

ORDINANCE NO. 3 -2024

AN ORDINANCE TO AMEND THE CODE OF BRYAN COUNTY, GEORGIA SUBPART A “GENERAL ORDINANCES” CHAPTER 4 “BRYAN COUNTY ALCOHOL ORDINANCE” SECTION 4-1-2 “DEFINITIONS” TO DELETE ALCOHOL SALES PERMIT; SECTION 4-1-3(B) “QUALIFICATIONS FOR ISSUANCE OF A LICENSE” TO CLARIFY REQUIREMENTS FOR RESIDENCY; SECTION 4-1-4 (F) “APPLICATION PROCESS” TO AMEND DATE FOR PRO-RATION; SECTION 4-1-6(C) (E) AND (G) “RENEWAL OF LICENSE” TO REVISE THE DEADLINE FOR SUBMITTING RENEWALS; TO DELETE LAST SENTENCE OF SECTION (E); AND TO CORRECT SECTION REFERENCES; SECTION 4-1-8 “RESTRICTIONS AND PROHIBITIONS” TO CORRECT SECTION REFERENCE; SECTION 4-1-9 “ALCOHOL SALES PERMITS” TO DELETE IN ITS ENTIRETY AND REPLACE WITH LICENSEE RESPONSIBILITY; SECTION 4-1-11(A) AND (C) “SUSPENSION OR REVOCATION OF LICENSE” TO CORRECT SECTION REFERENCES; SECTION 4-1-12(A) “ENFORCEMENT” TO REMOVE REFERENCE TO ALCOHOL SALES PERMIT AND CORRECT SECTION REFERENCE; SECTION 4-1-12(C) TO DELETE IN ITS ENTIRETY; SECTIONS 4-1-13(A) AND (D) “HEARING ON DENIAL, SUSPENSION, OR REVOCATION” TO CORRECT SECTION REFERENCE AND DELETE LAST CLAUSE; AND TO PROVIDE FOR ALL OTHER MATTERS RELATED HERETO

SECTION ONE

**WHEREAS**, O.C.G.A. § 3-1-1 et. seq. authorizes local governments to adopt and regulate the sale and consumption of alcoholic beverages;

**WHEREAS**, the Board of Commissioners of Bryan County (“Board of Commissioners”) repealed and replaced the “Bryan County Alcohol Ordinance” Chapter 4, Section 4-1-1 through 4-6-2 on September 13, 2022, (hereinafter “Alcohol Ordinance”);

**WHEREAS**, Section 4-1-9 of the Alcohol Ordinance requires those employees of business establishments meeting certain criteria obtain alcohol sales permits;

**WHEREAS**, the Board of Commissioners having considered the requirement for an alcohol sales permit and determined the continued implementation of this requirement does not promote the public health, safety and welfare of the residents of Bryan County because 1) the requirement is impeding the efforts of business establishments to hire employees; 2) it serves as an unnecessary impediment for individuals with minor criminal records from obtaining gainful employment; 3) it does not further employee awareness of state and local alcohol laws; or 4) further an employee’s ability to identify intoxicated individuals; and

**WHEREAS**, the Board of Commissioners has also identified certain sections of the Alcohol Ordinance that need to be amended in order to promote better efficiency for implementation and continued enforcement of the Alcohol Ordinance by staff and determined proration of new alcohol license application fees shall not begin until after July 1 of each calendar year.

**NOW THEREFORE BE IT RESOLVED**, the Board of Commissioners of Bryan County hereby amends Subpart A of the Code of Bryan County entitled “General Ordinances” as follows:

**SECTION TWO**

The Board of Commissioners of Bryan County, Georgia, hereby ordains that the adopted Code of Bryan County, is hereby amended as more particularly set forth below. It is the intention of the Board of Commissioners, and it is hereby ordained that the following provisions shall become and be made a part of the Code of Bryan County, and the Sections in the Code in the Ordinance be numbered and/or renumbered to accomplish that intention.

**SECTION THREE**

Subpart A of the Code of Bryan County, entitled “General Ordinances” shall be amended as follows:

**SECTION 4-1-2 DEFINITIONS**

This section shall be amended as follows:

The definition for “Alcohol Sales Permit” shall be deleted in its entirety.

**SECTION 4-1-3 QUALIFICATIONS FOR ISSUANCE OF A LICENSE**

Section 4-1-3(b) shall be amended by repealing and replacing the last sentence to read as follows:

‘All licenses, other than those issued for the sale of distilled spirits by the package, may be issued to any person, regardless of the location of their legal residence, who is a citizen of the United States, an alien lawfully admitted to this country as a permanent resident, or a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.’

**SECTION 4-1-4 APPLICATION PROCESS**

Section 4-1-4(f) shall be amended to modify the date for prorating and the last three sentences of this section shall be amended to read as follows:

‘Any applicant submitting an application on or before July 1 shall pay the full license fee without pro-ration. Any applicant submitting an application after July 1 shall pay one-half the annual license fee. License fees are not refundable once the license is granted by the County.’

**SECTION 4-1-6 RENEWAL OF LICENSE**

Section 4-1-6(c) shall be amended to read as follows:

‘Renewal applications containing permissible changes as noted below shall be administratively approved by the department head. Such applications must be submitted by the dates identified in subparagraph (b) above.’

Section 4-1-6(e) shall be amended to delete the following sentence:

‘Any changes to the applicant’s criminal history will be subject to subsection (d) of section 1-9 and subsections (j) and (k) of section 1-11.’

Section 4-1-6(g) shall be amended to read as follows:

‘Each application for renewal of a license shall be approved or denied in accordance with the procedures prescribed in sections 4-1-3 and 4-1-4 of this chapter.’

#### **SECTION 4-1-8 RESTRICTIONS AND PROHIBITIONS**

Section 4-1-8(o)(1)(i) shall be amended to read as follows:

‘No prior arrests or convictions in violation of the requirements set forth in Section 4-1-4.’

#### **SECTION 4-1-9 ALCOHOL SALES PERMITS.**

This section shall be repealed in its entirety and this Section shall now read:

‘Section 4-1-9 Licensee Responsibility

The licensee is responsible for the conduct or actions of his/her employees while in his/her employment. An act or omission of a licensee, owner, or employee of the licensee or licensed establishment that is willingly or knowingly performed, and that constitutes a violation of federal or state law or of any provision of this chapter, shall subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter. Criminal penalties may also apply to the licensee or owner when it is determined that the act or omission did occur, and the acts or omissions of the employee were known to or under reasonable circumstances should have been known to the licensee or owner, were condoned by the licensee or owner, or where the licensee or owner has not established practices or procedures to prevent the violation from occurring as prescribed by O.C.G.A. tit. 3. It shall be the duty of the licensee hereunder to maintain a copy of this chapter at the outlet and to instruct each and every employee engaged in the sale and/or handling of alcoholic beverages of the terms hereof.’

#### **SECTION 4-1-11 SUSPENSION OR REVOCATION OF LICENSE**

Section 4-1-11(a) shall be amended to read as follows:

‘Any licensed outlet that is found to be in violation of this chapter shall be subject to a criminal citation and prosecution as outlined in Section 4-1-12.’

Section 4-1-11(c) shall be amended to read as follows:

‘Except as provided for transfers under Section 4-1-7, any change in the ownership of any entity owning a licensed outlet shall cause the board of commissioners to immediately revoke any license issued under this chapter.’

#### **SECTION 4-1-12 ENFORCEMENT**

Section 4-1-12(a) first sentence shall be amended to read as follows:

‘. . . except for those violations and occurrences set forth in Section 4-1-11 that provide for immediate suspension or revocation upon notice and hearing;’

Section 4-1-12(a) third paragraph, shall be amended to read as follows:

‘Nothing contained in this subsection shall be construed to preclude the board of commissioners from suspending or revoking a license for a period exceeding those periods identified in Section 4-1-13 or from revoking the license if the board determines in its discretion that such action is necessary and in the best interest of the public health, safety, and welfare of the county.’

Section 4-1-12(c) shall be deleted in its entirety and shall be amended to read as follows:

‘Reserved.’

#### **SECTION 4-1-13 HEARING ON DENIAL, SUSPENSION, OR REVOCATION**

Section 4-1-13(a) is amended to read as follows:

‘. . .or upon a showing to the department head of any of the other occurrences set forth in Section 4-1-11 as ground for suspension or revocation . . .’

Section 4-1-13(d) is amended to read as follows:

‘At the conclusion of the hearing, the findings and conclusions of the Board of Commissioners shall be forwarded to the department head and it shall be the duty of the department head to provide written notification to the adverse party of the actions of the Board of Commissioners.’

#### **SECTION FOUR**

**Severability.** If the provisions of any section, subsection, paragraph, subdivision or clause of this

ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any ordinance, section, subsection, paragraph, subdivision or clause of this ordinance.

SECTION FIVE

**Repealer.** All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, subdivision or clause of this ordinance is hereby repealed to the extent of the conflict.

SECTION SIX

**Effective Date.** This Ordinance shall become effective immediately upon adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed, this the 13 day of February, 2024.



**BRYAN COUNTY BOARD OF COMMISSIONERS**

By: Carter Infinger  
Carter Infinger, Chairman

Attest: Lori Tyson  
Lori Tyson  
Clerk to the Commission

First Reading: January 9, 2024  
Second Reading: February 13, 2024