	Other	[]
Farm Winery	[]		

Applicant Information

Name: _____

Last

First

Middle Initial

Birthdate: _____ Sex: M F Height: ___Ft ___In. Weight _____lbs

Social Security Number _____

Residence Address _____

Previous Address (last 10 years) _____

Address: _____

Address: _____

Phone Number: _____

Additional Applicant Information for Partnerships and Corporations

Name of Partnership or Corporation: _____

Date of Formation or Corporation: _____

Federal Tax Identification Number: _____

Principal Business Address: _____

Previous Business Address (last 10 years) _____

Address: _____

Address: _____

Phone Number: _____

**Irwin County
Application for License
Sale of Beer and Wine**

Partners/Officers/Directors/Shareholders (>20%) Information

1. Name: _____

Last

First

Middle Initial

Birthdate: _____ Sex: M F Height: ___Ft ___In. Weight _____lbs

Social Security Number _____

Residence Address _____

Previous Address (last 10 years) _____

Address: _____

Address: _____

2. Name: _____

Last

First

Middle Initial

Birthdate: _____ Sex: M F Height: ___Ft ___In. Weight _____lbs

Social Security Number _____

Residence Address _____

Previous Address (last 10 years) _____

Address: _____

Address: _____

3. Name: _____

Last

First

Middle Initial

Birthdate: _____ Sex: M F Height: ___Ft ___In. Weight _____lbs

Social Security Number _____

Residence Address _____

Previous Address (last 10 years) _____

Address: _____

Address: _____

4. Name: _____

Last

First

Middle Initial

Birthdate: _____ Sex: M F Height: ___Ft ___In. Weight _____lbs

**Irwin County
Application for License
Sale of Beer and Wine**

Social Security Number _____

Residence Address _____

Previous Address (last 10 years) _____

Address: _____

Address: _____

5. Name: _____

Last

First

Middle Initial

Birthdate: _____ Sex: M F Height: ___Ft ___In. Weight _____lbs

Social Security Number _____

Residence Address _____

Previous Address (last 10 years) _____

Address: _____

Address: _____

Is this location in the proper zone? _____ What zone? _____

Is Business located within 100 yards of a school or church? YES [] NO []

Has any person listed had a license revoked or license application refused?

YES [] NO []

When? _____ Where? _____

By Whom? _____ Why? _____

Has applicant previously applied for, held, had revoked or suspended an alcoholic beverage license from any governmental entity? YES [] NO []

Current status or circumstances related to previous license: _____

**Irwin County
Application for License
Sale of Beer and Wine**

Has applicant ever been convicted of, entered a plea of nolo contendere to, or forfeited a bond, on any crime other than a traffic violation? YES [] NO []
Nature or circumstances related to above: _____

Is there any person or entity other than the applicant or those persons with respect to whom information is required in this application who are or will be directly or indirectly interested in the profits or losses of the business? YES [] NO []
Nature or circumstances related to above: _____

Are the applicant and those persons with respect to whom information is required in this application fully qualified to be the holder of an alcoholic beverage license in all respects under the Irwin County Ordinance for Alcoholic Beverages?
YES [] NO []

Does the location of this business comply with all conditions, qualifications, and criteria established under the Irwin County Ordinance for Alcoholic Beverages?
YES [] NO []

Does the application include consent forms for the applicant and all persons with respect to whom information is required in this application to allow Irwin County to monitor public records to ensure compliance with all provisions of the Irwin County Ordinance for Alcoholic Beverages? YES [] NO []

Is the application accompanied by a certified check payable to Irwin County or cash in the amount set forth in the schedule of fees and charges on file in the office of the Irwin County Clerk? YES [] NO []

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Certification of Information

The undersigned applicant solemnly swears, subject to criminal penalties for false swearing, that the statements and answers made to the foregoing questions in this application (including all statements, attachments and applications attached hereto or made part hereof) for an Irwin County Alcoholic Beverage License are true and complete and that no false or fraudulent statement or answer is made herein. It is further understood that any false answer or statement or failure to amend this application when necessary shall be grounds for the suspension or revocation of any license issued pursuant to this application.

Signature of Applicant

Date

Return this application, together with any statements, consent forms, and supplemental information as well as all applicable fees in the form of a certified check or cash or other documents to:

Irwin County Commission
Irwin Avenue
Ocilla, GA 31774
Attn: Patricia Battle

Approved _____ Denied _____

Irwin County Commission Chairman

Date

**IRWIN COUNTY
ALCOHOLIC BEVERAGES ORDINANCE**

To amend the Code of Ordinances of Irwin County, so as to completely revise and consolidate the resolution on malt beverages and wine; to provide that the Code of Ordinances as such relates to alcoholic beverages is consistent with the laws of the State of Georgia; to provide for penalties for violations of the Code of Ordinances relating to alcoholic beverages; to provide for related matters; to repeal conflicting ordinances; and for other purposes.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF IRWIN COUNTY, GEORGIA THAT: The Code of Ordinances of Irwin County, Georgia is amended to include the following ordinance and articles contained therein:

PURPOSES

1. The purposes of this Ordinance shall include, without being limited to, the following:
 - a. Compliance with and effectuation of the general state law;
 - b. Prevention and control of the sale of alcoholic beverages by unfit persons
 - c. Insuring that any licenses issued for the consumption of alcoholic beverages are issued only as defined and set forth in this Ordinance;
 - d. The protection of schools, homes, churches, parks, and other institutions
 - e. Protection of the public health, safety, and welfare
 - f. To the maximum extent possible under state and federal law, the business of selling alcoholic beverages shall under this Ordinance be considered a privilege to be afforded in conformity with the foregoing and other public policies of the County, rather than a right.

IRWIN COUNTY
ALCOHOLIC BEVERAGES ORDINANCE

1) Definitions

- a) *"Alcoholic beverage"* means and includes all alcohol, distilled spirits, beer, malt beverages, wine or fortified wine.
- b) *"County"* shall mean Irwin County, Georgia.
- c) *"Convenience store"* means a small-sized store or shop that:
 - i) Offers a limited range of grocery and other items that people are likely to need or want as a matter of convenience.
 - ii) Is engaged primarily in the retail sale of food and beverage items by the package designed for nonpremises consumption.
- d) *"Distilled spirits"* means any alcoholic beverages obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.
- e) *"Establishment"* shall mean any physical location for the sale of malt beverages and wines in Irwin County.
- f) *"Farm Winery"* shall mean a winery as defined by O.C.G.A. § 3-6-21(1).
- g) *"Fortified wines"* means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term "fortified wine" includes, but is not limited to, brandy.
- h) *"Grocery store"* means a business which:
 - i) Is engaged primarily in the retail sale of food and beverage items by the package designed for nonpremises consumption; and
 - ii) Maintains at no time a retail inventory of alcoholic beverages which in more than 30 percent, valued at its retail sales price, of the total retail inventory of merchandise of such business, valued at its retail sales price.
- i) *"His", "her", "he", "she", "it", "they", "them", and "their"* shall, as the context may require, include any other gender and the singular or the plural, for a proper reading.
- j) *"License"* shall mean the authorization granted by the county to engage in the sale of specified alcoholic beverages upon the premises so licensed for a calendar year or the remaining portion of a calendar year.
- k) *"Licensor"* shall mean the Board of Commissioners of Irwin County, or other authority having control of the fiscal affairs of the county.
- l) *"Malt beverages"* shall mean those beverages defined by O.C.G.A. § 3-1-2(13).
- m) *"Package"* means a bottle, can, keg, barrel or other original consumer container.
- n) *"Person"* means a natural person, proprietorship, partnership, and either general or limited, firm, association or corporation.
- o) *"Restaurant"* means a business kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served and derives at least 50 percent of its total gross food and beverage sales from the sale of full course meals prepared, served and consumed upon the premises thereof.

IRWIN COUNTY
ALCOHOLIC BEVERAGES ORDINANCE

- p) *"Retail Licensee"* means any person engaged in selling, at retail, any malt beverage or wine to any member of the public in Irwin County.
 - q) *"Wholesale Licensee"* means any person engaged in selling, at wholesale, any malt beverage or wine to a retail licensee in Irwin County.
 - r) *"Wines"* shall include those beverages defined by O.C.G.A. § 3-1-2(25).
- 2) Activities are Privileges: The manufacture, distribution, sale and possession of alcoholic beverages within the County are privileges and not rights with any privilege with respect thereto granted pursuant to this chapter to the holder of any alcoholic beverage license being held and enjoyed only for so long as the holder of such license issued pursuant to this chapter shall fully and completely comply with all provisions of this chapter.
- 3) Compliance Required
- a) No person shall distribute, sell, or offer to sell, either at retail or wholesale, any alcoholic beverage in the county except to the extent permitted pursuant to a current alcoholic beverage license issued by the county;
 - b) No person shall distribute, handle, possess, sell, or offer to sell any alcoholic beverage in the county in violation of any provisions of this chapter or any provision of any law or regulation of the state relative to any alcoholic beverage;
 - c) No person shall distribute, handle, possess, sell or offer to sell any alcoholic beverage in the county except in compliance with the provisions of this chapter.
- 4) Sales Permitted: The sale of malt beverages and wines subject to the provisions of this chapter, as amended from time to time, are permitted in the County.
- 5) License Required for Sales: No person shall sell or offer to sell any alcoholic beverages which are permitted to be sold in the County pursuant to the provisions of this chapter unless such sale is made pursuant to the authority of a current alcoholic beverage license issued by the County pursuant to the provisions of this chapter.
- 6) Classification of Licenses:
- a) Retail malt beverage package license
 - b) Retail wine package license
 - c) Retail malt beverage consumption license
 - d) Retail wine consumption license
 - e) Wholesale malt beverage license
 - f) Wholesale wine license
- 7) Activities Authorized Pursuant to Licenses: The holder of an alcoholic beverage license issued by the County, as well as the employees of such holder, shall be

IRWIN COUNTY
ALCOHOLIC BEVERAGES ORDINANCE

authorized subject to the provisions of this chapter, the laws of the state relative thereto and the rules, regulations and requirements of the state department of revenue to engage in the following respective activities but none other than those which are specifically authorized with respect to each such license:

- a) Retail malt beverage package license: retail sale only of malt beverages in original unbroken and sealed containers to consumers for take out only and not for consumption upon the licensed premises;
 - b) Retail wine package license: retail sale only of wine in original unbroken and sealed containers to consumers for take out only and not for consumption upon the licensed premises;
 - c) Retail malt beverage consumption license: retail sale only of malt beverages to consumers for consumption only upon the licensed premises.
 - d) Retail wine consumption license: retail sale only of wine to consumers for consumption only upon the licensed premises;
 - e) Wholesale malt beverage license: wholesale sale only of malt beverage in original unbroken and sealed containers to the holders of effective retail malt beverage license issued by the state department of revenue for the purpose of resale only; and
 - f) Wholesale wine license: wholesale sale only of wine in original unbroken and sealed containers to the holders of current retail wine licenses issued by the state department of revenue for the purpose of resale only;
- 8) Annual License Fee
- a) The annual license fee for the Retail License provided in this Resolution shall be the sum of \$250.00 for packaging only and \$350 for consumption on the premises.
 - b) The annual license fee for the Wholesale License provided in this Resolution shall be the sum of \$125.00.
 - c) Such licenses shall run from January 1 to December 31 of each year, and the fee shall be paid on or before December 1 of each year, for the next year.
 - d) Such license fees shall be prorated if granted after January 1 of any year.
- 9) Renewal, Operation, and Revocation of Licenses
- a) As a condition subsequent to the granting of said license and the possession thereof, compliance with the following regulations shall be mandatory.
 - i) Licenses granted hereunder shall be prominently displayed in the Licensee's establishment, and shall be, together with the establishment, subject to inspection at any time by Licensor or any law enforcement agency having jurisdiction of the area of Licensee's establishment.
 - ii) Licensee shall pay the annual renewal fee for such license before December 1 of each succeeding year.

IRWIN COUNTY
ALCOHOLIC BEVERAGES ORDINANCE

- iii) The sale of all malt beverages and wines shall be in compliance with the laws of the State of Georgia and the regulations promulgated by the Department of Revenue of the State of Georgia.
 - iv) Each Licensee shall maintain for a period of 12 months records of all deliveries made to Licensee's establishment of malt beverages and wines by all wholesalers, which said records shall include copies of the wholesaler's invoice accompanying said delivery. Licensee shall make available to Licensor all such records upon request of the Licensor.
 - v) Failure of Licensee to comply with any of the provisions herein set forth in this ordinance shall be grounds for revocation of said license.
 - vi) Upon information to Licensor concerning violation of any of the provisions outlined in this ordinance, Licensor shall serve notice upon Licensee, by registered or certified mail addressed to Licensee's establishment, requiring him to appear before Licensor and show cause why his license should not be revoked. Such hearing shall not be held sooner than three days from the giving of such notice, and shall set forth with particularity the date, time and place of the hearing on said matter; such notice shall also state the condition alleged which could, if sustained, result in revocation of Licensee's license.
 - vii) Within three days of the hearing on such matter, Licensor shall render a decision on the matter, notifying Licensee, in writing, of its decision, by registered or certified mail, or by personally delivering the same to Licensee. In the event of a revocation not rebate shall be made on any portion of any license fee paid.
- b) After revocation of any license granted hereunder, no person, formerly holding such license, shall operate an establishment for the sale of malt beverages or wine in Irwin County without first obtaining a valid license.

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Sale of Beer and Wine**

Fee Schedule

Retail Malt Beverage License	\$250.00
Retail Wine License	\$250.00
Retail Malt Beverage License for Consumption	\$350.00
Retail Wine License for Consumption	\$350.00
Wholesale Malt Beverage License	\$125.00
Wholesale Wine Beverage License	\$125.00