

**OFFICIAL MINUTES  
COMMISSION OF THE CITY OF BRUNSWICK, GEORGIA  
REGULAR MEETING  
7:00 P. M., FEBRUARY 20, 1991**

**PRESENT:** His Honor Mayor Homer L. Wilson, Commissioners James A. Stephens,  
Thomas P. Williams, Otis  
Herrington and Roosevelt Lawrence.

**INVOCATION**

The invocation was given by Rev. E. C. Tillman.

**APPROVAL OF MINUTES**

Commissioner Williams moved that the meeting of February 6, 1991 be approved. Motion was seconded by Commissioner Herrington and was unanimously carried.

**DELEGATION**

Alicia Dhanifu appeared before the Commission to submit plans for the Golden Isles Theatrical Youth Organization. Mrs. Dhanifu stated that there is a need in the City for a cultural Theatrical group. Mrs. Dhanifu requested that the City allocate funds in the amount of \$8,157.50 for the Theatrical group. County Commissioner E.C. Tillman stated that the City would receive benefits from the cultural program and this program is needed in the City. He recommended that the City pledge some funds toward this program. Mayor Wilson pointed out that it would be impossible to give any kind of contribution and gave reasons for same. No action taken.

**REDIVISION OF LOTS**

LaRon Bennett, representing Larry Taylor, Deputy Director of Glynn County Community Development was present to submit application for re-division of Lots No. 7, 8, 9, 10, 11 and 12 of Osborne Subdivision, Lot No. 131 and portion of Lot No. 132 of Mayhew. Mayor Wilson recognized citizens who were present that wished to speak in favor or against re-division. No objections, therefore Commissioner Stephens moved that re-division of lot be approved. Motion was seconded by Commissioner Williams and was unanimously carried.

**ALCOHOLIC BEVERAGE LICENSE REMOVAL**

Petition received from Alan Cody to retail beer and wine at Eckerd Drug, 4535 Altama Avenue, having been approved by the Chief of Police and City Manager, Commissioner Lawrence moved that petition be granted. Motion was seconded by Commissioner Herrington and was unanimously carried.

**HOUSING AUTHORITY TAX CHECK**

Don McGlamory, Executive Director of the Brunswick Housing Authority was present to present a check in the amount of \$33,011.44 in lieu of taxes to the Commission. Received with appreciation. Mr. McGlamory next discussed plans for the Drug Elimination program for the Housing Project. Mr. Oldfield, coordinator of Drug Elimination Program and Mr. McNeal was present to submit plans to retake Housing Authority from Drug dealers and to

improve the quality of life in the Housing Projects. Two Certified Foot Patrol Officers will be assigned to the Housing Projects. Following discussion Commissioner Williams moved approval of Drug program. Motion was seconded by Commissioner Herrington and was unanimously carried.

Paul Lawrence praised the Savannah Housing Authority for improving the Housing Projects.

Chief Sodoran reported that the police officers would be Community Safety Officers and police Personnel would have to apply for position. The funds for officers will come from Housing Authority.

#### **POLICE FUND**

Police Chief Sidoran submitted expenditures in the amount of \$31,000 from the Police Seizure and Condemnation funds. Commissioner Stephens moved approval of expenditures in the amount of \$31,000. Motion was seconded by Commissioner Williams and was unanimously carried.

#### **FLEET INSURANCE**

The Director of Finance submitted bids for Fleet Insurance. Commissioner Stephens moved that the low bid of Zurich- American Insurance Company in the amount of \$70,419.00 be accepted. Motion was seconded by Commissioner Herrington and was unanimously carried.

#### **APPOINTMENT TO CITIZENS ADVISORY COMMITTEE**

The following citizens were appointed to serve on the Citizens Advisory Committee. Commissioner Lawrence appointed Thelma Hines and Robert Herrington. Commissioner Stephens appointed Eddie Lowe and Margaret Hampton.

The Director of Community Development recommended that the remaining Commissioners submit their names at the next Commission Meeting.

#### **SAFE HARBOR APPOINTMENT**

Commissioner Lawrence was appointed by the Commission to serve on the Safe Harbor Shelter Board.

#### **QUIT CLAIM DEED**

Petition received from Attorneys Pipkin and Williams, as Attorney for Thomas S. McNeal for quit claim deed in favor of his client, the present owner to Old Town Lot No. 155 to clear title of property acquired by City at tax sale. Commissioner Williams moved that the Mayor be authorized to execute quit claim deed in favor of Mr. McNeal. Motion was seconded by Commissioner Lawrence and was unanimously carried.

#### **CEMETERY DEED**

Petition received from Thelma Bennett for return of resale of S-1/2 of Lot No. 4, Section No. 9, in Palmetto Cemetery. Original deed lost, but city records verify ownership. Commissioner Lawrence moved that petition be granted. Motion was seconded by Commissioner Herrington and was unanimously carried.

## **MONTHLY REPORTS**

The following reports for the month of January were submitted and were ordered filed as information: (1) General Fund (2) Water and Wastewater (3) Metro Drug Squad (4) Recorder's Court (5) Community Development. The Uncollectible Paid Account in the amount of \$107.78. Commissioner Stephens moved. Motion was seconded by Commissioner Williams and was unanimously carried.

## **EXECUTIVE SESSION**

Commissioner Herrington moved to hold an Executive Session to discuss Personnel problems. Motion was seconded by Commissioner Lawrence and was unanimously carried.

## **ORDINANCES**

The following Ordinance was unanimously adopted on Motion of Commissioner Lawrence and seconded by Commissioner Herrington: (Municipal Court)

AN ORDINANCE ENTITLED AN ORDINANCE TO ESTABLISH THE MUNICIPAL COURT OF THE CITY OF BRUNSWICK; TO PROVIDE FOR THE QUALIFICATIONS AND APPOINTMENT OF THE JUDGE THEREOF; TO DEFINE THE JURISDICTION AND AUTHORITY OF THE JUDGE; TO PROVIDE FOR A JUDGE PRO TEMPORE; TO PROVIDE FOR A CLERK; TO REPEAL CONFLICTING ORDINANCES AND PROVISIONS OF THE CITY CODE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COMMISSION OF THE CITY OF BRUNSWICK hereby ordains as follows:

Section 1. There is hereby established a municipal court which shall be know as the Municipal Court of the City of Brunswick, pursuant to general law of the State of Georgia.

Section 2. The Municipal Court of the City of Brunswick shall be presided over by a judge who shall be a member of the State Bar of Georgia, at least twenty-five years of age, and who shall be a resident of the judicial circuit in which said court is located. The judge shall be appointed by the City Commission for a term of two calendar years and shall serve until his successor is appointed. The current judge of said court shall serve out the remainder of his unexpired term.

Section 3. The judge of said court shall have jurisdiction and authority to adjudicate offenses against the laws and ordinances of the City of Brunswick and offenses against the general laws of the State of Georgia where jurisdiction is conferred by general law. He shall have jurisdiction to abate nuisances and such other jurisdiction as he may exercise under the general laws of this State, and he shall have and is given the same powers and authority as magistrates in the matter of and pertaining to criminal cases of whatever nature in the several courts of this State.

Section 4. The judge of said court shall be authorized to impose any punishment up to the maximum specified by general State law. Notwithstanding any provision of any other ordinance heretofore providing for the maximum punishment for any violation of an ordinance of the City of Brunswick, the judge of said court shall be authorized to impose, for violation of any ordinance of this City, a sentence of confinement up to six months, a fine up to \$1,000.00 or both, or such alternative punishment as permitted by law.

Section 5. The judge of said court shall have jurisdiction to impose punishment for contempt of court by fine not exceeding \$200.00 or by imprisonment not exceeding ten days or both.

Section 6. The court shall be authorized to forfeit bonds given by offenders for their appearance before the court and to collect the same from the principal and sureties of such bonds by judgment, execution and sale.

Section 7. The judge of said court shall schedule such regular times for holding sessions of court as may be appropriate for the expeditious disposition of the business of the court, and he shall be authorized to promulgate rules for the orderly conduct of proceedings before the court.

Section 8. The City Commission may appoint, from time to time, a judge pro tempore to hold and preside over said court in the absence or disqualification of the judge. While presiding in said court, the judge pro tempore shall have the same power, authority and jurisdiction as is conferred upon the judge by this Ordinance or by general law.

Section 9. There shall be a clerk of said court, who may be an employee of the court or of the police department and who shall be appointed subject to approval of the judge. It shall be the responsibility of the clerk to attend all sessions of the court and keep the records thereof. A clerk pro tempore may be designated, to serve in the temporary absence of the clerk, subject to the approval of the judge.

Section 10. The officers of said court shall receive for their services such compensation as shall be provided by the City Commission in the annual budget for the City of Brunswick.

Section 11. Chapter 29 of the Brunswick City Code, 1952, is hereby repealed in its entirety, and all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 12. This Ordinance shall be effective from and after the date of adoption.

The following Ordinance was unanimously adopted on motion of Commissioner Stephens and seconded by Commissioner Lawrence: (Animal Control)

AN ORDINANCE TO PROHIBIT KEEPING LIVESTOCK WITHIN THE CITY OF BRUNSWICK; TO PROVIDE FOR THE REGULATION AND CONTROL OF DOGS, CATS AND OTHER ANIMALS; TO PROVIDE FOR THE INPOUNDMENT AND DISPOSITION OF ANIMALS; TO PROVIDE FOR THE ENFORCEMENT OF THIS ORDINANCE AND THE DANGEROUS DOG CONTROL LAW BY THE GLYNN COUNTY ANIMAL CONTROL UNIT AND THE CITY OF BRUNSWICK POLICE DEPARTMENT; TO DELEGATE CERTAIN RESPONSIBILITIES TO THE GLYNN COUNTY ANIMAL CONTROL ADVISORY BOARD; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COMMISSION OF THE CITY OF BRUNSWICK hereby ordains as follows:

SECTION 1. This Ordinance shall be know and cited as "The Animal Control Ordinance."

SECTION 2. It shall be unlawful for any person to bring, keep, maintain or have within the corporate limits of the City of Brunswick any livestock, cattle or poultry, including all domesticated animals normally kept or raised on a farm, such as cows, bulls, steers, sheep, goats, horses, mules, donkeys, swine, chickens, turkeys, ducks, guinea fowl and pheasants.

SECTION 3. The foregoing provision shall not be construed to prevent the temporary keeping of such animals in a traveling circus or in an agricultural or county fair for definite periods of short duration.

SECTION 4. It shall be unlawful for any person to release within the corporate limits any poisonous or venomous biting or injecting species of amphibian, arachnid or reptile, including snakes, or any snake not indigenous to this state.

SECTION 5. It shall be unlawful for the owner of any dog to allow such dog off the premises of the owner without a collar and identification tag. The identification tag shall give the name current address and telephone number of the owner.

SECTION 6. It shall be unlawful for any person to keep, have or maintain within the corporate limits any dog over sixteen weeks of age which is not currently vaccinated to prevent rabies. The owner of every dog over such age shall maintain a current certificate of vaccination for the dog.

SECTION 7. It shall be unlawful for the owner of any dog, cat or other animal to allow such animal to run at large within the City of Brunswick. Any and all such animals found running at large, whether or not wearing a collar and identification tag, may be impounded by officers of the Animal Control Unit or by officers of the Police Department of the City of Brunswick.

SECTION 8. Any animal known to have bitten a person in the City of Brunswick shall be confined in the Animal Control Unit Shelter or a veterinary hospital for a period of at least ten (10) days, pursuant to rules and regulations of the Glynn County Board of Health. All expenses incurred for boarding an animal under this Section shall be paid by the owner or custodian of the animal.

SECTION 9. Any animal that has attacked or bitten a person or another animal without provocation shall be deemed to be a vicious animal. It shall be unlawful for the owner of a vicious animal to cause or permit the presence of the animal on the streets or in any public places within the corporate limits or to allow the animal to run on the premises of another, at any time, unless the animal is securely muzzled and restrained so as to effectively prevent it from biting or attacking any person or other animal.

SECTION 10. It shall be unlawful for any person to keep within the corporate limits any animal which makes such loud, raucous and continual noise as to disturb the peace and quiet of the neighborhood. Any animal which makes such loud, raucous and continual noise as to disturb the peace and quiet of the neighborhood shall be impounded.

SECTION 11. Any animal impounded pursuant to this Ordinance shall be detained at the Animal Control Unit Shelter or such other suitable place as may be designated by the Animal Control Unit. The officers of the Animal Control Unit shall give written notice by mail to the owner of the animal, if known or reasonably ascertainable, that the animal has been impounded. The owner of the animal may reclaim the animal within seven (7) days after the mailing of such notice upon the payment of the impoundment fee plus other fees charged by the Animal Control Unit under authority of the Board of Commissioner of Glynn County, including the costs of boarding and rabies vaccination where applicable.

SECTION 12. If the owner fails to reclaim the animal

within seven (7) days after the mailing of notice, or if the owner is unknown, the Animal Control Unit may offer the animal for adoption to any person upon payment of the applicable fees.

SECTION 13. If an animal is not claimed by the owner within seven (7) days after the mailing of notice, or if an animal of unknown ownership is not adopted within (7) days after impoundment, the Animal Control Unit shall be authorized to dispose of the animal in a manner as humane and painless as is possible. Such animals, if not claimed or adopted as provided, may be donated to public or private institutions operating in compliance with the Georgia Animal protection Act, O.C.G.A. Ch. 42-11, and regulations promulgated thereunder.

SECTION 14. Terms used in this Ordinance are defined as follows:

"Animal" shall mean any animate being, not human, in which a right of property may be acquired.

"Animal Control Advisory Board" shall mean the advisory board referred to in the Animal Control Ordinance adopted by the Board of Commissioners of Glynn County.

"Animal Control Unit" shall mean the enforcement agency referred to in the Animal Control Ordinance adopted by the Board of Commissioners of Glynn County and that agency's duly appointed officers.

"Running at large" shall refer to an animal which is not on a leash, not at heel, or not beside a competent person and obedient to that person's commands, on the public streets and other public places or on the premises of a person other than the owner or custodian of the animal. This term does not refer to an animal confined within a vehicle or within the property limits of its owner or custodian.

SECTION 15. Officers of the Animal Control Unit duly appointed under the legal authority of Glynn County, and officers of the Police Department of the City of Brunswick shall have full power and authority to enforce and carry out the provisions of this Ordinance and the provisions of the Dangerous Dog Control Law, O.C.G.A. Ch. 4-8, Art. 2. The Glynn County Animal Control Advisory Board shall be authorized to conduct hearings provided by the Dangerous Dog Control Law, O.C.G.A. § 4-8-24.

SECTION 16. If any section, sentence, clause or phrase of this Ordinance shall be held invalid or unconstitutional for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance or the Ordinance as an entirety, it being the legislative intent that the remainder of the Ordinance shall continue in effect notwithstanding the invalidity of any part thereof.

SECTION 17. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 18. The within Ordinance shall become effective as of the date of adoption.

The following Ordinance was unanimously adopted on motion of Commissioner Williams and seconded by Commissioner Stephens: (Alcoholic Beverage License)

AN ORDINANCE TO REGULATE THE MANUFACTURE,

DISTRIBUTION AND SALE BY WHOLESALE AND RETAIL AND THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES; TO PROVIDE ASCERTAINABLE STANDARDS AND DUE PROCESS GUIDELINES FOR THE GRANT, REFUSAL, SUSPENSION AND REVOCATION OF PERMITS AND LICENSES FOR THE MANUFACTURE, DISTRIBUTION AND SALE BY WHOLESALE AND RETAIL OF ALCOHOLIC BEVERAGES; TO ESTABLISH FEES FOR PERMITS AND LICENSES; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COMMISSION OF THE CITY OF BRUNSWICK hereby ordains as follows:

Section 1. Definitions.

Except as indicated otherwise in this Ordinance, either expressly or by necessary implication, terms used herein shall have the same meanings as in the Georgia Alcoholic Beverage Code, Title 3 of the Official Code of Georgia Annotated, as now or hereafter amended.

Section 2. License Required for Manufacture, Distribution, Sale or Possession for Sale.

It shall be a violation of this Ordinance for any person to manufacture, distribute, sell or possess for the purpose of sale any alcoholic beverages, malt beverages or wine when such person does not hold valid licenses to do so issued by the City of Brunswick and the State of Georgia.

Section 3. Sale of Alcoholic Beverages for Consumption on the Premises.

Alcoholic beverages shall not be sold at retail for consumption on the premises except in the following types of businesses:

(A) Restaurants, other than fast food restaurants, serving prepared food which is offered to the general public. As used herein, "fast-food restaurant" means a restaurant that transacts more than fifteen percent of its sales through a carry-out window.

(B) Hotels or motels kept, used, maintained, advertised and held out to the general public as places where sleeping accommodations are offered to guests, whether transient or permanent, and having a public dining room where at least two meals a day are served.

(C) Lounges where seating accommodations are provided for not fewer than twelve persons.

(D) Private clubs or bona fide associations of individuals organized for fraternal purposes, conducted solely for the use and benefit of its members and their beneficiaries. As used herein, the term "private club" shall have its ordinary signification and shall not be limited to the definition of "bona fide private club" as set forth in the Georgia Alcoholic Beverage Code.

Section 4. Retail Package Sale of Distilled Spirits -

Not for Consumption on Premises.

Distilled spirits shall be sold at retail only in stores which are duly licensed by the State to sell distilled spirits by the package and which are devoted exclusively to the sale of alcoholic beverages in the original container. A retail package licensee shall not permit the breaking of a package containing any alcoholic beverage or the drinking of any alcoholic beverage on the licensed premises.

Section 5. Retail Package Sale of Malt Beverages and Wine - Not for Consumption on Premises.

(A) Malt beverages and wines shall not be sold at retail except in the following types of businesses:

- (1) Package stores.
- (2) Retail stores in which at least sixty percent of the retail floor space is devoted exclusively to the sale of food, related grocery items or articles commonly sold in drugstores, excluding any alcoholic beverages.
- (3) Boat marinas providing fuel, fishing needs, refreshments or other accommodations.

(B) No malt beverages or wine shall be displayed for sale on the licensed premises except in the original package at room temperature or in an electric cooler.

Section 6. Hours of Sale.

The following hours of sale are hereby established for the sale of alcoholic beverages, malt beverages and wine:

(A) Retail package licensees shall not sell distilled spirits at any time on Sundays, Thanksgiving Day or Christmas Day or on any other day between the hours of 11:45 P.M. and 8:00 A.M.

(B) Retail package licensees shall not sell wine or malt beverages on Sundays or Christmas Day or on any other day between the hours of 11:45 p.m. and 6:00 a.m.

(C) Alcoholic beverages shall not be sold on Sundays for consumption on the premises except as set forth in subsection (D). Alcoholic beverages shall not be sold for consumption on the premises on any other day of the week between the hours of 2:00 A.M. and 8:00 A.M.

(D) Alcoholic beverages may be sold for consumption on the premises on Sundays until 1:45 A.M. in lounges, private clubs and bona fide full-service restaurants, provided that no drink order shall be placed or filled after 1:45 A.M. and all customers shall vacate the premises by 2:00 A.M.

(E) Alcoholic beverages may be sold on a primary or election day either by the package or for consumption on the premises; provided however, that no sale shall take place within 250 feet of a polling place or the outer edge of any building within which such polling place is located during such time as the polls are open.

Section 7. Applications for Licenses.

(A) Application for a license to manufacture or sell alcoholic beverages shall be made on a form to be furnished by the City Commission and shall be made under oath. The complete address of each applicant and his social security number shall be furnished together with such further information as the Commission may require. Any knowingly untrue, misleading or omitted statement or information shall be cause for denial, and if a license has been granted, shall be cause for revocation. Each application shall be filed together with a certified check or cashier's check in payment of the license fee, and if an initial application, the investigation fee required by Section 10(B).

(B) An application shall be made in the name of all the owners of the business, if the owners are natural persons, and in the name of all managerial employees. If the owner is a corporation, application shall be made in the name of all corporate officers who will be directly concerned in the operation of the business and in the name of all managerial employees. All such persons must meet the requirements of this ordinance.

(C) The license application shall require the disclosure of any conviction of each applicant for any violation of Federal, state, or local law involving alcoholic beverages, gambling, taxes or moral turpitude.

(D) An accurate sketch or diagram drawn to scale shall accompany an initial application, showing the location of the building, the area thereof to be used, and the property lines of the real property where the applicant proposes to carry on the business of manufacturing or selling alcoholic beverages. The diagram shall also show the location of any church building, any school building or campus and any alcoholic treatment center in the immediate area and the distances between property lines of the proposed place of business and the property lines of schools, churches and alcoholic treatment centers as measured in accordance with State law.

(E) The license application shall contain a statement as to whether an applicant holds any other license for the sale of alcoholic beverages and the location thereof.

(F) If the proposed licensed premises require construction or substantial renovation, the applicant shall submit a detailed set of plans and specifications showing the exact location of the proposed licensed premises, the construction proposed to be carried out by the applicant and the anticipated time for completion of construction.

(G) As a prerequisite to the issuance of any license, each applicant shall furnish a complete set of fingerprints; provided however, this requirement may be waived upon recommendation of the Police Chief.

(H) The City Commission may require such additional information as it may deem necessary.

Section 8. Consideration for a License.

In determining whether or not any license application should be granted, the following shall be considered in addition to other provisions of this Ordinance:

(A) An applicant's character and mental capacity to conduct the business, personal associations, record of arrest and reputation in any community in which he has resided and whether or not he appears likely to operate the business in conformity with Federal, State and local laws.

(B) If the applicant previously held a license to manufacture or sell alcoholic beverages, whether or not he has violated any law, regulation or ordinance relating to such business and the circumstances of any violation.

(C) If the applicant previously held a license to sell alcoholic beverages, the manner in which he conducted such business so as to reduce or increase the necessity for police observation or intervention.

(D) Whether the applicant previously had a similar license suspended or revoked and the reason therefor.

(E) Other factors that may affect the general public health and welfare, including (without limitation) the type of license applied for, the effect the license would have on schools, churches and public facilities in the area, the effect the license would have on existing land uses in the area, the character of the area and its suitability for the particular use sought, and the congestion of roads and streets.

#### Section 9. Persons Prohibited from Holding Licenses.

Licenses shall not be issued to:

(A) Any person who has been convicted of driving under the influence of intoxicants or drugs or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding two years.

(B) Any person who has been convicted of a felony or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding five years.

(C) Any person who has been convicted of a violation of law pertaining to the sale of alcoholic beverages or the sale or possession of a controlled substance or who has pleaded nolo contendere or forfeited bond in connection with any such charge within the preceding five years.

(D) Any partnership, unless all partners qualify.

(E) Any corporation, unless all officers qualify who will be directly concerned in the management of the business.

(F) Any person whose business will be managed or operated by a person who could not acquire a license hereunder, except as to the citizenship requirement hereinabove provided.

(G) Any person whose license to manufacture or sell alcoholic beverages has been revoked by any licensing authority during the preceding five years.

#### Section 10. Processing Application.

(A) After investigation by the Police Department of the fitness of the applicant and the proposed location, all applications shall be approved or disapproved by the City Commission at a public meeting. In cases where applications are disapproved, the Finance Department shall return the amount of the license fee submitted with the application, excluding the investigation fee in the case of a new application. In cases where such applications are approved by the City Commission, the Commission shall issue a proper license to the applicant authorizing the applicant to engage in the particular business and at the particular location applied for.

(B) All new applications for a license to manufacture

or sell alcoholic beverages including distilled spirits shall include a non-refundable fee in the amount of \$250.00 to cover the cost of investigation. All new applications for a license to manufacture or sell malt beverages or wine shall include a non-refundable fee in the amount of \$125.00 to cover the cost of investigation.

(C) The City Commission shall have full power to determine whether the applicant for a license is a fit and proper person to operate the type of business involved and whether the location of such business is proper and in the best interest of the general public, and the decision of the Commission shall be final.

(D) All decisions approving, denying, suspending or revoking such license shall be in writing, with the reasons therefor stated, and shall be mailed or delivered to the applicant personally.

#### Section 11. Initial Application.

(A) Persons making an application for a license to operate an existing licensed premises may be issued a provisional license for a period not to exceed ninety (90) days by the City Commission. Before a provisional license is issued, the applicant must have filed a complete application, and the following documents and material must be furnished to the Commission:

- (1) A valid state application with all questions answered which indicates that applicant is eligible to hold the license sought;
- (2) Information showing that a preliminary record check indicates the applicant is eligible to hold such license.

(B) All persons making an application for an initial license shall be required to appear before the City Commission to answer such questions and provide such information as the City Commission deems necessary and proper. If the applicant fails to appear at such hearings, the application shall be deferred to the next meeting. If the applicant fails to appear at the next meeting, the application may be treated as having been withdrawn.

(C) The issuance of any provisional license pursuant to the above conditions is within the discretion of the City Commission and such provisional license may be withdrawn at any time without further notice or hearing, if the complete investigation, including the response to the fingerprint search, shows that the applicant was not entitled to the license issued.

#### Section 12. Fee Scale.

Before such license shall be granted, the applicant shall pay license fee in accordance with the following scale:

- (A) Wholesale dealers in alcoholic beverages including distilled spirits, \$1,500.00.
- (B) Wholesale dealers in beer and wine, \$500.00.
- (C) Retail package dealers including distilled spirits, \$1000.00.
- (D) Retail package dealers, beer and wine, \$400.00
- (E) Retail package dealers, beer only, \$200.00

(F) Retail consumption dealers including distilled spirits, \$1,100.00.

(G) Retail consumption dealers, beer and wine, \$500.00.

(H) Retail consumption dealers, beer only, \$300.00.

(I) Manufacturers of alcoholic beverages, \$2,500.00.

Section 13. Expiration and Renewal.

All licenses granted hereunder shall expire on December 31 of each license year. Licensees who desire to renew their license shall file application together with the requisite fee on the form provided for renewal of a license for the ensuing year. Applications for renewal shall be filed on or before November 1 of each year. Because of the time required for Police Department review and processing and consideration by the City Commission, consideration of renewal applications filed after November 1 may be delayed until after January 1.

Section 14. Display at Place of Business.

The license shall at all times be displayed in plain view at the licensed premises.

Section 15. Transferability.

No license for the sale of alcoholic beverages shall be transferred from one location to another. No license for the sale of alcoholic beverages shall be transferable from one party to another.

Section 16. Proration of Fees.

The fee for a new license for a portion of the year shall be prorated from the first day of the month in which the license is granted. Any holder of a license issued pursuant to the provisions of this Ordinance, who discontinues the operation of his business because of a documented hardship may apply for a refund of a portion of the unearned license fee previously paid, and the license fee shall be prorated on a monthly basis as of the last day of the month in which the business discontinued operations.

Section 17. License Granted Only after Licensed Premises Receives a Certificate of Occupancy.

No license other than a provisional license shall be granted under this Ordinance until the business establishment referred to in the license application has been granted a certificate of occupancy by the Building Inspector's Office. A provisional license may be issued by the Commission to the applicant for a location not previously licensed, provided reasonable assurances are given to the Commission that when all work is completed the premises will fully comply with this Ordinance, the Zoning Ordinance and all applicable building regulations. A provisional license for a new location shall not entitle the applicant to sell alcoholic beverages until such time as the necessary work has been inspected and approved by the Building Inspector and a certificate of occupancy has been issued. When all necessary approvals have been obtained, the Finance Department shall issue the license previously applied for and approved by the Commission.

Section 18. Consumption on Premises and Package License.

A license holder may apply for and obtain both the license for sales in original package and for consumption on the premises, but the sale of such items must be in separate establishments having independent entrances. This section shall not apply to hotel in-room service.

Section 19. Revocation Hearing.

Each license issued pursuant to this Ordinance is granted as a mere privilege and not a right. Upon violation of any provision of this Ordinance or of any law or regulation of the State relating to alcoholic beverages, malt beverages and wine, the Commission, at a regular or special called meeting, after reasonable written notice of the pending violations to the licensee and after said licensee has been afforded an opportunity to be heard as to the proposed grounds for revocation, may revoke or suspend the license. When a license is revoked or suspended, no portion of the license fee shall be refundable.

Upon the recommendation of the Chief of Police, the City Commission may temporarily suspend any license involving the sale of alcoholic beverages, if the manner of operation poses a serious safety or health hazard, for a period not to exceed thirty days pending a hearing and final action by the Commission.

Section 20. Denial, Suspension or Revocation of a License.

The Commission may deny, suspend, revoke, or refuse to renew any license required under this Ordinance if:

(A) The license application is not filed in good faith or is filed by some person as a subterfuge for any other person.

(B) Any applicant for a license or any licensee under this Ordinance willfully fails to comply with any provision of this Ordinance or with rules and regulations adopted by the City Commission.

(C) Any person to whom a license has been issued is no longer engaged in the sale of alcoholic beverages, malt beverages or wine or no longer qualifies as licensee under this Ordinance.

(D) In the event a licensee permits the licensed premises to be operated in a disorderly manner so as to constitute a public nuisance after (1) the licensee has been advised in writing by the Chief of Police of the unsatisfactory manner in which the business is being operated and (2) after the licensee has been given a reasonable opportunity to cure said deficiencies.

Section 21. Notice and Hearing.

All decisions approving, denying, suspending or revoking such licenses shall be in writing, with the reasons therefor stated, and mailed or delivered to the applicant personally. Within thirty days of any such decision, any applicant or license holder aggrieved by the decision of the City Commission regarding a license shall be afforded a public hearing with an opportunity to present evidence and cross-examine opposing witnesses.

Section 22. Retailer to Purchase from Licensed Wholesaler Only.

No retailer shall purchase for use at licensed place of business, any alcoholic beverages, malt beverages, or wine from any person, firm or corporation other than a wholesaler licensed by the State of Georgia. No wholesaler shall sell

any alcoholic beverages, malt beverages or wine to anyone other than a retailer licensed under this Ordinance.

Section 23. Excise Tax on Wholesale Alcoholic Beverages.

(A) There is hereby levied an excise tax on the sale of distilled spirits by licensed wholesalers in the amount of twenty-two cents per liter or a proportionate tax at like rates on any fractional part of a liter on distilled spirits, excluding fortified wine.

(B) There is hereby levied an excise tax on the sale of malt beverages, commonly known as tap or draft beer, which is sold in or from a barrel or bulk container, at a rate equal to \$6.00 on each container sold containing not more than 15 1/2 gallons on a proportionate tax at the same rate of all fractional parts of 15 1/2 gallons.

(C) There is hereby levied an excise tax on the sale of malt beverages sold in bottles cans and other containers except barrel or bulk containers, at a rate equal to five cents per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(D) There is hereby levied on the first sale or use of wine by the package an excise tax in the amount of twenty-two cents per liter or a proportionate tax at like rates on all fractional parts of a liter.

(E) The excise taxes provided in this Section shall be imposed upon an shall be paid by the licensed wholesale dealer. The taxes shall be paid on or before the tenth day of the month following the calendar month in which the beverages are sold or disposed of within the City by the wholesale dealer. Each licensee responsible for the payment of the excise tax shall file a report with the Finance Department itemizing for the preceding calendar month, the exact quantities of alcoholic beverages, by size and type of containers, sold during the month within the City.

(F) It shall be a violation of this Ordinance for any licensee to fail to file in a timely manner any report required pursuant to this Ordinance or to fail to remit in a timely manner all taxes due with any such report. Such licensee may be required to appear before the City Commission to show cause why such licensee's license should not be revoked or suspended.

Section 24. Outdoor Advertising.

No outdoor advertising with respect to the promotion of the sale of alcoholic beverages, malt beverages or wine shall be permitted on the exterior of any wholesale or retail outlet or elsewhere within the City except as may be authorized by the laws of the State of Georgia and regulations implemented by an agency having jurisdiction thereof.

Section 25. Severability Should Any Portion of Ordinance be Held Invalid.

The terms and provisions of this Ordinance are severable. Should any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this Ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the Ordinance may reasonably be given effect without the invalid or void portion.

Section 26. Repealer.

Chapter 4 of the Brunswick City Code, 1952, as amended,  
is hereby repealed.

Section 27. Effective Date.

This Ordinance shall be in full force and effect as of  
the date of its adoption; provided however, that the prohibition of sales between the hours of  
11:45 p.m. and 6:00 a.m. specified in Section 6(B) shall take effect as of January 1, 1992, and  
such sales shall be prohibited between the hours of 2:00 a.m. and 6:00 a.m. through  
December 31, 1991.

**MEETING ADJOURNED.**

\_\_\_\_\_  
Mayor

Attest \_\_\_\_\_  
City Clerk