



## **CITY OF PORT WENTWORTH ALCOHOLIC BEVERAGE LICENSE APPLICATION PROCESS FOR NEW CERTIFICATIONS**

Thank you for your interest in applying for an Alcoholic Beverage License with the City of Port Wentworth. Chapter 3 of the Port Wentworth Code of Ordinances, Ordinance No. 57-30 §3-1, states “no person shall engage in carrying on the business of handling or selling of legal malt or alcoholic beverages at wholesale or at retail without a license issued by Mayor and Council.”

Thus, the following material is designed to assist you in successfully completing the application process as a prospective license holder. Should you have any questions or concerns, after reviewing this information please contact the Occupational Tax Registration Clerk at 912-964-4379.

**Step 1:** Obtain and complete the City of Port Wentworth **New Occupational Tax Registration Application** for new certifications **or** submit the annual renewal form and all supporting documents, then remit full payment (Occupational Tax Registration Fee and the trash receptacle deposit). *See the [New Occupational Tax Registration Checklist](#) for a list of applicable items required for licensure.*

**Step 2:** Obtain and complete the City of Port Wentworth **Alcoholic Beverage License Application**. Applications are available at Port Wentworth City Hall, 7224 GA Highway 21, Port Wentworth, Georgia 31407, during normal business hours Monday through Friday, 8:30 a.m. to 5:00 p.m. However, the cutoff time to apply is 4:00 p.m. for both new applications and renewals. Applications may also be downloaded via the City’s website, [www.cityofportwentworth.com](http://www.cityofportwentworth.com).

**Step 3:** Obtain and complete the **SAVE Affidavit (Affidavit Verifying Status For City Public Benefit)**. This document must be signed in the presence of a notary then notarized. City Hall offers complimentary Notary services with proper photo identification. *Refer to the [Secure and Verifiable Documents sheet](#) at the back of this packet for more information.*

**Step 4:** Obtain and complete the **Georgia CJIS Network Consent Form** authorizing a Criminal History/Background Check. Applicants with an unfavorable criminal history/background check will automatically be denied.

**Step 5:** Submit completed application packet in person at Port Wentworth City Hall, Monday through Friday, between the hours of 8:30 a.m. and 4:00 p.m. Upon arrival, applicants will be asked to present one form of a government issued identification. *Refer to the [Secure and Verifiable Documents sheet](#) at the back of this packet for more information.*



The Municipal Clerk will submit the signed Georgia CJIS Network Consent Form to the Director of Public Safety, Port Wentworth Police Department, for processing. Please allow three (3) to five (5) business days for examination. If favorable, applicants may proceed to Step 6. Again, applicants with an unfavorable criminal history/background check will automatically be denied.



## **CITY OF PORT WENTWORTH ALCOHOLIC BEVERAGE LICENSE APPLICATION PROCESS FOR NEW CERTIFICATIONS CONTINUED**

**Step 6:** Applicants with a clear history/background check should return to City Hall to remit full payment (administrative fee for new licenses, fee for each license type, and costs for advertisements).

**PLEASE NOTE:** Per the Port Wentworth Code of Ordinances, Ordinance No. 57-30 §3-2(b), the license application should be accompanied by two (2) certified checks; one (1) for the cost of the license and the other to cover the costs of two (2) advertisements in the Savannah Morning News, giving notice of the making of application for such license and calling interested persons to register objections thereto. *Refer to Chapter 3 - Alcoholic Beverages Ordinance included with this packet for more information.*

**Step 7:** The Alcoholic Beverage License Application packet will be forwarded to the Director of Development Services for review and placement on the agenda for approval by the Port Wentworth Planning Commission. (Planning Commission convenes the 2<sup>nd</sup> Monday of each month at Port Wentworth City Hall Council Chambers, unless a change in date notification has been posted.)

**Step 8:** Once the application has been approved by the Port Wentworth Planning Commission, the Director of Development Services will place the application as an agenda item for approval by Mayor and Council during the next regularly scheduled City Council Meeting. (City Council Meetings are held on the 4<sup>th</sup> Thursday of each month at Port Wentworth City Hall Council Chambers, unless a change in date notification has been posted).

**PLEASE NOTE:** Your presence is requested during both the Planning Commission Meeting and the City Council Meeting so that you can answer any questions the Commission and/or Mayor and Council may have related to your application.

**Step 9:** Per the Port Wentworth Code of Ordinances, Ordinance No. 57-30 §3-3, the Clerk of Council will submit payment to Savannah Morning News requesting an advertisement be published once a week for two (2) consecutive weeks (at least five (5) days prior to the scheduled meeting) notifying interested parties of the filing of the Alcoholic Beverage License and calling upon persons who wish to object to the granting of the license at or before the Regular City Council Meeting.

**Step 10:** Upon successful review and approval by Mayor and Council, applicants will be contacted via email with an official approval letter. The email will state the date the license will be available for pickup from City Hall.

**PLEASE NOTE:** Alcoholic Beverage Licenses will not be issued if a building is under construction. In this instance, the license will be issued after the project site has been cleared for use by receipt of an official Certificate of Occupancy (CO).

# CITY OF PORT WENTWORTH

## ALCOHOLIC BEVERAGE LICENSE APPLICATION

Administration Department | 7224 GA Highway 21, Port Wentworth, Georgia 31407

Phone: 912.964.4379 | Fax: 912.966.7429

This application must be completely filled out for processing. Please type or print legibly in blue or black ink.

### LICENSE DETAILS

**ALL LICENSES REQUIRE AN ANNUAL RENEWAL. FAILURE TO RENEW MAY RESULT IN FINES, SUSPENSION OR LOSS OF LICENSE.**

#### TYPE OF ALCOHOL PERMIT:

New License     Change in Ownership (\$25.00 fee will be accessed)     Renewal

#### LICENSE TYPE:

\$738.41 Beer/Wine/Liquor     \$2,219.95 Package Shop     \$2,639.38 Pouring Beer/Wine/Liquor     \$271.63 Wine  
 \$461.25 Sunday Sales (Must accompany one of the other licenses above)  
 \$100.00 Administrative Fee (Applied to all **NEW** licenses)     \$25.00 Change in Ownership Fee

**TOTAL ALCOHOL PERMIT FEE \$** \_\_\_\_\_

#### ALCOHOL LICENSE REGISTRATION:

\_\_\_\_\_  
 Georgia Alcoholic Beverage License Number  
*Issued by the Georgia Department of Revenue*

\_\_\_\_\_  
 Occupational Tax Number  
*Issued by the City of Port Wentworth*

\_\_\_\_\_  
 Alcohol License Number  
*Issued by the City of Port Wentworth*

### APPLICANT INFORMATION

|  |                |                |                             |  |            |
|--|----------------|----------------|-----------------------------|--|------------|
| APPLICANT FULL LEGAL NAME (Last, First, Middle): |                |                |                             | ISSUING STATE/DRIVER LICENSE NUMBER:   |            |
| SOCIAL SECURITY NUMBER:                          |                |                | DATE OF BIRTH (mm/dd/yyyy): | PLACE OF BIRTH (City, State, Country): |            |
| RACE:  | SEX:           | HEIGHT:        | WEIGHT:                     | HAIR COLOR:                            | EYE COLOR: |
| PHYSICAL HOME ADDRESS:                           |                |                | CITY:                       | STATE:                                 | ZIP CODE:  |
| MAILING ADDRESS: (if different)                  |                |                | CITY:                       | STATE:                                 | ZIP CODE:  |
| HOME PHONE NUMBER:                               | MOBILE NUMBER: | EMAIL ADDRESS: |                             |  |            |

### RESIDENT STATUS

Are you a U.S. citizen?  YES  NO If YES, answer the following:  Native Born  Naturalized

If Naturalized, provide Alien Registration Number \_\_\_\_\_ *Issued from the U.S. Citizenship & Immigration Services (USCIS)*

If NO, please state your legal status in the United States?  
 \_\_\_\_\_

**Provide supporting documents i.e. Visa, Resident Alien, Employment Authorization Documents, etc. Attach additional sheet if needed.**

### RESIDENTIAL ADDRESSES

List residential addresses for the past five (5) years starting with your current address. If additional space is needed, please attach a list with the information shown below.

| Number and Street | City, State, Zip | From (mm/yyyy) | To (mm/yyyy)   |
|-------------------|------------------|----------------|----------------|
|                   |                  |                | <b>PRESENT</b> |
|                   |                  |                |                |
|                   |                  |                |                |

**EMPLOYMENT HISTORY**

List employment for the past five (5) years beginning with your current employer. Indicate periods of unemployment, retirement or self-employment, including dates. If retired or self-employed, include name of company from which you retired or owned, and the position you held, or type of business owned. If additional space is needed, please attach a list with the information shown below.

| Name of Employer/Company | Address (Street, City, State, Zip) | Position Held/Business Type | From (mm/yyyy) | To (mm/yyyy) |
|--------------------------|------------------------------------|-----------------------------|----------------|--------------|
|                          |                                    |                             |                |              |
|                          |                                    |                             |                |              |
|                          |                                    |                             |                |              |

**EDUCATION**

List schools attended including High School and Postgraduate, location, certificates, diplomas or degrees received, and dates attended. If additional space is needed, please attach a list with the information shown below.

| Name of School | Address (Street, City, State, Zip) | Certificate/Diploma/Degree | From (mm/yyyy) | To (mm/yyyy) |
|----------------|------------------------------------|----------------------------|----------------|--------------|
|                |                                    |                            |                |              |
|                |                                    |                            |                |              |
|                |                                    |                            |                |              |

**MILITARY SERVICE**

List branch of service, serial numbers, type of discharge *if applicable* and periods of service. If additional space is needed, please attach a list with the information shown below.

| Branch of Service | Serial Number | Type of Discharge | From (mm/yyyy) | To (mm/yyyy) |
|-------------------|---------------|-------------------|----------------|--------------|
|                   |               |                   |                |              |
|                   |               |                   |                |              |
|                   |               |                   |                |              |

**CRIMINAL HISTORY**

**WARNING – Failure to make full disclosure in responses to these questions may result in denial or subsequent revocation of the license.**

Has the applicant or any person connected with or having an interest in said business:

- a. Ever been convicted of any crime or violation of law in any locality?  
*If yes, was conviction for other than a traffic violation?* \_\_\_ Yes \_\_\_ No \_\_\_ Yes \_\_\_ No
- b. Ever served time in prison or other correctional institution? \_\_\_ Yes \_\_\_ No
- c. Ever had an alcoholic beverage license suspended or revoked at any time in any locality? \_\_\_ Yes \_\_\_ No
- d. Ever been cited for an alcoholic beverage violation?  
*If yes, list on separate sheet of paper.* \_\_\_ Yes \_\_\_ No

If the answer to any part of the above questions is *yes* for the applicant or any person connected with or having an interest in said business, describe the circumstances for each person. For *convictions* include (a) the name of the person convicted, (b) nature of the crime, (c) the sentence or fine levied, (d) the date of the conviction, and (e) the jurisdiction in which said conviction occurred. For *alcoholic beverage license suspensions and revocations* include (a) the name of the person involved, (b) basis for suspension or revocation, (c) the punitive action taken, (d) the date of the action, and (e) the jurisdiction in which the suspension or revocation action was taken.

Listed on separate paper? \_\_\_ Yes \_\_\_ No, such convictions, license suspensions or revocations.

**BUSINESS INFORMATION**

LEGAL BUSINESS NAME: *(As filed with Clerk of Superior Court Chatham Co.)*

DOING BUSINESS AS (DBA) NAME *If applicable:*

BUSINESS TYPE:

\_\_\_ Convenience Store \_\_\_ Hotel \_\_\_ Package Shop \_\_\_ Restaurant  
 \_\_\_ Wholesale \_\_\_ Supermarket \_\_\_ Other *(Explain)* \_\_\_\_\_

FEDERAL EMPLOYMENT ID NUMBER (FEIN):

GEORGIA SALES TAX ID NUMBER (STIN):

BUSINESS ADDRESS (Physical Location):

CITY:

STATE:

ZIP CODE:

|  |       |                         |           |
|--|-------|-------------------------|-----------|
| BUSINESS MAILING ADDRESS:  | CITY: | STATE:                  | ZIP CODE: |
| DISTANCE FROM NEAREST SCHOOL OR CHURCH ( <i>Distance in miles or feet</i> ): |       | ZONING DISTRICT:        |           |
| PRIMARY PHONE NUMBER:  |       | SECONDARY PHONE NUMBER: |           |
| BUSINESS EMAIL ADDRESS:  |       |                         |           |

|   |      |                             |         |  |            |
|---|------|-----------------------------|---------|--|------------|
| <b>OWNER INFORMATION</b> <i>If business has more than one owner, attach additional sheet with the information below.</i>  |      |                             |         |  |            |
| LEGAL STRUCTURE OF OWNERSHIP ENTITY:<br><input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> Partnership |      |                             |         |  |            |
| OWNER FULL LEGAL NAME (Last, First, Middle):  |      |                             |         | ISSUING STATE/DRIVER LICENSE NUMBER:   |            |
| SOCIAL SECURITY NUMBER:   |      | DATE OF BIRTH (mm/dd/yyyy): |         | PLACE OF BIRTH (City, State, Country): |            |
| RACE:   | SEX: | HEIGHT:                     | WEIGHT: | HAIR COLOR:                            | EYE COLOR: |
| PHYSICAL HOME ADDRESS:  |      | CITY:                       |         | STATE:    ZIP CODE:                    |            |
| MAILING ADDRESS: (if different)   |      | CITY:                       |         | STATE:    ZIP CODE:                    |            |
| HOME PHONE NUMBER:  |      | MOBILE NUMBER:              |         | EMAIL ADDRESS:                         |            |

|   |                            |                        |    |
|---|----------------------------|------------------------|----|
| <b>FINANCING</b>  |                            |                        |    |
| Please provide investment details, including notes, loans, gifts, cash, services or equipment, and operating capital. If additional space is needed, please attach a list with the information shown below. |                            |                        |    |
| <b>INVESTOR</b>   | Owner                      | <b>AMOUNT INVESTED</b> | \$ |
| <b>INVESTOR</b>   | Party Other Than the Owner | <b>AMOUNT INVESTED</b> | \$ |
| <b>INVESTOR</b>   | Any Party / Parties        | <b>AMOUNT INVESTED</b> | \$ |
| <b>TOTAL AMOUNT OF INVESTMENT</b>   |                            |                        | \$ |

|   |                        |                                     |               |     |                |
|---|------------------------|-------------------------------------|---------------|-----|----------------|
| <b>BORROWED CAPITAL</b>   |                        |                                     |               |     |                |
| Name of Lender  | Date Borrowed          | Amount Borrowed                     | Interest Rate |     |                |
|   |                        | \$                                  | %             |     |                |
|   |                        | \$                                  | %             |     |                |
|   |                        | \$                                  | %             |     |                |
| Please list the names all of parent, affiliates, or subsidiary corporations who own more than 10% of the business who have received or will receive, as a result of your operation under the requested license, any financial gain, loss or payment derived from any interest or income from the operation. If additional space is needed, please attach a list with the information shown below. |                        |                                     |               |     |                |
| Individual/Business Name  | Social Security Number | Issuing State/Driver License Number | Date of Birth | Sex | % of Ownership |
| Individual/Business Name  | Social Security Number | Issuing State/Driver License Number | Date of Birth | Sex | % of Ownership |
| Individual/Business Name  | Social Security Number | Issuing State/Driver License Number | Date of Birth | Sex | % of Ownership |
| Individual/Business Name  | Social Security Number | Issuing State/Driver License Number | Date of Birth | Sex | % of Ownership |

| REFERENCES   |                             |                |
|--|-----------------------------|----------------|
| Give the names, addresses, and telephone numbers of three (3) <u>citizens residing within City limits of Port Wentworth</u> as references: |                             |                |
| Name   | Address (Number and Street) | Contact Number |
|  |                             |                |
|  |                             |                |
|  |                             |                |

**ACKNOWLEDGEMENT**

The applicant for a license to dispense alcoholic beverages shall be (a) a citizen of the United States of America or Resident Alien, (b) a resident of Chatham County, Georgia, or if not, the designated manager with day-to-day operating responsibility must be a resident of Chatham County, and (c) the owner of the business, or if the owner of the business is a corporation, partnership, or other legal entity, the applicant shall be (1) a substantial and major stockholder or (2) the manager of the business who regularly operates and supervises the business on the licensed premises.

ALL ABOVE INFORMATION IS FULLY UNDERSTOOD AND ALL STATEMENTS SHOWN ABOVE, AND ON ANY ATTACHMENTS ARE GIVEN UNDER OATH, WILLFULLY, KNOWINGLY, AND ABSOLUTELY, AND ARE HEREBY SWORN TO BE TRUE, CORRECT AND COMPLETE, UNDER PENALTY FOR FALSE SWEARING AS PROVIDED BY LAW.

**SIGN AND NOTARIZE APPLICATION**

**WARNING – Georgia Code Title 16. Crimes and Offenses § 16-10-20**  
 A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

I, under penalty of law, hereby swear that I have read all the information provided in this document and any attachments and the information is true and correct. I also understand any false statement or representation in this application can result in my application being denied and/or criminal charges filed against me. I also authorize the City of Port Wentworth to use all legal means to verify the information provided.

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ **A P P L I C A N T   S I G N A T U R E**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ **D A T E   S I G N E D   B Y   A P P L I C A N T**

\_\_\_\_\_  
**NOTARY PUBLIC**  
 My Commission Expires: \_\_\_\_\_ (SEAL)

**OFFICE USE ONLY**

\$ \_\_\_\_\_ License Fee      \$ \_\_\_\_\_ Advertising Fee      \$ \_\_\_\_\_ Total Amount Paid

**FORM OF PAYMENT:**  
 \_\_\_\_\_ Cash    \_\_\_\_\_ Cashier's Check/Money Order    \_\_\_\_\_ Credit/Debit Card

**REVIEW DATES:**  
 \_\_\_\_\_ Date Reviewed by Planning & Zoning    \_\_\_\_\_ Date Reviewed by Council

**LICENSE STATUS:**  
 \_\_\_\_\_ Approved  
 \_\_\_\_\_ Denied  
 \_\_\_\_\_ Temporary License Issued

**APPROVAL SIGNATURES:**  
 \_\_\_\_\_ City Administrator  
 \_\_\_\_\_ Director of Public Safety  
 \_\_\_\_\_ Director of Development Services

RECEIVED

**GEORGIA CJIS NETWORK  
POLICY MANUAL  
CONSENT FORM**

I hereby authorize the **City of Port Wentworth** to receive any criminal history record information pertaining to me which may be in files of any state or local justice agency in Georgia.

\_\_\_\_\_  
Full Name (*Please Print*)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Zip

\_\_\_\_\_  
Sex

\_\_\_\_\_  
Race

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Social Security Number

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. §16-10-20, and face criminal penalties as allowed by such criminal statute.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
Printed Name and Title of Authorized Officer or Agent

\_\_\_\_\_  
Signature of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires:

**SAVE AFFIDAVIT**  
**AFFIDAVIT VERIFYING STATUS FOR CITY PUBLIC BENEFIT**  
**PURSUANT TO O.C.G.A. § 50-36-1(E)(2)**

By executing this affidavit under oath, as an applicant for a City of Port Wentworth, Georgia Occupational Tax Certificate (Business License), Alcohol Beverage License, or other public benefit as referenced in O.C.G.A. § 50-36-1, the undersigned applicant representing the entity known as

\_\_\_\_\_  
*Name of Private Employer (Business)*

verifies one of the following with respect to my application for a public benefit:

- 1) \_\_\_\_\_ I am a United States citizen.
- 2) \_\_\_\_\_ I am legal permanent resident of the United States.
- 3) \_\_\_\_\_ I am 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.

**My alien number issued by the Department of Homeland Security or other federal immigration agency is:** \_\_\_\_\_.

The undersigned applicant also verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.\*

The secure and verifiable document provided with this affidavit can be best classified as:

\_\_\_\_\_.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. §16-10-20, and face criminal penalties as allowed by such criminal statute.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

*Type of Public Benefit Applying For*

\_\_\_\_ Occupational Tax Certificate \_\_\_\_\_ Alcohol Beverage License  
\_\_\_\_ Other Benefit \_\_\_\_\_

\_\_\_\_\_  
Occupational Tax Certificate (Business License) Number

\_\_\_\_\_  
Printed Name of Applicant

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

SUBSCRIBED AND SWORN BEFORE ME ON

THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

(NOTARY SEAL)

\*Note: O.C.G.A. § 50-36-1 (e)(2) requires that aliens under Federal Immigration and Nationality Act, Title 8 U.S.C., as amended, provide their alien registration number. Because legal permanent residents are included in the federal definition of "alien", legal permanent residents must also provide their alien registration number. **Qualified aliens that do not have an alien registration number may supply another identifying number here:** \_\_\_\_\_.



## Secure and Verifiable Documents Under O.C.G.A. § 50-36-2

- A United States passport or passport card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A United States military identification card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A driver's license issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An identification card issued by one of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Marianas Islands, the United States Virgin Island, American Samoa, or the Swain Islands, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A tribal identification card of a federally recognized Native American tribe, provided that it contains a photograph of the bearer or lists sufficient identifying information regarding the bearer, such as name, date of birth, gender, height, eye color, and address to enable the identification of the bearer. A listing of federally recognized Native American tribes may be found at:  
<http://www.bia.gov/WhoWeAre/BIA/OIS/TribalGovernmentServices/TribalDirectory/index.htm>  
[O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A United States Permanent Resident Card or Alien Registration Receipt Card [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- An Employment Authorization Document that contains a photograph of the bearer [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A passport issued by a foreign government [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Merchant Mariner Document or Merchant Mariner Credential issued by the United States Coast Guard [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Free and Secure Trade (FAST) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A NEXUS card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A Secure Electronic Network for Travelers Rapid Inspection (SENTRI) card [O.C.G.A. § 50-36-2(b)(3); 22 CFR § 41.2]
- A driver's license issued by a Canadian government authority [O.C.G.A. § 50-36-2(b)(3); 8 CFR § 274a.2]
- A Certificate of Citizenship issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-560 or Form N-561) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- A Certificate of Naturalization issued by the United States Department of Citizenship and Immigration Services (USCIS) (Form N-550 or Form N-570) [O.C.G.A. § 50-36-2(b)(3); 6 CFR § 37.11]
- In addition to the documents listed herein, if, in administering a public benefit or program, an agency is required by federal law to accept a document for proof of or documentation of identity, that document will be deemed a secure and verifiable document solely for that particular program or administration of that particular public benefit. [O.C.G.A. § 50-36-2(c)]

## PORT WENTWORTH CODE OF ORDINANCES

### Chapter 3 - ALCOHOLIC BEVERAGES

Footnotes:

--- (1) ---

**Charter reference**— Power of mayor and council over alcoholic beverages, § 24.

**Cross reference**— Licenses and taxation, Ch. 11.

**State Law reference**— Local power and duty regarding alcoholic beverage licensure, O.C.G.A. § 3-3-2 et seq.

#### ARTICLE I. - IN GENERAL

##### Sec. 3-1. - License required.

No person shall engage in carrying on the business of handling or selling of legal malt or alcoholic beverages at wholesale or at retail without a license issued by the mayor and council.

(Ord. No. 57-30, §§ 1, 2, 9-12-57)

##### Sec. 3-2. - License application.

- (a) *Application required.* An application shall be completed and filed with the clerk by each applicant for a license to conduct and carry on such business of selling legal alcoholic or malt beverages or engaging therein and by each applicant for transfer or renewal of an existing license, on forms provided therefor, together with payment by certified check to the city treasurer in the amount of license fee to be due if the license is granted. Such application shall be obtained at City Hall.
- (b) *Payment to accompany application.* The application shall be accompanied by a certified check payable to the city for the license for such business and a certified check payable to the city in a sum sufficient to cover the costs of two (2) advertisements in the Savannah Morning News, giving notice of the making of application for such license and calling on interested persons to register objections thereto, if any, within the time that shall be specified in the advertisement.

(Ord. No. 57-30, § 2, 9-12-57; Ord. No. 78-8, 12-28-78; Ord. No. 99-06, 12-2-99)

##### Sec. 3-3. - Publication of notice of application in newspaper.

Upon receipt of an application for the license required by the provisions of this article and the certified checks required to be submitted at the time of and in connection with the filing of the application, the clerk of council shall cause to be published in the Savannah Morning News advertisement notifying interested parties of the filing of such application for license and calling upon persons objecting to the granting of such license to file objections with council at or before the meeting of council at which such application will be acted upon. Such advertisement shall be published once a week for two (2) consecutive weeks in said newspaper, the last advertisement to be published in an issue of the newspaper that shall be printed and circulated at least five (5) days prior to the day upon which the mayor and council will consider and pass upon the application.

(Ord. No. 57-30, § 3, 9-12-57)

##### Sec. 3-4. - Investigation of license applicant.

After an application has been filed for the license required by the provisions of this article the clerk of council shall refer a copy of such application to the director of public safety who shall run a criminal history background check on the applicant for review by the mayor and council.

(Ord. No. 57-30, § 4, 9-12-57; Ord. No. 12-27, § 1(a), 8-23-12)

Sec. 3-5. - Reserved.

**Editor's note**— Ord. No. 13-23, § 1(a), adopted September 26, 2013, repealed § 3-5, which pertained to submission of reports and recommendations to council and derived from Ordinance No. 57-30, § 5, 9-12-57.

Sec. 3-6. - License fee.

A person desiring a license required by the provision of this article shall pay the license fee provided below:

Package shop ..... \$2,219.95

Beer/wine ..... \$738.41

Pouring—Beer/wine/liquor ..... \$2,639.38

Wine ..... \$271.63

Sunday alcohol sales ..... \$461.25

On new applications, payment of the fee shall accompany each application for a license and the city administrator shall not receive such application unless the license fee is tendered in the correct amount. Any new license granted under this division during a calendar year shall cost the full license fee without proration, except that the fee for a new license granted after June 30 in any calendar year shall be fifty (50) per cent of the annual license fee for the remainder of the calendar year. In addition to the above fees on all new applications for an alcohol beverage license, a one hundred dollar (\$100.00) administrative fee shall be paid to cover the cost for advertising and background checks.

(Ord. No. 57-30, § 17, 9-12-57; Ord. No. 94-10, 10-27-94; Ord. No. 00-15, 11-30-00; Ord. No. 02-17, 12-12-02; Ord. No. 14-13, 8-28-14)

Sec. 3-7. - Issuance of license.

No license for the sale, handling, giving away or other disposition of malt or alcoholic beverages shall be issued to any person unless and until the mayor and the council have voted affirmatively upon the matter at a regular meeting of the council; in the event that the vote of council favors the issuance of such license, the city clerk shall then be authorized and directed to issue such license as shall have been approved by the mayor and council.

(Ord. No. 57-30, § 6, 9-12-57)

Sec. 3-8. - License expiration.

The license required by the provisions of this article shall expire at the end of each calendar year.

(Ord. No. 57-30, § 17, 9-12-57)

Sec. 3-9. - Location restrictions.

It shall be unlawful for any business operating under this article to sell, dispense, or otherwise vend any distilled spirits within one hundred (100) yards of any church and two hundred (200) yards of any school grounds or college campus.

(Ord. No. 57-30, § 8, 9-12-57; Ord. No. 65-10, § 1, 12-9-65; Ord. No. 78-8, 12-28-78; Ord. No. 83-9, § 1, 11-10-83; Ord. No. 13-23, § 1(a), 9-26-13)

**State Law reference**— Similar provisions, O.C.G.A. § 3-3-21.

Sec. 3-10. - License revocation.

- (a) If any person to whom a license has been issued under this article is convicted of violating any provisions of this article or any applicable state law the mayor is hereby authorized to immediately revoke such person's license until the next regular meeting of council, when such person shall have the right to appear and be heard, and show cause, if any, why such revocation should not be confirmed by council. If such action of the mayor in revoking the license is confirmed by a majority of the council, then the license shall be permanently revoked, and the amount paid as a license fee shall be forfeited to the city.
- (b) Any licensee who violates any provision of this article or any laws and regulations of the State of Georgia relating to the sale and distribution of malt or fermented and distilled beverages shall subject himself to the suspension or revocation of this license. The failure of the licensee to meet any obligations imposed by any other tax laws of the State of Georgia shall be grounds for suspension or revocation of license.
- (c) The mayor or the council may revoke a license issued to any person pursuant to the provisions of this article without such person having been convicted in the police court when, in the opinion of the mayor or of the council, facts and evidence are presented to him or them from which he or they determine that probable cause exists to suspect that the holder of such license is guilty of a violation of the provisions of this article or of the laws of the state bearing hereon; provided, however, that in the event the mayor revokes such license under such circumstances, the holder of such license shall have due notice of the revocation of such license and shall have the right to appear before the next ensuing regular meeting of council and show cause why his license should not be revoked, or why the revocation by the mayor should not be set aside. In the event of such a revocation the amount paid to the city as a license fee shall be forfeited to the city.

(Ord. No. 57-30, § 15, 9-12-57; Ord. No. 78-8, 12-28-78)

**Editor's note**— Ord. No. 78-8, enacted Dec. 28, 1978, was originally designated § 3-18; said section was redesignated § 3-10(b) and former subsection (b) relettered as subsection (c) at the editor's discretion.

Sec. 3-10.1. - Presumption of knowledge of violation by licensee.

It shall be in violation of this chapter for any licensee to violate any provision of federal, state or municipal regulations or laws, and in the event such activity occurs, there shall be a presumption the same was done with the knowledge and consent of the licensee, and unless rebutted by evidence that an exercise of full diligence could not have prevented the activity, shall be grounds for suspension or revocation of his license.

(Ord. No. 78-8, 12-28-78)

**Editor's note**— Ord. No. 78-8, enacted Dec. 28, 1978, originally designated § 3-17, has been redesignated § 3-10.1 at the editor's discretion.

Sec. 3-11. - Doors on establishments to be unlocked.

Every business licensed under this article shall keep, during business hours, the doors into such business unlocked.

(Ord. No. 57-30, § 8, 9-12-57; Ord. No. 78-8, 12-28-78)

Sec. 3-12. - Registration card for persons in retail establishments.

- (a) It shall be unlawful for any person or the holder of any wholesale liquor, beer or wine licenses or the holder of any retail liquor, beer or wine licenses to operate thereunder any place of business within the city without having a registration card signed by the proper authority. Such registration card shall state the name of the employer and the location of his place of employment.
- (b) It shall be unlawful for the holder of any such license to permit any other person to work or to serve in or about his place of business unless said person has the registration card required by this section.
- (c) It shall be unlawful for the holder of any such registration card to fail to notify the proper authority when transferring from the place of employment shown on the bar registration card to another place of employment for which such a card is required.

(Ord. No. 72-2, §§ I—III, 8-24-72)

Sec. 3-13. - Noisy, boisterous or disorderly conduct on licensed premises.

No person holding a license issued pursuant to the provisions of this article shall permit any boisterous, noisy or disorderly conduct in his licensed premises.

(Ord. No. 57-30, § 13, 9-12-57)

Sec. 3-14. - Hours of operation.

(a) *Retail sales license holders.*

- (1) No holder of a retail sales license for wine, beer, or malt beverages shall sell, give away, or otherwise distribute any wine, beer or malt beverage between the hours of 2:00 a.m. Sunday and 6:30 a.m. Monday or between the hours of 2:00 a.m. and 6:30 a.m. on other days.
- (2) No holder of a retail sales license to sell distilled spirits shall open its place of business or furnish, sell, or offer for sale any alcoholic beverages at any time except between the hours of 8:00 a.m. and 11:45 p.m., Monday through Saturday.

(b) *Pouring license holders.*

- (1) No holder of a pouring license shall sell, give away or otherwise distribute any distilled spirits, alcoholic beverages, wine, beer or malt beverage between the hours of 2:00 a.m. Sunday and 6:30 a.m. Monday and between the hours of 2:00 a.m. and 6:30 a.m. on other days.
- (2) All establishments holding a pouring license shall be closed no later than 2:00 a.m. on Sunday, and shall not open before 6:30 a.m. on Monday and shall be closed between the hours of 2:00 a.m. and 6:30 a.m. on all other days except that standard restaurants and dining rooms holding licenses for the preparation and serving of food and where food is actually and regularly served may remain open beyond such times to serve food and shall be permitted to sell or dispense

distilled spirits, alcoholic beverages, wine, beer or malt beverages on Sundays between the hours of 12:30 p.m. and 12:00 midnight provided that at least fifty (50) per cent of its total annual gross food and beverage sales are derived from the sale of prepared meals or food.

- (3) The intent of this section is to allow standard full service restaurants that serve the public as part of the community's tourism business to sell alcoholic beverages with meals on Sunday. A standard restaurant is an establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method or operation includes one (1) or both of the following characteristics:
- a. Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at which food and beverages are consumed;
  - b. A cafeteria-type operation where food and beverages are consumed within the restaurant building. It is not the intent of this section to permit neighborhood taverns, bars and establishments considered to be fast-food restaurants to sell alcoholic beverages on Sunday via the mechanism of selling incidental meals on Sunday.

(Ord. No. 57-30, §§ 11, 12, 9-12-57; Ord. No. 78-8, 12-28-78; Ord. No. 00-12, 10-26-00; Ord. No. 10-09, 6-24-10; Ord. No. 10-14, 6-24-10)

**State Law reference**— Authority to establish by ordinance Sunday hours for sale of alcoholic beverages, O.C.G.A. § 3-3-7(j) et seq.

Sec. 3-15. - View of premises.

No screen, partition or swinging door which will obscure the view from the sidewalk or street shall be kept in any place of business where the malt and alcoholic beverages are sold or kept for sale.

(Ord. No. 57-30, § 14, 9-12-57)

Sec. 3-16. - Vending machines.

No licensee nor anyone acting in his behalf shall sell, offer for sale, or allow to be sold any malt beverages through any vending machine or unattended machine.

(Ord. No. 78-8, 12-28-78)

Sec. 3-17. - Sales for cash only.

All sales made by retailers shall be for cash only and the delivery and payment is a simultaneous transaction and there shall not be any maneuver or subterfuge of any kind whereby credit is extended. Use of postdated checks is prohibited.

(Ord. No. 78-8, 12-28-78)

**Editor's note**— Ord. No. 78-8, adopted Dec. 28, 1978, enacted provisions designated as §§ 3-19, 3-20, which sections the editor has redesignated as §§ 3-17, 3-18.

Sec. 3-18. - Sales to persons under twenty-one years of age.

- (a) It shall be unlawful for a retailer, or anyone acting in his behalf, to sell or offer for sale alcoholic beverages to any person under the age of twenty-one (21) years;
- (b) It shall be unlawful for any person to assist any minor in procuring or to participate in procuring for any minor any alcoholic beverages as defined in this regulation;
- (c) It shall be unlawful for any person under the age of twenty-one (21) years to purchase or knowingly possess any alcoholic beverage in the City of Port Wentworth;
- (d) The prohibitions contained in subsections (b) and (c) of this section shall not apply to the possession of alcoholic beverages for consumption by a person under twenty-one (21) years of age when the parent or guardian of the person under twenty-one (21) years of age gives the alcoholic beverage to the person and when possession is in the home of the parent or guardian and such parent or guardian is present.

(Ord. No. 78-8, 12-28-78; Ord. No. 88-4, 3-24-88; Ord. No. 89-09, 6-8-89; Ord. No. 13-23, § 1(a), 9-26-13)

**Note**— See the editor's note to § 3-17.

**Cross reference**— Selling cigarettes to minors, § 15-10; curfew for minors, § 15-31 et seq.

Sec. 3-19. - Types of entertainment, attire and conduct prohibited.

The following types of entertainment, attire and conduct are not permitted upon any premises licensed to sell alcoholic beverages for consumption on the premises:

- (1) The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is in such attire, costume or clothing as to expose a view of any portion of the female breast below the top of the areola or any other portion of pubic hair, anus, cleft of the buttocks, vulva, or genitals; or
  - a. Live entertainment where any person appears in the manner described in subsection (1) above or where any person performs acts which simulate:
    - 1. Sexual intercourse, masturbation, sodomy, or bestiality; or
    - 2. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or
    - 3. The display of pubic hair, anus, vulva or genitals; or
  - b. The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of a licensed establishment are encouraged or allowed to engage in any of the above prohibited conduct.

Nothing contained in this section shall apply to the premises of any main stream performance house, museum, or theater which derives less than twenty (20) per cent of its gross annual income from alcoholic beverages.

(Ord. No. 95-01, § 1, 2-23-95)

Sec. 3-20. - Temporary off-premise special events.

- (a) Upon filing an application and payment of a fee of \$50.00, the department of public safety may issue an off-premise special event permit to a current on-premise license holder. The off-premise special event permit may be issued with the following conditions:
  - (1) The applicant must already hold a City of Port Wentworth annual license for the sale of alcoholic beverages for on-premises consumption.

- (2) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.
  - (3) Food must be served during any period of time that alcoholic beverages are served.
  - (4) The application for such permit must have been filed with the department of public safety at least ten days prior to the date of the special event.
  - (5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday.
  - (6) All applicants and permit holders must comply with all state statutes governing the sale of alcoholic beverages and all sections of this Code and other city ordinances governing such sales.
  - (7) Each off-premise special event shall last a maximum of seven consecutive days, and no more than two special event permits shall be issued to any applicant in any calendar year.
- (b) An off-premise special event permit may be immediately revoked by the director of public safety for due cause for a violation of this chapter which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.
- (1) Each such special event permitted pursuant to this section must comply with the following conditions:
    - a. Said permit shall last for a period not to exceed ten days;
    - b. The area in which the special event is held must have controlled access;
    - c. The applicant must submit a site plan for the special event;
    - d. The applicant must provide a traffic plan and a security plan, and said plan must be approved by the department of public safety; and
  - (2) Food must be served during any period of time that alcoholic beverages are served.
- (c) A special event permit may be immediately revoked by the director of public safety for due cause for a violation of this chapter which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

(Ord. No. 16-10, § 1, 10-27-16)

Secs. 3-21, 3-22. - Reserved.

Sec. 3-23. - Temporary permit for Port Wentworth nonprofit civic organizations.

- (a) Upon filing an application and payment of a fee of \$25.00, the department of public safety may issue a permit authorizing a bona fide nonprofit civic organization, as defined in O.C.G.A. § 3-9-5, to sell alcoholic beverages for consumption on-premises or off-premises for a period not to exceed one day, subject to any law regulating the time for selling such beverages.
- (b) The application for such permit must have been filed with the department of public safety at least 10 days prior to the date of the special event.
- (c) Not more than six permits may be issued pursuant to this section to an organization in any one calendar year.
- (d) Permits issued pursuant to this section shall be valid only for the place specified in the permit.
- (e) Applicants must complete a criminal history background form to be accompanied with the application and to be processed by the Port Wentworth Department of Public Safety.

(Ord. No. 16-10, § 1, 10-27-16)



Secs. 3-24—3-26. - Reserved.

ARTICLE II. - EXCISE TAX ON MALT BEVERAGES, WINES AND SPIRITUOUS LIQUORS<sup>(2)</sup>

Footnotes:

--- (2) ---

**State Law reference**— Imposition by municipality of excise tax on distilled spirits for sale by the package, O.C.G.A. § 3-4-80; on distilled spirits for sale by the drink, O.C.G.A. § 3-4-132; on malt beverages, O.C.G.A. § 3-5-80; on wine, O.C.G.A. § 3-6-60.

Sec. 3-27. - Tax levied.

There is hereby levied an annual special license tax upon the sales of malt beverages, wines, or distilled spirits as follows:

(a) *Distilled spirits.* On distilled spirits the tax shall be in accordance with the following table:

| Size of Container       | Tax    |
|-------------------------|--------|
| 1 gallon .....          | \$0.80 |
| ½ gallon .....          | 0.40   |
| 1 quart .....           | 0.20   |
| 1/5 gallon .....        | 0.16   |
| 1 pint .....            | 0.10   |
| 1/10 gallon .....       | 0.08   |
| ½ pint or smaller ..... | 0.05   |

(b) *Wine.* For wine sold to retailers located within the City of Port Wentworth, an excise tax shall be paid at the rate of twenty-two cents (\$0.22) per liter or eighty-three cents (\$0.83) per gallon. The tax on wine sold in other size containers shall be computed at proportionate rates.

(c) *Malt beverages.* On malt beverages the tax shall be based in accordance with the following tables:

(1) *When sold by the container:*

| Sale of Container | Tax |
|-------------------|-----|
|-------------------|-----|

| (ounces) | (per case) |
|----------|------------|
| 6 .....  | \$1.20     |
| 7 .....  | 1.40       |
| 8 .....  | 1.20       |
| 10 ..... | 1.00       |
| 12 ..... | 1.20       |
| 14 ..... | 1.40       |
| 16 ..... | 1.60       |
| 32 ..... | 1.60       |

(2) *When sold at draft:*

| Size of Container | Tax     |
|-------------------|---------|
| 11/8 gal. ....    | \$0.436 |
| 2¼ gal. ....      | 0.871   |
| 1/8 bbl. ....     | 1.50    |
| ¼ bbl. ....       | 3.00    |
| ½ bbl. ....       | 6.00    |

(Ord. No. 69-8, §§ 1, 2, 9-25-69; Ord. No. 73-6, § 1, 5-10-73; Ord. No. 75-2, § 1, 4-1-75; Ord. No. 76-4, § 1, 5-27-76; Ord. No. 86-16, 7-24-86; Ord. No. 13-22, § 1(a), 9-26-13)

Sec. 3-28. - Computation of tax.

In computing the tax imposed herein, the term "case" as applied to wine, shall mean a carton or other container containing twenty-four (24) bottles of pint size or smaller, or twelve (12) bottles of quart size, or one-fifth ( 1/5 ) size.

Fractional parts of cases or barrels, kegs or drums, or any other size or type containers shall be computed proportionately.

(Ord. No. 69-8, § 3, 9-25-69)

Sec. 3-29. - Records, collection, etc., of tax.

Each wholesale dealer or distributor selling, shipping or delivering beverages taxed by this article to any retail dealer or seller in the city, whether delivered to the retail dealer, or seller's place of business or elsewhere for resale in the city, shall, as a condition to the privilege of carrying on such business in the city:

- (1) Keep true and correct records of all sales, shipments or deliveries of such beverages to each retail dealer, or seller in the city; such records shall be preserved for a period of one (1) year and to be made available on request for the inspection of any duly authorized representative of the city.
- (2) Collect from each such retail dealer or seller in the city, and add on each invoice at the time of delivery of such beverages the amount of tax due under this article and hold the same in trust for the city until such amount is remitted to the city as provided in this section.
- (3) On or before the tenth day of each calendar month make a verified return to the city for the monies collected from said retail dealers or sellers for the month immediately preceding the report. Such return shall be accompanied by remittance to the city for all taxes collected.

If any wholesale dealer or distributor fails or refuses to make the returns herein provided for, the city shall notify him in writing and, if the returns are not made and the taxes remitted within five (5) days from the date of such notice, the city may withdraw from the wholesale dealer or distributor the privilege of doing business in the city, by revoking his license. On such failure to make returns and pay the taxes accrued, the city shall proceed to assess the amount of taxes due from retail dealers or sellers who have purchased from such wholesale dealer or distributor, from the best information available, and shall proceed to collect the taxes as provided herein for the collection of delinquent license taxes.

(Ord. No. 69-8, § 4, 9-25-69; Ord. No. 73-6, § 1, 5-10-73)

Sec. 3-30. - Sale prohibited if taxes not paid.

- (a) It shall be unlawful for any person to sell at retail or by the drink within the city any malt beverages, wines, or distilled spirits on which the taxes provided for in this article have not been paid to the wholesale dealer or distributor for the city.
- (b) It shall be unlawful for any wholesale dealer or distributor or other person to deliver any malt beverages, wines, or distilled spirits to any retail dealer or seller in the city, without first collecting the taxes as provided in this article.

(Ord. No. 69-8, § 6, 9-25-69; Ord. No. 13-22, § 1(a), 9-26-13)

Sec. 3-31. - Decal, stamp, etc., not required.

No decal, stamp, or other identifying marking shall be required on malt beverages sold within the city.

(Ord. No. 73-6, § 1, 5-10-73)

Sec. 3-32. - Tax to be additional.

The excise tax provided for herein shall be in addition to any license fee, tax or charge which may be imposed upon the business of selling malt beverages at retail or wholesale, within the city.

(Ord. No. 73-6, § 2, 5-10-73)

Sec. 3-33. - Civil penalties for failure to pay or filing false return.

The failure to make a timely report and remittance hereunder shall render a wholesale dealer liable for a penalty equal to ten (10) per cent of the total amount due during the first thirty-day period following the date such report and remittance were due and a further penalty of ten (10) per cent of the amount of such remittance for each successive thirty-day period or any portion thereof, during which such report and remittance are not filed. The filing of a false or fraudulent report shall render the wholesale dealer making such report liable for a penalty equal to twenty (20) per cent of the amount of the remittance which would be required under an accurate and truthful report.

(Ord. No. 73-6, § 3, 5-10-73)

Sec. 3-34. - Retailers not to possess unless tax paid.

It shall be unlawful for any person engaged in the sale, as a retail dealer or seller of alcoholic, vinous or malt beverages, in the city to have in his possession any of such beverages, unless the tax required by the city has been paid to the wholesaler, distributor or other source delivering or causing the beverages to be delivered to the retail dealer or seller. Whenever any such beverages are found in the possession of a retail dealer or seller, where records of the payment of the tax do not appear upon the records of the wholesale liquor dealer, it will be presumed that the tax has not been paid and the burden shall be upon the retailer or seller to prove such fact. All liquor, the tax on which has not been paid, found in the possession of any retail establishment in the city, shall be subject to confiscation by the city authorities of the city, and shall be sold by the city authorities, and the receipts thereof paid into the city treasury.

(Ord. No. 69-8, § 7, 9-25-69)

Secs. 3-35—3-40. - Reserved.

ARTICLE III. - CONSUMPTION ON PREMISES<sup>31</sup>

Footnotes:

--- (3) ---

**Editor's note**— Ord. No. 78-8, enacted Dec. 28, 1978, added provisions designated as Art. II, which provisions the editor has redesignated as Art. III, §§ 3-41—3-43, to avoid conflict with an existing article designation.

Sec. 3-41. - Definitions.

(a) *Alcoholic beverages*, for the purpose of this chapter, includes any alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine as defined in O.C.G.A. § 3-1-2.

- (b) *Malt beverages*, for the purpose of this chapter, includes any malt or fermented beverage as defined in O.C.G.A. § 3-1-2.
- (c) *Distilled spirits*, for the purpose of this chapter, includes any distilled spirits as defined in O.C.G.A. § 3-1-2.
- (d) *All other terms*, as used in this chapter shall be defined as set forth in O.C.G.A. § 3-1-2.

(Ord. No. 78-8, § 12-28-78; Ord. No. 13-21, § 1(a), 9-26-13)

**State Law reference**— Definitions, O.C.G.A. § 3-1-2.

Sec. 3-42. - License required; conduct of business, condition of premises.

- (a) It shall be unlawful to sell, dispense, pour or offer to sell, dispense or pour any distilled spirits, alcoholic beverages, wine, beer or malt beverages as defined by Georgia law without first obtaining a license therefor. A separate license shall be required for each establishment. No license shall be assignable or transferred without the approval of council upon proper application being made.
- (b) All premises, including the sidewalks and any adjacent public ways, shall be kept clean and free of litter or trash and such premises shall be in and remain in full compliance with all requirements of the city inspection department. No disturbances of the peace, loud or boisterous conduct, lewd, obscene or immoral entertainment, conduct or practice shall be allowed in or around the premises.

(Ord. No. 78-8, 12-28-78)

**State Law reference**— Municipal alcoholic beverage licenses, generally, O.C.G.A. § 3-3-2; municipal license for manufacture, distribution, and package sales of distilled liquor, O.C.G.A. § 3-4-40; sale of distilled liquor by the drink, O.C.G.A. § 3-4-160; sale of malt beverages, O.C.G.A. § 3-5-42; sale of wine, O.C.G.A. § 3-6-40.

Sec. 3-43. - Possession of alcoholic beverages not covered by license prohibited; presumption of knowledge of violation by licensee.

- (a) No person licensed to sell malt beverages shall keep or possess at such licensee's place of business any distilled spirits, nor shall said retailer open or permit any person to open on his place of business any bottle, can or container of distilled spirits, unless such licensee holds a valid and current license to sell such beverage at said place of business.
- (b) The existence of any open bottle or container of distilled spirits on the premises shall raise the presumption that the same was opened with the knowledge and consent of said retailer, and the presumption may be rebutted only by evidence which would preclude every other hypothesis, save that such licensee did not or could not have known.

(Ord. No. 78-8, 12-28-78; Ord. No. 13-21, § 1(a), 9-26-13)

Secs. 3-44—3-50. - Reserved.

ARTICLE IV. - EXCISE TAX ON LIQUOR BY THE DRINK<sup>[4]</sup>

Footnotes:

--- (4) ---

**State Law reference**— Imposition by municipality of excise tax on distilled spirits for sale by the drink, O.C.G.A. § 3-4-130; rate of tax, O.C.G.A. § 3-4-132.

Sec. 3-51. - Definitions.

The following words, terms and phrases shall, for the purposes of this article and except where the context clearly indicates a different meaning, be defined as follows:

*City.* The City of Port Wentworth and, variously, the incorporated territory of the city, wherein the City of Port Wentworth is empowered to impose this tax by O.C.G.A. § 3-4-130.

*Drink.* Any alcoholic beverage served for consumption on the premises which may or may not be diluted by any other liquid.

*Due date.* The twentieth day after the close of the monthly period for which the tax is to be computed.

*Licensee.* Any person who holds a license or permit from the City of Port Wentworth to dispense liquor by the drink for consumption on premises.

*Liquor or distilled spirits.* Any alcoholic beverage obtained by distillation or containing more than twenty-one (21) per cent alcohol by volume, including, but not limited to, all fortified wines.

*Monthly period.* The calendar months of the year.

*Person.* An individual, firm, partnership, joint adventure, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, nonprofit corporation, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the city is without power to impose the tax herein provided.

*Purchase price.* The consideration received for the sale of liquor or distilled spirits by the drink valued in money, whether received in cash or otherwise, including all receipts, cash, credits and property or services of any kind or nature and also the amount for which credit is allowed by the licensee to the purchaser, without any deduction therefrom whatsoever.

*Purchaser.* Any person who orders and gives present or future consideration for any liquor or distilled spirits dispensed by the drink.

*Return.* Any return filed or required to be filed by this section.

*Tax.* Any tax imposed by this section.

(Ord. No. 03-07, § 1, 7-10-03)

Sec. 3-52. - Imposition; rate of tax.

There is hereby imposed, and there shall be paid, a tax of three (3) per cent on the sale of liquor by the drink in the city.

(Ord. No. 03-07, § 2, 7-10-03)

Sec. 3-53. - Collection of tax.

Every licensee holding a license to dispense liquor or distilled spirits for consumption on premises is authorized and required to collect the tax imposed under this article from the purchasers of liquor sold by the drink within his licensed premises.

(Ord. No. 03-07, § 3, 7-10-03)

Sec. 3-54. - Determination generally; returns; payments.

- (a) *Due date of taxes.* All amounts of such taxes collected by the licensee shall be due and payable to the City of Port Wentworth on or before the twentieth day of every month next succeeding each respective monthly period.
- (b) *Return; persons required to file; contents.* The remittance of the taxes collected under this article shall be made and a return shall be filed by every licensee with the City of Port Wentworth showing the gross sales of liquor by the drink and the amount of tax collected or otherwise due for the period, along with such other information as may be required by the city administrator.
- (c) *Collection fee allowed licensees.* Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state sales and use tax as provided for in O.C.G.A. § 48-8-50, the Georgia Retailers' and Consumers' Sales and Use Tax Act.
- (d) *Penalty and interest for failure to pay tax by due date.* A penalty of fifteen (15) per cent is imposed for failure to pay any amount of tax when due and payable to the city, with a minimum amount of penalty due of twenty-five dollars (\$25.00). Delinquent amounts shall bear interest at the rate of one (1) per cent per month, or fraction thereof, until paid.

(Ord. No. 03-07, § 4, 7-10-03)

Sec. 3-55. - Deficiency determinations.

- (a) *Recomputation of tax; authority to make; basis of recomputation.* If the city administrator is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the city by any person, the city may compute and determine the amount required to be paid upon the basis of any information within his possession or that may come into his possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.
- (b) *Penalty and interest for failure to pay tax.* A specific penalty of fifteen (15) per cent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one (1) per cent per month, or fraction thereof, from the due date of taxes until the date of payment.
- (c) *Notice of determination; service of.* The city administrator shall give to the licensee written notice of his determination. The notice may be served personally or by mail; if by mail such service shall be addressed to the licensee at his business address as it appears in the records of the city. Service by mail is complete when it is delivered by certified mail with a receipt signed by addressee.
- (d) *Time within which notice of deficiency determination to be mailed.* Except in case of failure to make a return, every notice of a deficiency determination shall be mailed within three (3) years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined or within three (3) years after the return is filed, whichever shall last expire.

(Ord. No. 03-07, § 5, 7-10-03)

Sec. 3-56. - Determination if no return is made.

- (a) *Estimate of gross receipts.* If any person fails to make a return, the city administrator shall make an estimate of the amount of the gross receipts of the licensee from the sale of liquor by the drink, or as the case may be, of the amount of total such receipts in this city which are subject to the tax. The

estimate shall be made for the period or periods in respect to which the person failed to make the return and shall be based upon any information which is or may come into the possession of the city administrator. Written notice shall be given in the manner prescribed in subsection 3-55(c) above.

- (b) *Penalty and interest for failure to pay tax.* Penalty and interest shall be applied to the estimated taxes due in the manner prescribed in subsection 3-55(b) above.

(Ord. No. 03-07, § 6, 7-10-03)

Sec. 3-57. - Collection of unpaid tax.

- (a) *Alcohol license to dispense by the drink conditioned upon payment and remittance of tax.* As a condition for holding a license to dispense liquor by the drink, a licensee must comply with this article and collect and remit the tax imposed in the manner prescribed. Failure to comply will subject the license to suspension of alcohol dispensing privileges as provided in section 3-10 in this chapter.
- (b) *Action for delinquent tax.* At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the city administrator may bring an action in a court of competent jurisdiction in the name of the city to collect the amount delinquent together with penalty, interest, court fees, filing fees, and other legal fees incident thereto.
- (c) *Duty of successors or assignees of licensee to withhold tax from purchase price.* If any licensee liable for any amount under this article sells out his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces a receipt issued by the city of administrator reflecting payment in full of the amount due or a certificate stating that no amount is due.
- (d) *Liability for failure to withhold.* If the purchaser of a business fails to withhold purchase price as required, he shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.

(Ord. No. 03-07, § 7, 7-10-03)

Sec. 3-58. - Credits for overpayments.

If it is determined that a licensee has overpaid the tax imposed under this article, overpaid penalties or interest, or has paid the tax more than once, the city administrator may, upon filing of a claim by the licensee and audit of the claim, authorize credit of the overpayment toward the current amount of tax due and payable from the licensee. All claims for overpayments must be made by the licensee, his administrators or executors, and must be made in writing within three (3) years from the date of payment stating the specific grounds upon which the claim is founded.

(Ord. No. 03-07, § 8, 7-10-03)



Sec. 3-59. - Administration generally; record keeping.

- (a) *Authority of city administrator.* The city administrator or his authorized representative shall administer and enforce the provisions of this article for the levy and collection of the tax herein imposed. The city administrator shall have the authority to make and publish reasonable rules and regulations not inconsistent with this article or other laws of the City of Port Wentworth and the State of Georgia, for the administration and enforcement of the provisions of this article and the collection of the taxes provided herein.
- (b) *Records required.* Every licensee for the sale of liquor by the drink in the City of Port Wentworth shall preserve, for a minimum of three (3) years, all records, receipts, invoices and other pertinent papers as the City of Port Wentworth may require and in such form as the city administrator may require.
- (c) *Examination of records; audits.* The city administrator or any person authorized in writing by him may examine the books, papers, records, financial reports, inventory, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made, to ascertain and determine the amount required to be paid.
- (d) *Authority to require reports; contents.* In administering the provisions of this article, the city administrator may require the filing of reports by any person or class of persons having in their possession or custody information relating to the sale of liquor by the drink. The reports shall be filed with the city administrator when required and shall set forth the gross sales from the sale of liquor by the drink, the amount of tax collected thereon, or such other information as the city administrator may require.

(Ord. No. 03-07, § 9, 7-10-03)