

**Oxford Mayor and Council
Work Session
Wednesday, May 22, 2024 – 6:30 P.M.
Oxford City Hall
110 W. Clark Street, Oxford, Georgia
Agenda**

1. **Mayor's Announcements:**
2. **Committee Reports:** The Trees, Parks and Recreation Board, Planning Commission, Downtown Development Authority, and the Sustainability Committee.
3. ***Preliminary Review of Whatcoat Street Bids:** On May 20th, the City received 5 bids on the Whatcoat Street project. Atkins is in the process of reviewing the bids.
4. ***Routine Electric Utility Pole Replacement:** We will be replacing 9 poles which have been deemed to be past their useful life.
 - a. We have two bids to install the poles: U-tec – \$41,789 and Over and Under – \$60,282.
 - b. We have two bids on the materials: Anixter - \$8,170 and Gresco - \$15,417
 - c. We have one bid for the poles: Gresco - \$11,600 (please note, we are ordering 11 poles so we will have extra in stock)
5. ***Review of Rights of Way Encroachment:** There are several ROW encroachments in Oxford. The City may want to devise a strategy to address current and future issues.
6. **Charter Changes**
 - a. ***Possible Alcoholic Beverage Service in Oxford:** It has been suggested Oxford consider allowing the service of alcoholic beverages in order to support restaurants within the Town Center development. The City of Monroe has an updated code, which staff thought would be useful as a starting point.
 - b. **Updates to City Manager Personnel Responsibilities:** See pages 12 and 15 of the attached
7. ***Code Enforcement:** Review of current open code enforcement cases.
8. ***Video Cameras at Asbury Street Park**
9. **Review of FY 2025 Budget as Presented in the Public Hearing**
10. **Other Business:**
11. **Work Session Meeting Review:** Mayor Eady will review all the items discussed during the meeting.
12. **Executive Session:** An Executive Session could potentially be held for Land Acquisition/Disposition, Addressing Pending or Potential Litigation, and/or Personnel.

*Attachments

Whatcoat Street Realignment

Bid Tabulation

May 20, 2024

Company

Bid Amount

BACKBONE INFRASTRUCTURE LLC \$1,128,913.60

EAST COAST GRADING, INC \$1,014,056.75

OHMSHIV CONSTRUCTION, LLC \$859,170.80

PEACH STATE CONSTRUCTION CO LLC \$620,864.00

SUMMIT CONST. & DEVELOPMENT LLC \$828,669.22

Bill Andrews 5/20/24

Bill Andrew, City Manager



**City of Oxford
Project
Overhead Pole Change Out**

Jody,

Thank you for allowing U-tec the opportunity to bid on the City of Oxford Overhead Pole change out project. Here is our total price \$41,789.00. Again, thank you for this opportunity.

David Mathis

Over and Under Contractors, Inc.

Post Office Box 53 Suwanee, Georgia 30024

Office: (770)682-9160

Email: overundercontractor@gmail.com

To: City of Oxford

Attn: Jody Reid

Reference: Pole Change Out Project

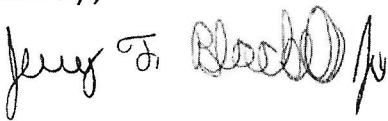
Over & Under to change out (9) wood poles around town according to prints provided to us. We will set poles, transfer primaries, neutrals and all electrical devices to the new poles. We will then saw off the old poles just above the telecommunications.

Over & Under to supply labor, equipment and supervision to complete the project.

City of Oxford to supply all materials necessary to complete the project.

We will do this work for the lump sum of \$60,282.00. Should rock be encountered, we will remove at cost plus 15%.

Sincerely ,

A handwritten signature in black ink, appearing to read "Jerry T. Blackwell Jr." with a stylized flourish at the end.

Jerry T. Blackwell Jr.

16 FEB 2024



6700 Oakley Industrial Blvd
UNION CITY, GA 30291

MATERIALS

www.anixterpowersolutions.com

Phone: 404.691.2605
Fax: 770.798.1309

Quotation: U00752262.00

To: **CITY OF OXFORD
ELECTRIC DEPT.
110 WEST CLARK
OXFORD, GA 30054**

Issued Date: **Apr 24, 2024**

Expiration Date: **May 24, 2024**

Sales Contact: **Tange Akins**

Attn:
Phone:
Fax: **7704268913**

(P)
(F)
tange.akers@wescodist.com

PRICES SUBJECT TO ESCALATION AT TIME OF SHIPMENT

Please note the prices quoted are based on the current and/or projected metals and raw materials. If the manufacturer receives an unexpected price increase that is passed along and we are unsuccessful at negotiating that increase, then we are required to pass along that increase as well.

Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
1		RALS-2-N CLAMP SUSP BLTD ANGLE AL .5"-1.092" 90DEG STD PKG: 20 CPN: 160-20020 DEL: 4 WEEKS	20	29.800	EA	596.00
2		HDSO-47 CLAMP DE STRAIGHT BLTD .19"-.47" NO FTG STD PKG: 20 DEL: STOCKED	20	15.000	EA	300.00
3		HDSO-88 CLAMP DE STRAIGHT BLTD .25"-.88" NO FTG STD PKG: 10 DEL: QTY 25 STOCKED, ETA 4 WEEKS REMAINING	30	22.850	EA	685.50
4		D-104-6 ANCH PISA 10" HEL 6000# 1-3/8"SQ HUB 3/4-1"ROD STD PKG: 4 DEL: QTY 4 STOCKED, ETA 4 WEEKS FOR REMAINING	16	52.500	EA	840.00
5		STB096N12402REA TANGENT FBRGLS 3-1/2" X 4-1/2"X8' HVY W/BRKT STD PKG: 42 DEL: STOCKED	1	207.150	EA	207.15
6		ZHP010-0000100 ARR DIST 10KV HD POLY 10KA W/BIRD CAP NO BRKT STD PKG: 128 DEL: STOCKED	6	48.050	EA	288.30



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Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
7		G1MDA318ADB BRKT C/O & ARR 18" 1.5" DIA 3-POS HDWR & SLOT AL STD PKG: 4 DEL: STOCKED	4	53.000	EA	212.00
8		CSG15-100A-110-CN-16KA CUTOUT SILICONE 15KV 100A 110BIL DEL: WAITING ON ETA	6	87.500	EA	525.00
9		HSG-4506 GRIP DE SVC 1/0 ACSR YELLOW 0.365-0.409 DIA STD PKG: 100 CPN: GRIPDE-1/0 DEL: 16 WEEKS	100	1.150	EA	115.00
10		HPI-55-4 INSU PIN 15KV F-NECK POLYE GRY MIN ORDER QTY IS 90PCS STD PKG: 30 DEL: 5 WEEKS	90	7.750	EA	697.50
11		DS-15M INSU DE SUSP 15KV SIL IRON END FITTINGS STD PKG: 18 DEL: 4 WEEKS	36	18.350	EA	660.60
12		J740Z PIN POLE TOP 20" 1" NYLN THREADS STD PKG: 15 CPN: PIN-PTF DEL: 4 WEEKS	15	22.050	EA	330.75
13		J204Z PIN INSULATOR 5/8" SHNK 1" THRAD 56-1/2" NYL STD PKG: 25 DEL: 4 WEEKS	25	7.650	EA	191.25
14		PEP-66-45 PLATE POLE EYE 3/4" PIN 3/4" MTG BOLTS STD PKG: 20 DEL: 4 WEEKS	40	10.750	EA	430.00
15		D-75-D ROD ANCH PISA 3/4"X7' DE ASSY STD PKG: 5 DEL: STOCKED	15	34.450	EA	516.75



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Fax: 770.798.1309

Quotation: U00752262.00

Item	CustLine	Product and Description	Quantity	Price	Unit	Extended
16		615883 ROD GROUND 5/8 X 8 FT CU 13MIL REA NON-TH YEL STD PKG: 100 DEL: STOCKED	40	25.670	EA	1,026.80
17		1/0THHN BLACK STR WIRE 1/0 THHN STR 600V C U STD PKG: 1000 CPN: THHN 1/0	1		FT	No Quote
18		SPL-1360-P TIE SPOOL AAC 336.4 19 STR .721 PAD DEL: 2 WEEKS	50	5.650	EA	282.50
19		SPL-1358-P TIE SPOOL AAC 4/0 7STR 0.563 PAD STD PKG: 50 CPN: TIESPL4/0 DEL: 3 WEEKS	50	5.300	EA	265.00

SECTION TOTAL: \$8,170.10

QUOTE TOTAL: \$8,170.10

Special Notes

- 1) All items are In Stock unless otherwise noted.
- 2) All item pricing on this quote is valid for thirty days unless otherwise specified.
- 3) All applicable taxes apply.

BY ACCEPTING THIS QUOTE, YOU AGREE THAT THE ANIXTER TERMS AND CONDITIONS OF SALE PUBLISHED AT THE LINK BELOW ARE EXPRESSLY INCORPORATED INTO AND SHALL GOVERN THIS TRANSACTION.

<http://www.anixter.com/TERMSANDCONDITIONS>

Anixter Power Solutions offers the industry's most extensive and dynamic portfolio of products, services and solutions for the Public Power, Investor-owned Utilities, Construction and Industrial markets.

The impacts of COVID-19 cannot be reasonably determined at this time. This quote/proposal does not account for any potential adverse impacts COVID-19 may have on Anixter's performance or obligations herein. In the event of any delays or adverse impacts, Anixter reserves the right for an equitable adjustment of the delivery schedule and prices herein to offset the effects of COVID-19 delays, without fault or penalty of any kind.



Quote



Entered Date	Taken By	Customer #	Order #
4/18/24	NCOR	1477	10236856-00
Expiration Date	PO #	Page #	
6/17/24	ECG 852 4/18/24	1	

Bill To	Ship To
CITY OF OXFORD 110 W CLARK ST OXFORD, GA 30054-2274	CITY OF OXFORD 105 W WATSON ST OXFORD, GA 30054-2014

Remit To
Gresco Utility Supply, Inc. PO Box 932918 Atlanta, GA 31193-2918

Please note that the quote's expiration date, pricing, and lead times are subject to change based on manufacturing updates. GRESKO will communicate any changes at the time the order is placed.

Instructions

Ship Point	Via	Shipped	Terms	SlsRepln/Out
Gresco-Forsyth, GA	Gresco Truck		Net 30 Days	ncor / csti

Notes

Correspondence address: 1135 Rumble Road Forsyth GA 31029. If you have any questions, please do not hesitate to contact our Accounts Receivable department at ar@gresco.com. Thank you.

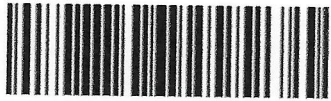
Line	Product and Description	Order Quantity	Qty UM	Unit Price	Price UM	Amount(Net)
1	RALS-1N CLAMP ANGLE SUS .23-.75 4-397.5 #RALS-1N/AAC-301 STOCK STD QTY: 25	25.00	EA	15.85	EA	396.25
2	HDSO-47 CLAMP DE STRAIGHT .190 - .470 STD/20 PLT/800 STOCK STD QTY: 20	20.00	EA	18.00	EA	360.00
3	HDSO-57 CLAMP DE STRAIGHT.25-.57 HDSO-57.7695 STOCK STD QTY: 25	50.00	EA	20.25	EA	1,012.50
4	TAPL-100-10 (10) ANCHOR PISA 10" 6000# 1-3/8" CORE 3/4&1" ROD STOCK STD QTY: 6	18.00	EA	43.50	EA	783.00
5	TB200012005X2 CROSSARM, TANGENT 10' GRAY 11/16"HOLE5/8"BOL STOCK	1.00	EA	235.00	EA	235.00

Line	Product and Description	Order Quantity	Qty UM	Unit Price	Price UM	Amount(Net)
6	AHD-9B-1GX-3X1-3X ARR HD 9KV DIST ALUMA FORM HEAVY DUTY 9 KV RATED WITH ISOLATOR BRACKET, GROUND LEAD DISCONNECT,NO LINE OR GROUND LEAD, WILDLIFE CAP,SILICONE BRONZE HARDWARE. STOCK STD QTY: 5	10.00	EA	50.30	EA	503.00
7	F2CS-HV-A48-VP-1 BRACKET FG 2PH VERT PIN INSULATOR BKT 1" THREAD 48" STOCK	5.00	EA	172.40	EA	862.00
8	D1583 BRACKET STEEL T 25KV FOR CUTOOT & ARRESTER 75 TO THE CRATE STOCK	3.00	EA	46.30	EA	138.90
9	CSG15-100A-110-CN-10KA CUTOOT NON-LB 100A 15KV POLYMER PARALLEL GROOVE STOCK	6.00	EA	98.75	EA	592.50
10	OHDE-9538 GRIP OVERHEAD DE 1/0 OHDE-9538 #1/0 STOCK	50.00	EA	11.30	EA	565.00
11	366S/PI23253RT INS PORC PIN 15KV F-NECK 1"R GRY 366-SPP 504/PLT LEAD TIME: 2-3 WEEKS STD QTY: 12 Customer Prod: 366S	12.00	EA	6.95	EA	83.40
12	ARP-15SKCE-S INS POLY SUSP DE 15KV SILICONE 10/BOX 600/PLT STOCK STD QTY: 10	40.00	EA	14.00	EA	560.00
13	C721N015KVA-D-E TX 7.2 120/240 1B 15KVA DOE CONV ERMCO STOCK	1.00	EA	1,190.00	EA	1,190.00
14	C722N025KVA-E TX 7.2 120/240 2B 25KVA NI W/ SEC ARRESTOR STOCK	1.00	EA	1,845.00	EA	1,845.00
15	C722N050KVA-E TX 7.2 120/240 2B 50KVA NI W/SEC ARRESTOR STOCK	1.00	EA	2,495.00	EA	2,495.00
16	F1CS-MV-V13-RHP-1 PIN POLE TOP 1PH FBRGLS SUPPORT 1" PIN STOCK	5.00	EA	41.30	EA	206.50
17	J203Z PIN DROP THRU STEEL 15KV 1"F/WOOD X-ARM NYLON THD STOCK STD QTY: 25	25.00	EA	6.15	EA	153.75

Line	Product and Description	Order Quantity	Qty UM	Unit Price	Price UM	Amount(Net)
18	MGA345 ATTACHMENT GUY MULTIPLE F/GUY WIRE & GUY STRAIN STOCK STD QTY: 25	25.00	EA	9.25	EA	231.25
19	J7528 ROD ANCHOR 3/4X8 TWEYE GALV C J7528 STOCK	13.00	EA	45.65	EA	593.45
20	W588/615883 ROD GRD 5/8X8 CU NON-SEC 6258G13/615883/588RUS STOCK Customer Prod: W588	9.00	EA	26.80	EA	241.20
21	1/0THHN.CU WIRE CU 1/0 THHN INSULAT NRR 19 STR THWN BLK 500FT REELS OF 1/0 THHN STOCK STD QTY: 500FT	500.00	FT	3.00	FT	1,500.00
22	WTF-0221 TIE WRAPLOCK 336 F-NECK WTF-0221 #336 STOCK STD QTY: 50	50.00	EA	11.80	EA	590.00
23	SPL-1358-P TIE SPOOL 4/0 W/PAD SPL-1358-P #4/0 STOCK STD QTY: 50	50.00	EA	5.60	EA	280.00
23 Lines Total		Total Order Quantity	920.00	Subtotal		15,417.70
					Taxes	0.00
					Total	15,417.70



Quote



Entered Date	Taken By	Customer #	Order #
3/21/24	NCOR	1477	10234847-00
Expiration Date	PO #	Page #	
5/20/24	RFQ POLES	1	

Bill To
CITY OF OXFORD
110 W CLARK ST
OXFORD, GA 30054-2274

Ship To
CITY OF OXFORD
105 W WATSON ST
OXFORD, GA 30054-2014

Remit To
Gresco Utility Supply, Inc.
PO Box 932918
Atlanta, GA 31193-2918

Please note that the quote's expiration date, pricing, and lead times are subject to change based on manufacturing updates. GRESKO will communicate any changes at the time the order is placed.

Instructions

Ship Point	Via	Shipped	Terms	SlsRepln/Out
Gresco-Forsyth, GA	Best Way		Net 30 Days	ncor / csti

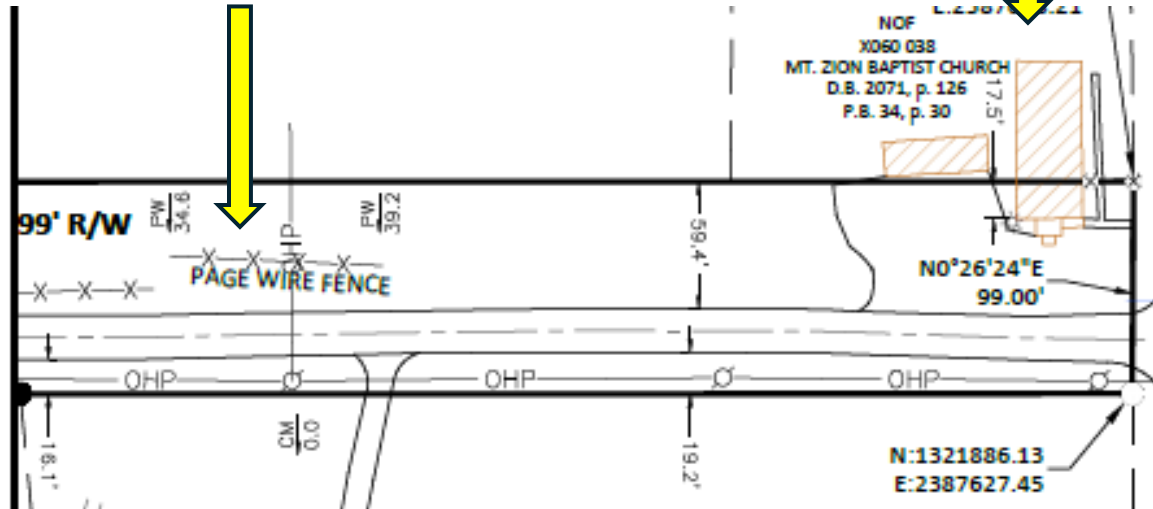
Notes

Correspondence address: 1135 Rumble Road Forsyth GA 31029. If you have any questions, please do not hesitate to contact our Accounts Receivable department at ar@gresco.com. Thank you.

Line	Product and Description	Order Quantity	Qty UM	Unit Price	Price UM	Amount(Net)
1	POLE WOOD 35'CL5-MC CCA 35' CLASS 5 LEAD TIME: 2 WEEKS	11.00	EA	218.00	EA	2,398.00
2	POLE WOOD 40'CL2-MC CCA 40' CLASS 2 LEAD TIME: 2 WEEKS	1.00	EA	460.00	EA	460.00
3	POLE WOOD 40'CL5-MC CCA 40' CLASS 5 LEAD TIME: 2 WEEKS	11.00	EA	270.00	EA	2,970.00
4	POLE WOOD 45'CL2-MC CCA 45' CLASS 2 LEAD TIME: 2 WEEKS	5.00	EA	634.00	EA	3,170.00
5	POLE WOOD 50'CL2-MC CCA 50' CLASS 2 LEAD TIME: 2 WEEKS	1.00	EA	750.00	EA	750.00
6	POLE WOOD 55'CL2-MC CCA 55' CLASS 2 Customer Prod: 560.POLE WOOD 55'CL2	2.00	EA	926.00	EA	1,852.00
6	Lines Total	Total Order Quantity	31.00		Subtotal	11,600.00
					Taxes	0.00
					Total	11,600.00

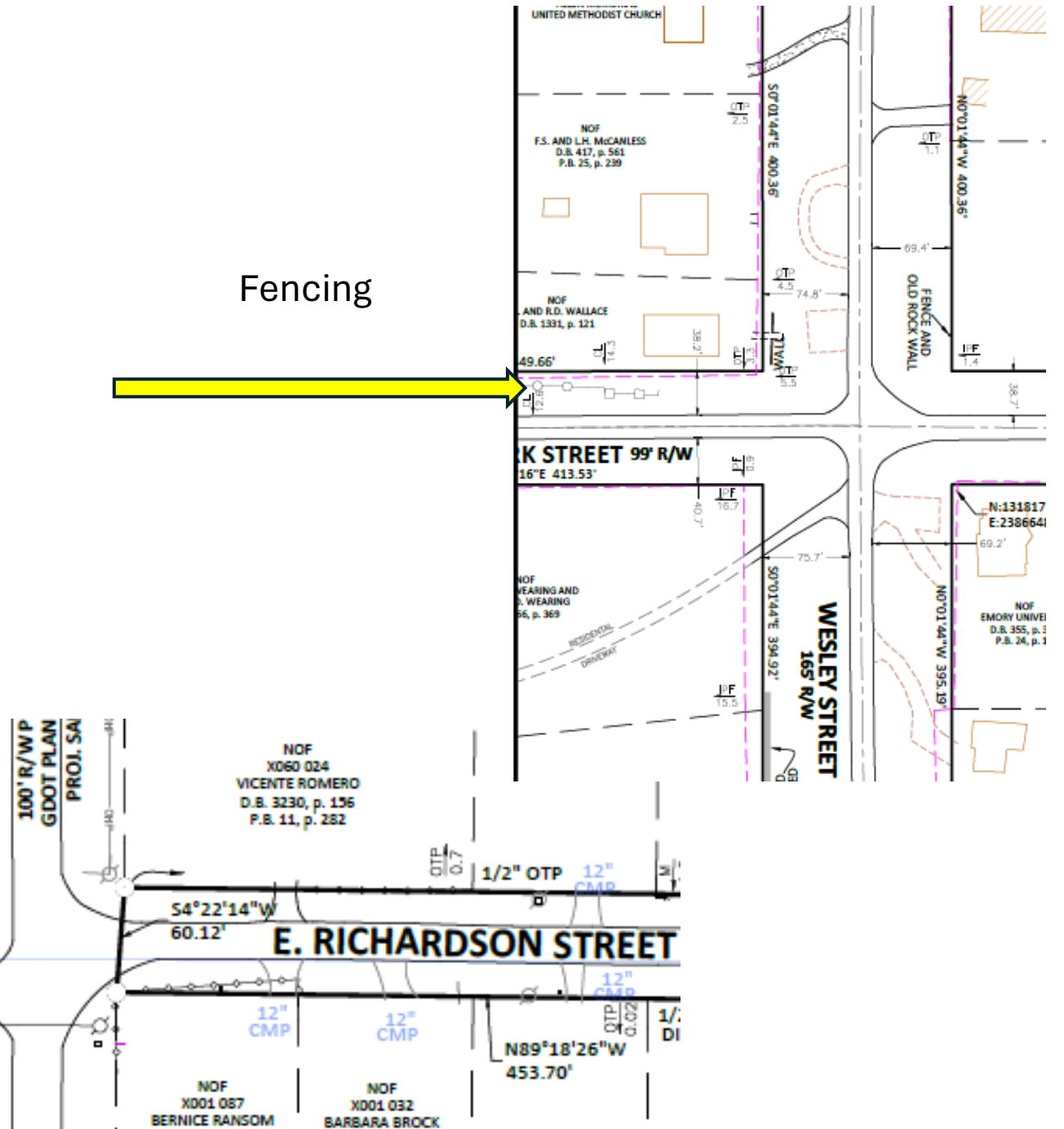
A Few Examples of ROW Encroachment

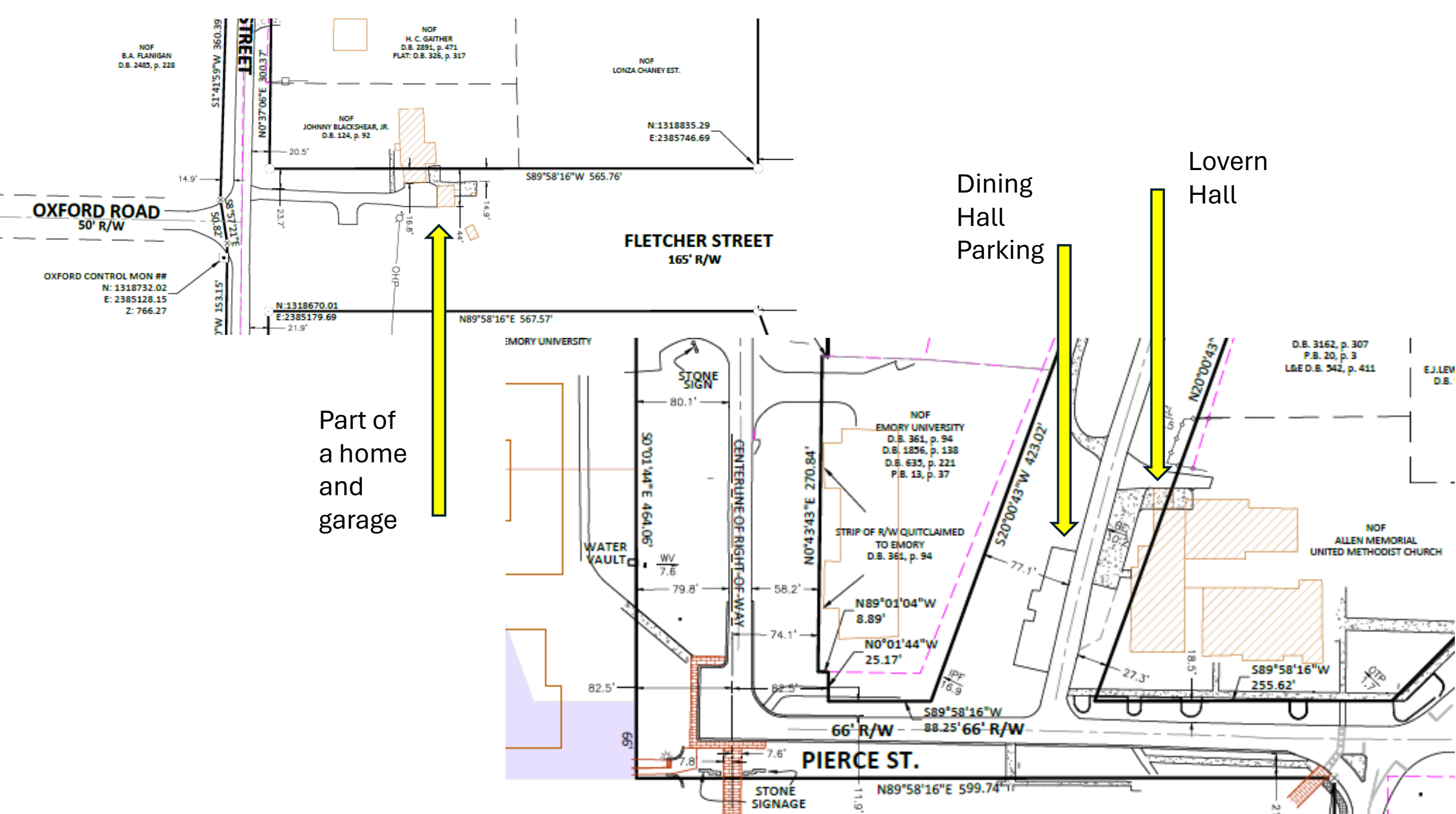
Fencing



Part of Building and Parking Lot

Fencing







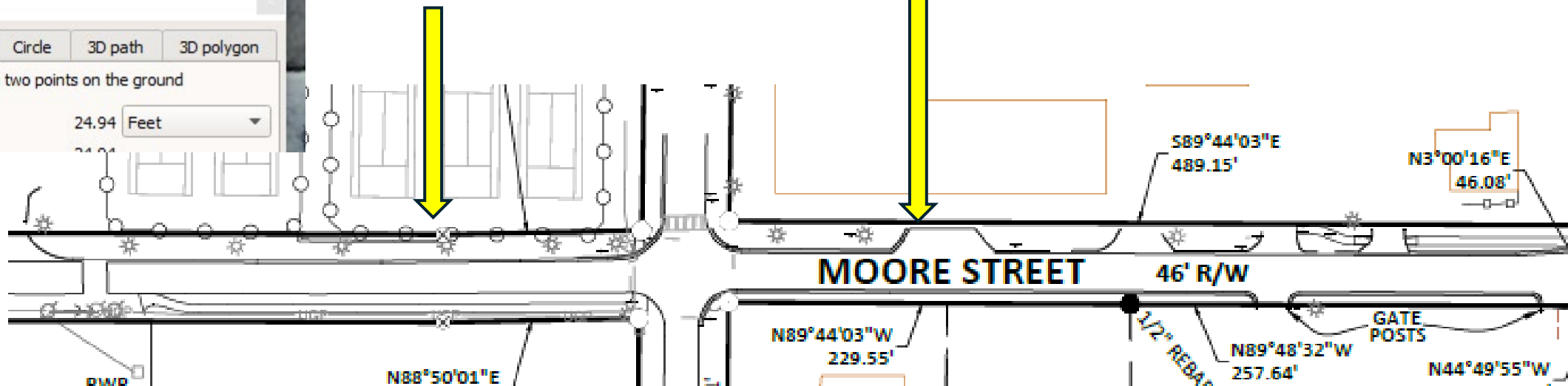
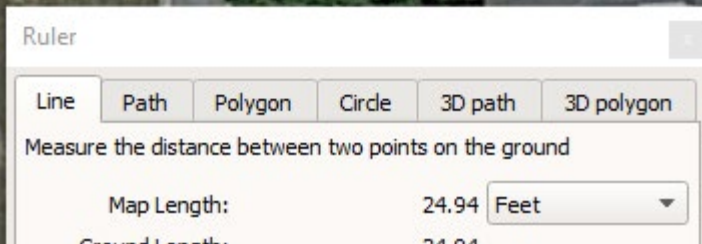
Parking Areas
partially on ROW and
assumed not
dedicated to the City.

Yellow line to the left
represents 25-feet.

Were the stormwater
facilities on campus
installed through an
encroachment
permit? Or were they
dedicated to the
City?

We also have
numerous driveways
in the City for which
we have no permit
records.

Sidewalk and fencing
on ROW and assumed
not dedicated to the
City.



The alcohol ordinance in Monroe, Georgia, governs various aspects of alcohol sales and consumption within the city. Here are some key points:

1. **Licensing Requirements:** Businesses must obtain the appropriate licenses to sell alcoholic beverages. This includes different licenses for beer, wine, and liquor, as well as special permits for events where alcohol will be served.
2. **Operational Hours:** The ordinance specifies the hours during which alcohol can be sold. Typically, sales are restricted late at night and early in the morning to prevent excessive late-night consumption.
3. **Entertainment District:** Monroe has designated an Entertainment District where open container laws are relaxed. Patrons can carry alcoholic beverages in approved containers within this area, enhancing the district's appeal as a social and entertainment hub. This district has been credited with promoting responsible consumption and has not led to significant public order issues.
4. **Event Permits:** Special permits are required for events where alcohol will be sold or served. This applies to both private events and public festivals or gatherings sponsored by the city.
5. **Public Safety Measures:** The ordinance includes measures to ensure public safety, such as restrictions on where alcohol can be consumed publicly and penalties for violations. The goal is to balance economic benefits from alcohol sales with community safety and well-being.

For more detailed information, you can refer to the Monroe city code on alcohol ordinances available through the [Municode Library] (<https://library.municode.com/ga/monroe>). See attached copy.

Chapter 6 ALCOHOLIC BEVERAGES¹

ARTICLE I. IN GENERAL²

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcohol means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine as defined in this section.

Beer or malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other product, or any combination of such products in water containing not more than 14 percent alcohol by volume, and including ale, porter, brown, stout, lager, beer, small beer and strong beer. The term "malt beverage" does not include sake, known as Japanese rice wine.

Brewery means a large or industrial scale manufacturer of alcoholic malt beverages for the purpose of wholesale distribution. Such use must be connected to public water and sewer.

Brewpub means any restaurant in which malt beverages are manufactured, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36. Barrels of malt beverages sold to licensed wholesale dealers for distribution or to the public for consumption off the premises as authorized by State law shall not be used when determining the total annual gross food and beverage sales as required under this chapter.

Distilled spirits or spirituous liquor means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including but not limited to, all fortified wines.

Distiller means a manufacturer of distilled spirits.

Distillery means a large or industrial scale manufacturer of alcoholic distilled spirits for the purpose of wholesale distribution. Such use must be connected to public water and sewer.

Eating establishment means any public place, including a place available for rental by the public, selling prepared food for consumption by the public on the premises with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and refrigerator, all of which must

¹Ord. No. 2018-01 , art. I(exh. A), adopted Jan. 16, 2018, repealed the former Ch. 6., §§ 6-1—6-7, 6-41—6-49, 6-71—6-82, 6-116—6-131, 6-151—6-161, and enacted a new Ch. 6 as set out herein. The former Ch. 6 pertained to similar subject matter. See Code Comparative Table for complete derivation.

Cross reference(s)—Businesses and business regulations, ch. 22; alcoholic beverages in parks, § 66-8.

²State law reference(s)—Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; public drunkenness, O.C.G.A. § 16-11-41; furnishing alcoholic beverages to persons under 21 years of age, jurisdiction of municipal courts, O.C.G.A. § 36-32-10; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

be approved by the health and fire departments. An eating establishment will be prepared to serve food every hour they are open.

Fortified wine means any alcoholic beverage containing more than 24 percent alcohol by volume made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. Fortified wine includes, but is not limited to, brandy.

Governing authority means the mayor and council of the City of Monroe.

Growler means a reusable, resealable, and professionally sanitized jug used to transport malt beverages or wine for off-premises consumption that is not to exceed 64 ounces and is filled with malt beverages or wine from a keg by a licensee, or an employee of a licensee, with a malt beverage and/or wine license for consumption off premises issued by the City of Monroe.

Hotel means any facility, or any portion of a facility, where a room, rooms or lodgings are furnished for value to any person, persons or legal entity, including a hotel, motel, inn, bed and breakfast, lodge, or any other place in which rooms, lodgings or accommodations are regularly furnished for value. For the purposes of this article, such hotel shall maintain a minimum of four separate and distinct rooms available for hire. Motels and bed and breakfast establishments meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels.

Indoor commercial recreational establishment means and is limited to an establishment which:

- (1) Regularly serves prepared food, with a full service kitchen (a full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), prepared to serve food every hour they are open and deriving at least 70 percent of its total annual gross sales from the sale of prepared meals or foods and recreation activities; and
- (2) Wherein the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises.

The primary activity on the premises of the indoor commercial recreational establishment shall be family-oriented in nature, generally meaning a use which attracts a range of individuals from all age groups. Uses may specifically include, but are not limited to, dinner theatres, bowling centers, and other similar uses. Outdoor commercial recreation is not included, nor shall concession sales of alcoholic beverages be permitted. Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, skating arenas, adult entertainment and/or sexually related entertainment activities, and similar uses are specifically excluded from this definition of indoor commercial recreational establishments.

Indoor publicly owned civic and cultural center means and is limited to publicly owned establishments in which:

The sale of food and alcoholic beverages are incidental to its primary enterprise and activity on the premises. Indoor publicly owned civic and cultural centers may include any publicly owned building or facility where events or functions are held for the purpose of recognizing and advancing the civic, cultural, artistic and entertainment interests of the City of Monroe.

License means an authorization granted by the city to operate as a retail consumption dealer, retail package dealer, or wholesale dealer or manufacturer as outlined under this chapter.

Licensee means the individual to whom a license is issued or, in the case of a partnership, corporation or limited liability company, all partners, officers, and directors of the partnership, corporation or limited liability company.

Liter means a metric measurement currently used by the United States.

Manufacturer means any maker, producer, or bottler of an alcoholic beverage. The term "manufacturer" also means in the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits; in the case of malt beverage, any brewer.

Microbrewery means an establishment in which not more than 15,000 barrels of beer or malt beverages are manufactured or brewed on the licensed premises in a calendar year and in which such manufactured or brewed beer or malt beverages may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-5-24.1. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-5-1.

Microdistillery means an establishment in which not more than 10,000 barrels of distilled spirits are manufactured on the licensed premises in a calendar year and in which such manufactured distilled spirits may be sold for consumption on the premises and consumption off premises, subject to the limitations prescribed in O.C.G.A. § 3-4-24.2. As used in this definition, the term "barrel" shall be defined as set forth in O.C.G.A. § 3-4-1.

Package means a bottle, can, keg, barrel, or other original consumer container. Retail package alcoholic beverages shall include all alcoholic beverages in their original container, sold at retail to the final consumer, and not for resale.

Person means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, limited liability company or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasipublic.

Retail consumption dealer means any person who sells alcoholic beverages for consumption on the premises, at retail, only to consumers and not for resale.

Retail package dealer means any person who sells unbroken packages, at retail, only to consumers and not for resale.

Special events facility means a facility that meets all of the following criteria:

- (1) Is regularly available for use to public or private groups or persons for a fee;
- (2) Regularly is rented for a fee for special occasions such as weddings, meetings, banquets, catered events, parties or similar gatherings;
- (3) Is located within either the boundaries of the downtown development authority of the City of Monroe, or the City of Monroe's Designated Historic Districts;
- (4) Hosts a minimum of 18 events for a fee per calendar year;
- (5) Consists of a minimum of 1,000 square feet of rentable meeting and/or event space;
- (6) Has adequate and accessible restroom facilities.

Wholesaler or *wholesale dealer* means any person who sells alcoholic beverages to other wholesale dealers, to retail package dealers, or to retail consumption dealers.

Wine means any alcoholic beverage containing not more than 24 percent alcohol made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. Wine includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term "wine" does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at the point in the manufacturing process when it conforms to the definition of wine contained in this section.

Wine shop means a retail establishment that specializes primarily in the sale of wine and wine-related products.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

State law reference(s)—Similar provisions, O.C.G.A. § 3-1-2.

Sec. 6-2. Penalties for violation of chapter.

Any person convicted of a violation of this chapter shall be punished as provided in section 1-11 of this Code of Ordinances, or otherwise as may be provided by applicable law.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-3. Sale in the city; license a privilege.

- (a) Alcoholic beverages may be sold in the city only under a license granted by the city council upon the terms and conditions provided in this chapter.
- (b) All licenses in this chapter shall be a mere grant of privilege to carry on the business during the term of the license, subject to all terms and conditions imposed by this chapter and state law.
- (c) All licenses pursuant to this chapter shall have printed on the front these words: "This license is a mere privilege subject to be revoked and annulled, and is subject to any further ordinances which may be enacted."
- (d) Any holder of a license issued pursuant to this chapter is required to apply for and obtain an alcoholic beverage license from the state before any sales commence. Additionally, city licensees are required to abide by all applicable state regulations and laws.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

State law reference(s)—Permit or license from governing authority required for wholesale or retail sales of alcoholic beverages; due process guidelines; fingerprints, O.C.G.A. § 3-3-2.

Sec. 6-4. Sale or possession for sale without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person, corporation, partnership or other legal entity to sell, or possess for the purpose of sale at any business location any alcoholic beverage where the person does not have a license granted by the city to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

State law reference(s)—Licenses, § 3-3-3; violation of criminal provisions of title, § 3-1-4; dealing in alcoholic beverages declared privilege, § 3-3-1.; jurisdiction of municipal courts, § 36-32-1 et. seq.

Sec. 6-5. Separate application and separate license for each location of sale.

Separate applications must be made for each location and separate licenses must be issued.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-6. Application forms.

- (a) All persons desiring to sell alcoholic beverages shall make application on the forms prescribed by the code enforcement officer.
- (b) The application shall include, but shall not be limited to, the name and address of the applicant; the proposed business to be carried on; if a partnership, the names and residence address of the partners; if a limited liability company, the name and address of the manager(s) and the name of any person or legal entity owning at least 20 percent of the limited liability company; if a corporation, the names of the officers, the name and address of the registered agent for service of process, the name of the manager(s), and the name of all shareholders holding at least 20 percent of any class of corporate stock, or any other entity having a financial interest in each entity which is to own or operate the establishment for which a license is sought. If the manager changes, the applicant must furnish the code enforcement officer the name and address of the new manager and other information as requested within ten days of such change.
- (c) All applicants shall furnish data, fingerprints, financial responsibility and other records as required by the code enforcement officer and to ensure compliance with the provisions of this chapter. Failure to furnish data pursuant to such request shall automatically serve to dismiss the application with prejudice.
- (d) All applications shall be sworn to by the applicant before a notary public or other officer empowered by law to administer oaths.
- (e) In all instances in which an application is denied under the provisions of this chapter the applicant may not reapply for a license for at least one year from the final date of such denial.
- (f) The code enforcement officer shall provide written notice to any applicant whose application is denied under the provisions of this chapter. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal under the provisions of this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-7. Withdrawal of application.

Any license application made pursuant to this chapter may be withdrawn by the applicant at any time. If the application is withdrawn before the license is issued, any sums deposited as license fees will be refunded. After issuance of the license, no refunds will be made. No refunds shall be made under any circumstances for investigative and administrative expenses required under this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-8. Licensing qualifications.

- (a) No license for the sale of alcoholic beverages shall be granted to any person who is not a citizen of the United States or an alien lawfully admitted for permanent residence.
- (b) Where the applicant is a partnership, limited liability company or corporation, the provisions of this section shall apply to all its partners, officers, manager(s) and majority stockholders. In the case of a corporation, the license shall be issued jointly to the corporation and the majority stockholder, if an individual. Where the majority stockholder is not an individual, the license shall be issued jointly to the corporation and its agent registered under the provisions of this subsection. In the case of a partnership, the license will be issued to all the partners owning at least 20 percent of the partnership. If no partner owns 20 percent of the partnership, then the general partner, managing partner or the partner with the greatest ownership will be

licensed. In the case of a limited liability company, the license will be issued jointly to the limited liability company and manager(s).

- (c) No person, firm, limited liability company or corporation shall be granted any alcoholic beverage license unless it shall appear to the satisfaction of the city attorney that such person, manager(s), partners in the firm, or officers and directors of the corporation have not been convicted or pleaded guilty or entered a plea of nolo contendere to and have been released from parole or probation concerning any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime within a period of ten years immediately prior to the filing of such application. At the time an application is submitted for any alcoholic beverage license, the applicant shall, by a duly sworn affidavit, certify that neither the applicant, nor any of the other owners of the establishment, has been convicted or has pleaded guilty or entered a plea of nolo contendere to any crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime within a period of ten years immediately prior to the filing of such application. Should any applicant, partner, shareholder, manager or officer instrumental in the sale or dispensing of any alcoholic beverage, after a license has been granted, be convicted or plead guilty or nolo contendere to a crime involving moral turpitude, illegal gambling or illegal possession or sale of controlled substances or the illegal possession or sale of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, pandering, pimping, public indecency, prostitution, solicitation of sodomy, or any sexually related crime, the license issued hereunder shall be immediately revoked and cancelled.
- (d) No license for the sale of alcoholic beverages shall be granted to any person convicted under any federal, state or local law of any felony, within 15 years prior to the filing of application for such license.
- (e) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the city previously revoked within two years prior to the filing of the application.
- (f) The code enforcement officer may decline to issue a license when any person having any ownership interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this section for the licensee.
- (g) All licensed establishments must have and continuously maintain in Walton County, Georgia, a registered agent upon whom any process, notice or demand required or permitted by law or under this chapter to be served upon the licensee or owner may be served. This person must be a resident of the county, or a licensed attorney practicing law that maintains an office in the county. The licensee shall file the name of such agent, along with the written consent of such agent, with the code enforcement officer and shall be in such form as he may prescribe.
- (h) All applicants for any alcoholic beverage license must be of good character, and all operators, managers, clerks, or other employees shall be of like character. Corporate or firm applicants shall be of good business reputation.
- (i) A license application may be denied to any applicant for any alcoholic beverage license where it appears that the applicant would not have adequate financial participation in the proposed business to direct and manage its affairs, or where it appears that the application is intended to be a mere surrogate for a person or persons who would not otherwise qualify for a license for any reason whatsoever.
- (j) The mayor and city council in its discretion may consider any extenuating circumstances which may reflect favorably or unfavorably on the applicant, application or the proposed location of the business. If in its

judgment, circumstances are such that the granting of the license would not be in the best interests of the city or general public, such circumstances may be grounds for denying the application.

- (k) The mayor and city council shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for a renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof for his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

State law reference(s)—Governing authority shall set forth ascertainable standards pertaining to the granting, refusal, suspension or revocation of alcoholic beverage permits or licenses, O.C.G.A. § 3-3-2.

Sec. 6-9. Distance requirements.

- (a) No person may sell any malt beverage or wine for off premises consumption in or within 100 yards of a church building, school, school grounds or college campus.
- (b) Except for those licensees located in the Monroe Historic Downtown Entertainment District as defined herein, no person may sell any alcoholic beverage for on premises consumption in or within 100 yards of a church building, school, school grounds or college campus.
- (c) As used in this section, the term "school building," "school," "school grounds" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools, universities and colleges of this state and which are public schools or private schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" and "educational building" includes only those structures in which instruction is offered. The term "school grounds" shall apply only to the parcel or parcels of land on which a school, school building or educational building is located.
- (d) The term "church building" as used in this section shall mean the main structure used by any religious organization for purposes of worship.
- (e) The requirements for minimum distance from a church building, located in a shopping center as defined by the latest Illustrated Book of Development Definitions (copyright 2004 by Rutgers) or in the Monroe Historic Downtown Entertainment District shall not apply to any new license for retail package sales.
- (f) For purposes of this section, distance shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - (1) From the main physical entrance (i.e. the front door) of the establishment from which alcoholic beverages are sold or offered for sale;
 - (2) In a straight line, regardless of obstructions, to the nearest public sidewalk, walkway, street, road or highway by the nearest route;
 - (3) Along such public sidewalk, walkway, street, road or highway by the nearest route;
 - (4) To the main physical entrance (i.e. the front door) of the church building, school building or college campus.
- (g) No location which is licensed to sell alcoholic beverages on the effective date of the ordinance from which this section is derived shall be denied continued operation under an existing license, or denied any renewal of such license, nor shall any new owner of the location be denied a new license based upon the measurements set forth in this section.

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- (h) As to any location licensed in the future, if the distance requirements in this section are met at the time of issuance of any license, the subsequent opening and operation of a church or school within the distance prohibited herein shall not prevent the continuance of an existing license or the renewal thereof or the issuance of a new license to any subsequent owner of such property; provided, however, that the distance requirements herein shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages was lawful at such location at any time during the six months immediately preceding such application.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

State law reference(s)—Sales of alcoholic beverages near churches, schools or college campus, O.C.G.A. § 3-3-21.

Sec. 6-10. License fee scale.

Before a license shall be granted, the applicant therefor shall comply with all rules and regulations adopted by the mayor and city council regulating the sale of alcoholic beverages and each applicant shall pay a license fee in accordance with the scale fixed, from time to time, by the mayor and city council contained in section 6-11 and kept on file with the code enforcement officer.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-11. Fees enumerated.

License fees applicable to this chapter shall be as follows:

- (1) Retail dealers of distilled spirits to be consumed on the premises, \$3,000.00 per year.
- (2) Retail dealers of beer and wine to be consumed on the premises, \$1,000.00 per year.
- (3) Retail dealers of beer and wine sold in original packages for consumption off the premises, \$2,000.00 per year.
- (4) Wholesale dealers in beer and wine, whose principal place of business is in the city, \$1,500.00 per year.
- (5) Wholesale dealers in distilled spirits whose principal place of business is in the city, \$2,000.00 per year.
- (6) Wholesale dealers in alcoholic beverages whose principal place of business is not in the city, \$100.00 per year.
- (7) Temporary license for nonprofit organizations, \$25.00 per day.
- (8) Temporary license for for-profit organizations, \$150.00 per day.
- (9) Non profit private club, beer and wine to be consumed on the premises, \$1,000.00 per year.
- (10) Non profit private club, distilled spirits to be consumed on the premises, \$3,000.00 per year.
- (11) Hotel/motel "in-room service," \$250.00 per year.
- (12) Distilleries or microdistilleries, \$3,000.00 per year.
- (13) Breweries or microbreweries, \$1,000.00 per year.
- (14) Brewpubs, \$750.00 per year.
- (15) Wine shops, \$750.00 per year.
- (16) Beer and wine amenities license, \$100.00 per year.

(17) Alcoholic beverage caterer beer and wine license, \$1,000.00 per year.

(18) Alcoholic beverage caterer distilled spirits license, \$1,000.00 per year.

(19) Special events facility, beer and wine to be consumed on the premises, \$1,000.00 per year.

(20) Special events facility, distilled spirits to be consumed on the premises, \$3,000.00 per year.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-12. Collection of fee or tax sums due.

If any person shall fail to pay any sums due under this chapter, the code enforcement officer or designee shall issue an execution against the person so delinquent and his property, for the amount of the delinquent fee or tax.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-13. Transferability of license.

- (a) No license for the sale of alcoholic beverages shall be transferable, except as otherwise provided in this section.
- (b) In case of the death of a licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of 45 days from the date of death or until expiration of the license or until approval of a new licensee, whichever shall first occur.
- (c) If a license is surrendered or a licensee severs his association with a licensed establishment, the establishment may continue to sell alcoholic beverages for a period of 45 days from the date of surrender, or from the date determined by the code enforcement officer to be the date of severance, provided a new application for a license is made within ten days of surrender or severance. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.
- (d) Nothing in this section, however, shall prohibit one or more of the partners of a partnership holding a license to withdraw from the partnership in favor of one or more of the partners who were partners at the time of the issuance of the license. Further, this section shall not prohibit transfer of stock between persons who held stock in the corporation at the time of issuance of the license.
- (e) Except as provided in subsections (a) through (d) of this section, any change in the ownership of any entity holding a license hereunder shall cancel and revoke any license pursuant to this chapter automatically, without the necessity of any hearing.
- (f) Violation of this section shall result in revocation of the license being used and subject the license holders to penalties as outlined in section 6-2. No license will be issued to the old or the new owner in the city for one year from the date of any such violation.
- (g) Should a licensee make application to the code enforcement officer for a transfer of location and should such a transfer of a location be approved, with no change of ownership of the business, the license fee paid for the previous license shall be applied to the new location. Each applicant for a transfer of location shall pay a transfer fee in the amount of \$300.00.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-14. Display of license at place of business.

The city alcoholic beverage license shall at all times be kept plainly exposed to view to the public at the place of the business of the licensee.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-15. Expiration; renewal of license.

All licenses granted hereunder shall be for the calendar year and shall expire automatically every December 31 of each calendar year. The full license fee must be paid for a license application filed prior to July 1 of the license year. One-half of a full license fee shall be paid for any license application filed after July 1 of the license year, except for applications for temporary licenses under section 6-11(7) and section 6-11(8), which shall not be reduced.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-16. Automatic license forfeiture for nonuse.

Any holder of any license hereunder who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after the said three-month period automatically forfeit the license without the necessity of any further action.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-17. Suspension or revocation of license.

- (a) A license may be suspended or revoked by the code enforcement officer where the licensee furnishes fraudulent or untruthful information in the application for a license and for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the state shall revoke any permit or license to sell alcoholic beverages, the city license issued hereunder shall thereupon be automatically revoked. The chief of police, upon notice of this revocation from the code enforcement officer, shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of section 6-38 or 6-41 shall be subject to immediate license revocation.
- (d) The code enforcement officer shall revoke the license of any licensee whose license has been suspended two or more times in any consecutive twelve-month period.
- (e) The code enforcement officer shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (f) The code enforcement officer may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this chapter at any time such knowledge becomes known to him.
- (g) An act or omission of a licensee, owner of more than 20 percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed which constitutes a violation of federal or state law relating to alcoholic beverages or of any provision of this chapter, will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the code enforcement officer determines to his own satisfaction that the act or omission did occur,

regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the code enforcement officer must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.

- (h) Whenever it can be shown that a licensee under this chapter no longer maintains adequate financial responsibility upon which issuance of the license was conditioned, or whenever the licensee has defaulted in any obligation of any kind whatsoever, lawfully owing to the city, the license shall be revoked.
- (i) Wherever this chapter permits the code enforcement officer to suspend any license issued under this chapter but does not mandate the period of such suspension, such discretion shall be exercised within the guidelines of this subsection.
 - (1) No suspension shall be for a period of time longer than the time remaining on such license.
 - (2) The following factors shall be considered on any revocation or suspension as set out above:
 - a. Consistency of penalties mandated by this chapter and those set by the code enforcement officer.
 - b. Likelihood of deterring future wrongdoing.
 - c. Impact of the offense on the community.
 - d. Any mitigating circumstances or remedial or corrective steps taken by the licensee.
 - e. Any aggravating circumstances or failure by the licensee to take remedial or corrective steps.
- (j) In addition to the above, a license may be suspended or revoked by the city council upon recommendation of the code enforcement officer to suspend or revoke the license of a licensee for good cause. The code enforcement officer may consider the public health, public safety, or public well-being of the city's citizens in making his recommendation to the city council. Upon receipt of the code enforcement officer's recommendation, a hearing shall be set in accordance with section 6-18 below.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-18. Hearings.

- (a) No license shall be denied, suspended or revoked without the opportunity for a hearing as hereinafter provided.
- (b) The code enforcement officer shall provide written notice to the applicant or licensee of the order to deny, suspend or revoke the license. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant or licensee of the right to appeal under the provisions of this chapter. Any applicant or licensee who is aggrieved or adversely affected by a final action of the code enforcement officer may have a review thereof by appeal to the mayor and city council. Such appeal shall be by written petition, filed in the office of the code enforcement officer within 15 days after the final order or action of the code enforcement officer and, in order to defray administrative costs, must be accompanied by a filing fee of \$50.00. The code enforcement officer, at his discretion, may waive or reduce the filing fee amount if it is determined the fee would create a hardship on the individual filing said appeal. The mayor and city council may, at the request of the appellant, refund the filing fee by a majority vote.
- (c) The mayor and city council shall determine all issues under this appeal process by a majority vote. Should the mayor and city council be unable to reach a decision by majority vote, the action taken by the code enforcement officer shall be upheld automatically.

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- (d) A hearing shall be conducted on each appeal within 45 days of the date of filing with the code enforcement officer unless a continuance of such date is agreed to by the appellant and the code enforcement officer. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross examine witnesses. Should the appellant desire an official transcript of the appeal proceedings, then such request must be made at least three days prior to such hearing. The appellant shall have the burden of proof on any such appeal. Before hearing an appeal, each member of the city council shall sign an affidavit to be part of the record that he is not related to any owner of the licensed establishment in question in the appeal being considered and that he has no financial interest in the outcome of the appeal. Should any council member be unable to sign such an affidavit, that member shall not serve on that appeal and the case shall be heard by the remaining members of the city council.
 - (e) The findings of the mayor and city council shall be forwarded to the code enforcement officer within 15 days after the conclusion of the hearing, and it shall be the duty of the code enforcement officer to notify the appellant of the decision of the mayor and city council.
 - (f) The findings of the city council shall be final unless appealed within 30 days of the date of said finding by writ of certiorari to the Superior Court of Walton County pursuant to O.C.G.A. § 5-4-3.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-19. Notice.

For the purpose of this chapter, notice shall be deemed delivered three days after the date of deposit to the United States Postal Service by certified mail or statutory overnight delivery.

Sec. 6-20. Advertising; location requirements; signs.

- (a) Except for those licensees located in the Monroe Historic Downtown Entertainment District, signs or displays advertising, promoting the use of, or otherwise related to alcoholic beverages in any manner aside from that described in subsection (c) of this section may not be placed in exterior windows for view from the public right-of-way.
- (b) Except for those licensees located in the Monroe Historic Downtown Entertainment District no licensee shall use signs or any other visible means of advertising the sale of alcoholic beverages on the outside of the building in which the business of the licensee is located.
- (c) Any on premises consumption licensee under this chapter shall be permitted to use and advertise the words "your favorite beverages served" or an equivalent phrase to advertise that alcoholic beverages by the drink may be purchased at that licensed business establishment.
- (d) Any and all signage permitted hereunder must be displayed in compliance with the City of Monroe Zoning Ordinance as currently enacted or hereafter amended.
- (e) The exterior of each building in which alcoholic beverages are sold shall contain sufficient lighting so that all sides of the building and all entrances thereto are clearly visible at all times when the premises are open for business.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-21. Audits of licensees.

- (a) If the code enforcement officer deems it necessary to conduct an audit of the records and books of the licensee, he shall notify the licensee of the date, time and place of the audit. The code enforcement officer

may designate the city's internal auditor or other designated person to perform any audit authorized in this chapter. The licensee shall cooperate with the audit or forfeit any license(s) issued under this chapter.

- (b) All licensed establishments must maintain the following records for a three-year period and make them available for audit at the licensed premises:
- (1) Monthly income or operating statements;
 - (2) Daily sales receipts showing liquor, beer, wine and food sales separately (this requirement does not apply to package beer and wine licensees);
 - (3) Daily cash register receipts such as Z tapes or guest tickets;
 - (4) Monthly state sales and use tax reports;
 - (5) Federal income tax returns with all Form 1099s and W-2s.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-22. Retailer to purchase from licensed wholesaler only.

- (a) No retailer shall purchase alcoholic beverages from any person other than a wholesaler licensed under this chapter. No wholesaler shall sell any alcoholic beverage to anyone other than a retailer licensed under this chapter; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.
- (b) The code enforcement officer or his designee may request, from time to time, information concerning purchases and sales of alcoholic beverages from retailers and wholesalers.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-23. Retail consumption dealers to store inventory only on premises.

No retail consumption dealer licensed under this chapter shall keep any alcoholic beverages at any place except the licensed place of business. No retail consumption dealer shall be permitted to enter into any type of arrangement whereby alcoholic beverages owned by a licensee are stored by a licensed wholesaler.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-24. Bring your own bottle (brown bagging) prohibited.

Except where allowed in this chapter in regard to corkage services in section 6-109 and special event facilities in article VII, no person shall bring his or her own alcoholic beverage, into any establishment either licensed or unlicensed to serve alcoholic beverages.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-25. Addition to contents of alcoholic beverages prohibited.

No one shall add to or permit the adding to any alcoholic beverage or refill any alcoholic beverage manufacturer's container in any manner.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-26. Poured alcohol to be transported by employees.

Poured alcoholic beverages will be transported from point of dispensing to the customer by certified employees only.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-27. Licensees to maintain a copy of this chapter; employees to be familiar with terms; licensee responsible for violations.

Each licensee licensed under this chapter shall keep a copy of this chapter in the licensed premises and shall instruct any person working there with respect to the terms, conditions and requirements of this chapter; and each licensee, the licensee's agents and employees selling alcoholic beverages shall at all times be familiar with the terms of this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-28. Employment of underage persons prohibited; exceptions.

- (a) No person shall allow or require a person in his employment under 18 years of age to dispense, serve, sell, or take orders for any alcoholic beverage.
- (b) The provisions of this section shall not prohibit persons under 18 years of age who are employed in supermarkets or convenient stores from selling or handling alcoholic beverages which are sold for consumption off the premises.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-29. Failure to require and properly check identification.

It shall be a violation of this chapter not to require and properly check identification to ensure an underage person is not sold, served, or permitted to have in his possession, alcoholic beverages while in a licensed establishment. The term "identification" in this section shall mean any document issued by a governmental agency containing a description of the person, such person's photograph, and giving such person's date of birth and shall include, without being limited to, a passport, military ID card, driver's license or state department of public safety ID card.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-30. Prohibited actions of licensees; penalties.

- (a) No licensee or employee of a licensee under this chapter, shall do any of the following upon the licensed premises:
 - (1) Sell or offer to sell any distilled spirits, wines, malt beverages, or any other alcoholic beverage to any person under the age of 21 years.
 - (2) Sell or offer to sell any alcoholic beverages to any person who is noticeably intoxicated whose intemperate habits are known to the licensee or his employees.

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- (3) Sell alcoholic beverages upon the licensed premises or permit alcoholic beverages to be consumed thereon, on any day or at any time when the sale or consumption is prohibited by law.
 - (b) No person who holds a license to sell alcoholic beverages by the drink shall allow any minors to be in, frequent or loiter about the licensed premises of the establishment unless such minors are accompanied by a parent, legal guardian, or custodian; provided, however, that such minors shall be permitted in eating establishments, indoor commercial recreational establishments, or private clubs as defined in this chapter without being accompanied by a parent, legal guardian, or custodian and provided further that this section shall not apply to minors who are employees under this chapter.
 - (c) Any licensed establishment where two or more violations of this section, or O.C.G.A. § 3-3-23 have occurred within any 24-month period shall be punished as follows:
 - (1) For the second violation within any 24-month period, suspension of said license(s) for a period not to exceed 90 days.
 - (2) For the third and any subsequent violation within any 24-month period, suspension of license(s) for a period not to exceed one year.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

State law reference(s)—Furnishing to, purchase of, or possession by persons under 21 years of age of alcoholic beverages; use of false identification; proper identification for sale of alcoholic beverages; dispensing, serving, etc., of alcoholic beverages by persons under 21 years of age in the course of employment; seller's duty to request proper identification, O.C.G.A. § 3-3-23.

Sec. 6-31. Purchase or possession of alcoholic beverages by underage persons.

Except as otherwise authorized by law:

- (1) No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage;
- (2) No person under 21 years of age shall misrepresent such person's age in any manner whatsoever for the purpose of obtaining illegally any alcoholic beverage;
- (3) No person knowingly or intentionally shall act as an agent to purchase or acquire any alcoholic beverage for or on behalf of a person under 21 years of age; and,
- (4) No person under 21 years of age shall misrepresent his identity or use any false identification for the purpose of purchasing or obtaining any alcoholic beverage.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

State law reference(s)—Similar provisions, O.C.G.A. § 3-3-23.

Sec. 6-32. Regulations as to employees and managers.

The following regulations shall apply to all establishments holding a license for consumption of alcoholic beverages on the premises:

- (1) Any licensee for consumption on the premises shall require all persons employed as managers, servers, bartenders, doorpersons, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic beverages to obtain a server certification with proper training from a third party vendor approved by the city no later than three days after commencement

of his or her employment. The licensee or the employee of the licensee shall pay a fee as provided for by the third party vendor for such server certification.

- (2) The City may select one or more designated third party vendors approved for the issuance of server certifications. A list of designated vendors shall be kept by and made available to licensees by the code enforcement officer.
- (3) Any person who has been convicted of a violation of any law, ordinance or regulation governing the sale of alcoholic beverages, a violent crime or possession of illegal drugs in the three years immediately preceding the date of the certification shall not be eligible to receive a server certification.
- (4) Only those persons maintaining a valid server certification required herein shall be permitted by a licensee to dispense, pour, mix or otherwise handle any alcoholic beverage on behalf of said licensee. Licensees found to be in violation of this section shall be subject to penalties as set forth in section 6-2.
- (5) All licensees shall maintain on the licensed premises a written log of all employees, a copy of a government issued photo identification of each employee and proof of the server certification required for each employee. Upon the request of a City of Monroe police officer, the city marshal or code enforcement officer, the licensee or manager on duty must present a manifest indicating employees on duty required to hold such certification. Such records and manifests may also be kept by a third party vendor who shall provide access to the server certifications to the city upon request.
- (6) All persons required to maintain server certification under this section shall keep proof of the same on their person at all times while working in any licensed establishment and shall display the same upon the request of any police officer or code enforcement official of the city.
- (7) Any person required to maintain server certification under this section who is cited for a violation of this chapter or any state law governing dispensing of alcohol and who either enters a plea of guilty or nolo contendere or is convicted of such violation shall no longer be eligible for server certification for a period of three years from the date of said plea or conviction.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-33. Open area and patio sales.

- (a) Alcoholic beverage sales can be made by a licensed on-premises consumption establishment in a patio/open area type environment if the establishment has been approved to do so by the code enforcement officer.
- (b) The patio/open area shall be enclosed by some structure or stanchions providing for public ingress/egress only through the main licensed premises. The purpose of this requirement is to prevent a customer from leaving the outside sales area with an open drink without the licensee's knowledge.
- (c) The height of such structure shall be a minimum of three feet above ground level. It does not have to be solid nor does it have to restrict visibility into or out of the patio/open sales area. It must be permitted and approved by the code enforcement officer or his designee.
- (d) The only exit from this type area is to be through the licensed establishment's main premises and through an approved fire exit, not for general public use unless an emergency exists.
- (e) If a licensee desires a patio/open sales area inside an existing structure, plans will be reviewed and approved on an individual basis by the code enforcement officer. Interior type patio/open sales areas must also meet the requirements of the city's development and fire codes.
- (f) Nothing contained in this section shall prohibit a hotel or motel with an on the premises consumption license from making sales and allowing consumption of alcoholic beverages in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel, provided such functions are catered in connection with a

meeting, conference, convention or similar type gathering at such hotel or motel. "Patio areas," as that term is used in this subsection, do not have to conform to the standards in this section.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-34. No consumption outside premises.

- (a) Except as otherwise permitted in this chapter, it is prohibited for customers to leave a licensed premises with open alcoholic beverages, and it is the licensee's responsibility to ensure that no open beverages are sold and carried out. However, nothing in this section shall be construed to prohibit the carrying out of alcoholic beverages for consumption at a publicly owned or privately owned golf course.
- (b) Except as otherwise permitted in this chapter, it is prohibited for customers to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (c) Except as otherwise permitted in this chapter, it is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage establishment and consume alcoholic beverages.
- (d) Notwithstanding any other contrary provision of law, any eating establishment which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises. A partially consumed bottle of wine that is to be removed from the premises must be securely corked and resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-35. Specifications of premises.

No alcoholic beverage license shall be issued to any person unless the building in which the business will be located is complete and detailed plans of the building and outside premises are attached to the application, or unless proposed plans and specifications and a building permit of a proposed building to be built are attached to the application. The completed building or the proposed building shall comply with ordinances of the city, regulations of the state revenue commissioner and the state. The proposed building shall also be subject to final inspection and approval when completed by the code enforcement officer and the fire department. Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located so as to reveal all of the outside premises of such building. Each applicant for an alcoholic beverage license shall attach to the application evidence of ownership of the building or proposed building, or a copy of the lease if the applicant is leasing the building. All premises for which an alcoholic beverage license shall be issued shall afford therein adequate sanitary and accessible toilet facilities available for use by the public and shall be adequately illuminated so that all hallways, passage ways and open areas may be clearly seen by the customers therein.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-36. Monroe Historic Downtown Entertainment District.

- (a) The provisions of this section are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within the Monroe Historic Downtown Entertainment District (as hereinafter defined) holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this section to the contrary, all such licensees remain subject to all other provisions of this chapter.
- (b) As used in this chapter, the term "Monroe Historic Downtown Entertainment District" shall be defined as: All that area of public space, streets, sidewalks, open areas, and all parcels and tracts of real property in the area of the city bound as follows: on the North by East Marable Street, on the South by Walker Street, on the West by Wayne Street, and on the East by Madison Avenue, including all parcels and tracts of real property that have road frontage on or touch any of the aforementioned boundary roads, also including all parcels that front on Broad Street between East Marable Street and Walker Street. The code enforcement officer shall maintain an official map of the Monroe Historic Downtown Entertainment District in his office at all times.
- (c) Outside consumption of alcoholic beverages by the drink shall be permitted within the Monroe Historic Downtown Entertainment District under the following conditions:
 - (1) Any licensee who desires to sell alcoholic beverages for outside consumption within the Monroe Historic Downtown Entertainment District must possess an alcoholic beverage license for on premises consumption in good standing with the City of Monroe and the State of Georgia.
 - (2) Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense alcoholic beverages in a clear plastic cup with the city's approved logo for such purpose, as approved by the city administrator imprinted thereon for consumption outside of the premises. Dispensing beer and/or wine in a can, bottle, or glass container for consumption outside in the designated area(s) is prohibited. Said clear plastic cups shall be purchased from the code enforcement officer or his designee at prices established by the city administrator.
 - (3) No establishment shall dispense to any person more than one drink at a time for consumption outside of the premises within the Monroe Historic Downtown Entertainment District.
 - (4) No container in which an alcoholic beverage is dispensed for consumption in the designated area(s) shall exceed 16 fluid ounces in size.
 - (5) No alcoholic beverages shall be sold and/or consumed outside and within the Monroe Historic Downtown Entertainment District except within the authorized hours of sale of the establishment where purchased.
 - (6) Food must be served during any period of time that alcoholic beverages are served. A licensed establishment shall always maintain the correct ratio of food to alcoholic beverage sales.
- (d) Outside consumption of alcoholic beverages by the drink by residents living in the Monroe Historic Downtown Entertainment District shall be permitted within the Monroe Historic Downtown Entertainment District under the following conditions:
 - (1) Residents living in the Monroe Historic Downtown Entertainment District shall be permitted to purchase clear plastic cups with the city's approved logo for such purpose as approved by the city administrator imprinted thereon for personal use and outside consumption of alcoholic beverages within the Monroe Historic Downtown Entertainment District.
 - (2) Said clear plastic cups shall be purchased at prices established by the city administrator.

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- (3) No resident shall be in possession of more than one drink contained in an approved clear plastic cup at any given time while partaking in outside consumption in the Monroe Historic Downtown Entertainment District.
 - (4) No resident shall be in possession of a drink contained in an approved clear plastic cup outside of the authorized hours of sale under this chapter within the Monroe Historic Downtown Entertainment District.
 - (5) All other rules of general applicability of this section shall apply to residents of the Monroe Historic Downtown Entertainment District using clear plastic cups for personal use.
 - (e) The following additional regulations shall apply to the Monroe Historic Downtown Entertainment District:
 - (1) The possession of any open can, bottle, or glass container of alcoholic beverages for outside consumption within the Monroe Historic Downtown Entertainment District is prohibited.
 - (2) The possession of any container of alcoholic beverages for outside consumption within the Monroe Historic Downtown Entertainment District exceeding 16 ounces is prohibited.
 - (f) Nothing in this section shall relieve licensees from complying with all other provisions of this chapter and state law.
- (Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-37. Eligibility for issuance of a temporary special event license.

- (a) A temporary license may be issued to any person, firm or corporation, for a period not to exceed three days for any one event for an approved special event. The person, firm or corporation must make application and pay the fee that may be required by this chapter and shall be required to comply with all the general ordinances and regulations for an on-premises consumption establishment with the exception of the full-service kitchen requirement. Said temporary licenses may be applied for and issued to any one person, firm or corporation up to 20 times per calendar year. The applicant seeking a temporary license must also obtain a state-issued temporary special event permit. Applicants seeking a temporary license need not be licensed as an alcoholic beverage caterer pursuant to article XI of this chapter.
- (b) The special event must meet the following criteria prior to the issuance of a license to sell alcoholic beverages:
 - (1) The special event must receive approval from the city police department on crowd control and security measures.
 - (2) The special event must receive approval from the city department of transportation, traffic operations section, on traffic control measures.
 - (3) The location at which the special event is to take place must be properly zoned and approved by the code enforcement officer.
 - (4) The premises at which the special event is to take place must be approved by the code enforcement officer.
- (c) At least one employee or volunteer of the special event licensee, working the special event in any position dispensing, selling, serving, taking orders or mixing alcoholic beverages shall be required to obtain a server certification pursuant to section 6-32 for the special event.

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- (d) The code enforcement officer or the chief of police or his designee may immediately revoke any temporary license for a special event if it is determined continued alcohol sales may endanger the health, welfare or safety of the public.
 - (e) As a condition on the issuance of a temporary special event license, the licensee shall indemnify and hold the city harmless from any and all claims, demands or causes of action which may arise from activities associated with the special event.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-38. Solicitation prohibited.

No retail consumption dealers licensed under this chapter shall require, permit, suffer, encourage, or induce any employee or person to solicit in the licensed premises for himself, or for any person other than the patron and guest of the patron, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the beverage; nor shall any licensee pay a commission or any other compensation to any person frequenting his establishment or to his agent or manager to solicit for himself or for others, the purchase by the patron of any drink, whether alcoholic beverage or nonalcoholic beverage or money with which to purchase the beverage.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-39. Inspection of licensed establishments by the police department.

Sworn officers of the police department and the code enforcement officer or his designee shall have the authority to inspect establishments licensed under this chapter during the hours in which the premises are open for business. These inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law. This section is not intended to limit the authority of the code enforcement officer or any other city officer to conduct inspections authorized by other provisions of this code.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-40. Establishment can be closed in cases of emergency.

The mayor, code enforcement officer or the chief of police, or their designee, may immediately close an establishment licensed under this chapter in case of emergency, for the safety of the public or to investigate a crime, for a period of time not to exceed 24 hours.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-41. Types of entertainment, attire and conduct prohibited.

(a) *Preamble and purpose.*

- (1) Based upon the experiences of other counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Gwinnett County, Georgia; Austin, Texas; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences the city council believes are relevant to the problems faced by the city and based upon the evidence and testimony of the citizens and experts who have appeared before such bodies, the city council takes note of the notorious and self-evident conditions attendant to the

commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.

- (2) Moreover, it is the finding of the city council that public nudity and semi-nudity, under certain circumstances, particularly circumstances relating to the sale and consumption of alcoholic beverages in so-called "nude bars" or establishments offering so-called "nude entertainment" or "erotic entertainment" begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhoods, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude or semi-nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity or semi-nudity.
- (b) *Prohibited activities.* Any establishment licensed under the provisions of this chapter is prohibited from permitting or engaging in the following activities:
- (1) The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
- (2) Live entertainment which provides or features nude or semi-nude or erotic dancing, or the performance of obscene acts which simulate:
- a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- b. The touching, caressing or fondling of the breast, buttock, anus or genitals; or
- c. The displaying of the pubic hair, anus, vulva or genitals;
- (3) The showing of any film, still pictures, electronic reproduction or other visual reproductions depicting any of the acts described in subsection (b)(2) of this section, which are obscene under state law; or
- (4) The holding, promotion or allowance of any contest, promotion, special night or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the above-prohibited conduct.
- (c) *Mainstream activity excluded.* Notwithstanding the prohibitions in subsection (b) of this section, nothing in this chapter shall or is intended to apply to theatrical or motion picture performance houses, museums, or the like where the consumption or service of alcohol is not a primary purpose or mainstream activity of such establishment.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Secs. 6-42—6-80. Reserved.

ARTICLE II. RETAIL SALES OF DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES³

Sec. 6-81. Locations where permitted.

No distilled spirits may be sold by the drink for consumption on the premises where sold except:

- (1) In eating establishments regularly serving prepared food, with a full service kitchen. A full service kitchen will consist of a three-compartment pot sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments. Such eating establishment shall remain open and operationally ready to prepare and serve food during all hours in which the eating establishment is open to the public and derive at least as much gross receipts annually from the sale of prepared meals or food as it derives from the sale of distilled spirits.
- (2) In indoor commercial recreation establishments.
- (3) In an indoor publicly owned civic and cultural center deriving at least 70 percent of its total annual gross sales from operational activities other than alcohol sales.
- (4) At a publicly or privately owned golf course.
- (5) In public stadiums, coliseums or auditoriums.
- (6) In private clubs.
- (7) In in-room service for hotels and motels.
- (8) In special event facilities.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-82. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the applicant is denied a license, the deposit representing the license fee shall be refunded; but the \$250.00 cost paid for investigation and administrative costs shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

³State law reference(s)—Retail sales of distilled spirits by the drink, O.C.G.A. § 3-4-90 et. seq.

Sec. 6-83. Advertising in official gazette of county.

A notice of each application to sell distilled spirits by consumption shall be advertised in the official gazette of the county, once a week for two weeks immediately preceding consideration of the application.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-84. Hours and days of sale.

- (a) Distilled spirits shall not be sold for consumption on the premises except between the hours of 9:00 a.m. until 1:00 a.m. Monday through Saturday.
- (b) Distilled spirits shall not be sold for consumption at any time in violation of state law or any local ordinance or regulation or of any special order of the mayor and city council.
- (c) The sale of distilled spirits for consumption on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight provided a Sunday sales license has been obtained.
- (d) Distilled spirits may be sold for consumption on the premises from 12:00 midnight to 1:30 a.m. on January 1, New Year's Day of any year.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2019-03 , art. I(exh. A), 12-10-2019; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Secs. 6-85—6-105. Reserved.***ARTICLE III. RETAIL SALES OF MALT BEVERAGES AND WINE FOR CONSUMPTION
ON THE PREMISES*****Sec. 6-106. Type of retail establishment where permitted.**

No beer or wine shall be sold for consumption on the premises where sold except:

- (1) In eating establishments having a full service kitchen (a full service kitchen will consist of a three-compartment sink, a stove or grill permanently installed, and a refrigerator, all of which must be approved by the health and fire departments), that remains open and operationally ready to prepare and serve food during all hours in which the eating establishment is open to the public.
- (2) In indoor commercial recreation establishments.
- (3) In an indoor publicly owned civic and cultural center deriving at least 70 percent of its total annual gross sales from operational activities other than alcohol sales.
- (4) At a publicly or privately owned golf course.
- (5) At a public stadium, coliseum or auditorium.
- (6) At a business establishment holding an amenities license pursuant to section 6-111.
- (7) At a business establishment holding an on premises consumption license subject to and in compliance with the volume/sales ratio requirement of the Monroe Historic Downtown Entertainment District as outlined in section 6-110.

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- (8) In private clubs.
 - (9) In in-room service for hotels and motels.
 - (10) In special event facilities.
 - (11) At wine shops.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-107. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the \$250.00 costs paid for investigation and administration shall be retained. Any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-108. Hours and days of sale.

- (a) Beer or wine shall not be sold for consumption on the premises except between the hours of 9:00 a.m. and 1:00 a.m. Monday through Saturday.
- (b) No beer or wine shall be sold for consumption at any time in violation of state law or any local ordinance or regulation or of any special order of the mayor and city council.
- (c) The sale of beer or wine on the premises is permitted on Sundays from 11:00 a.m. until 12:00 midnight provided a Sunday sales license has been obtained.
- (d) Beer and/or wine may be sold for consumption on the premises from 12:00 midnight to 1:30 a.m. on, January 1, New Year's Day of any year.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2019-03 , art. I(exh. A), 12-10-2019; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-109. Corkage services.

- (a) An eating establishment that possesses a valid license for the retail sale of beer or wine for consumption on premises may permit patrons to bring, possess and consume bottles of wine that are owned by the patron and brought unopened onto the premises under the following conditions:
 - (1) No more than 750 milliliters of wine, per patron over the age of 21, per meal, shall be permitted to be uncorked.
 - (2) Only patrons seated at tables or booths shall be permitted to consume wine that has been provided by the patron.

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- (3) Patron provided wine may only be consumed by individuals who order and are served a meal by the licensee.
 - (4) Every bottle of wine brought onto the premises by a patron must be opened by the licensee's personnel.
 - (5) A patron may remove a partially consumed uncorked bottle of wine from the premises only if the requirements set forth in section 6-33(d) are met.
- (b) Eating establishments may at their discretion charge corkage fees for such services.
- (Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-110. Sales volume ratio for select businesses

- (a) Any business required to pay a business occupation tax that does not otherwise meet the criteria of section 6-106 and is located in the Monroe Historic Downtown Entertainment District, may obtain an on premises consumption license for malt beverages and wine subject to the following conditions:
 - (1) The sale of alcoholic beverages shall be clearly incidental to the primary business conducted on the premises.
 - (2) On premises consumption licensees shall maintain at least 60 percent of their business volume from the sale of other merchandise or services, not including alcoholic beverages.
- (b) To qualify for such license, a retail business establishment must be open to the public for business a minimum of 32 hours per week.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-111. Amenity license

- (a) A non-eating establishment that offers beer or wine as an act of hospitality, where it is clearly a secondary function of the business, shall be eligible to apply for a beer or wine amenity permit. Eating establishments shall not be eligible for a beer or wine amenity permit.
- (b) An amenity permit shall allow the permit holder to offer beer or wine as an act of hospitality and shall not be part of the core operations of such establishments.
- (c) The initial amenity permit application shall include a background check. A \$200.00 administrative fee shall be charged to cover this administrative process.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-112. Wine shop.

- (a) Notwithstanding any other provision of this chapter to the contrary, the city council may issue a wine shop license to businesses for on premises consumption of malt beverage and wine:
 - (1) Which meet all other license application requirements set forth in this chapter; and
 - (2) Which operate primarily as a retail package dealer and earn a minimum of 70 percent of annual gross revenue from package sales of wine.
- (b) A wine shop established under this section may:

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- (1) Sell and serve beer and wine by the drink for consumption on the premises; and
 - (2) Sell wine and beer by the package.
 - (c) Nothing in this subsection shall prohibit a wine shop from serving food, provided that it meets all of the requirements for restaurants in this Code and is properly permitted by the city.
 - (d) Wine shops shall only be permitted in the Monroe Historic Downtown Entertainment District as defined in section 6-36.
 - (e) Wine shops may not operate on or in locations where fuel, lottery tickets, or tobacco products are sold.
- (Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Secs. 6-113—6-135. Reserved.

ARTICLE IV. RESERVED

Secs. 6-136—6-300. Reserved.

ARTICLE V. RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE⁴

Sec. 6-301. Type of retail establishment where permitted.

No beer or wine shall be sold at retail except in establishments maintaining at least 50 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of products that are not alcoholic beverages and located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-302. Hours and days of sale.

- (a) Retail package licensees shall not engage in the sale of beer or wine except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and 12:30 p.m. and 11:30 p.m. on Sunday.
- (b) Retail package beer or wine shall not be sold at any time in violation of any state law or local ordinance or regulations or of any special order of the mayor and city council.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-303. Use of tags or labels to indicate prices.

Retailers shall indicate plainly by tags or labels on the bottles or containers or on the shelf immediately below where the containers are placed the prices of all beer and wine exposed or offered for sale.

⁴State law reference(s)—License requirements, O.C.G.A. §§ 3-5-42, 3-6-40.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-304. Quantity sale requirements.

Single cans or bottles or other properly packaged containers of alcoholic beverages may be sold.

Sec. 6-305. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant withdraws his application prior to its being issued, the license fee shall be refunded; but the \$250.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. As to any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article, there shall be no investigative and administrative fee.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-306. Growler sales.

Licensees holding a retail beer and wine package license pursuant to this article may fill growlers with malt beverages or wine at the licensed location subject to the following requirements:

- (1) At least 70 percent of the licensee's total gross alcohol sales are from packaged sale of malt beverages or wine and the licensee's premises have a minimum of 400 square feet of floor space dedicated to the display of packaged malt beverages or wine offered for sale.
- (2) A growler shall not exceed 64 ounces. Growlers may only be filled from kegs or barrels procured by the licensee from a duly licensed wholesaler.
- (3) Only professionally sanitized and sealed growlers may be filled and made available for retail sale.
- (4) Each growler must be securely sealed and removed from the premises in its original sealed condition.
- (5) Samples of tap malt beverages or wine may be made available. No individual shall be allowed to sample more than a total of 24 ounces which shall be comprised of at least four different varieties of malt beverages or wine.
- (6) A licensee may charge a fee for samples of tap malt beverages or wine.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Secs. 6-307-330. Reserved.

ARTICLE VI. PRIVATE CLUBS⁵

⁵State law reference(s)—Sale of distilled spirits by private clubs, O.C.G.A. § 3-7-1 et. seq.

Sec. 6-331. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fixed salary means the amount of compensation paid any member, officer, agent, or employee of a bona fide private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include a commission on any profits from the sale of alcoholic beverages. For the purpose of this definition, tips or gratuities which are added to the bills under club regulation shall not be considered as profits from the sale of alcoholic beverages.

Private club means any nonprofit association organized under the laws of this state which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this article;
- (2) Has at least 75 regular dues-paying members;
- (3) Owns, hires or leases a building or space within a building for the reasonable use of its members with:
 - a. Suitable kitchen and dining room space and equipment;
 - b. A sufficient number of employees for cooking, preparing and serving meals for its members and guests; and
- (4) Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

Sports club means an association or corporation organized and existing under the laws of the state, organized and operated primarily to provide a location for the patrons thereof to engage in sporting events. To qualify for an alcoholic beverage consumption on-premise license, a sports club must have been actively in operation within the city at least two years prior to an application for license under this chapter; provided, however, the two-year operational requirement shall not apply to golf club associations or golf club corporations where the selling or the serving of alcoholic beverages is to take place on the golf course premises. A sports club organized or operated primarily for serving of alcoholic beverages shall not qualify for licensing under this article, and accordingly shall not be permitted to serve alcoholic beverages at any time. Unless otherwise indicated, a sports club licensee shall comply with all other requirements imposed upon retail consumption dealers.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-332. Regulation of sale of alcoholic beverages.

Private clubs or sports clubs may sell and dispense alcoholic beverages upon compliance with all applicable ordinances and regulations of the city governing the sale of such beverages and upon payment of such license fees and taxes as may be required by this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-333. Certain organizations exempt from food establishment requirements.

Veterans' organizations, fraternal organizations, and other nonprofit organizations currently having tax exempt status under either the United States Internal Revenue Code or the state income tax law shall not be required to operate a food establishment serving prepared food. However, any such organization selling or

dispensing alcoholic beverages shall be subject to all ordinance regulations dealing with general licensing and on-premise consumption establishments under this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-334. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, the deposit representing the license fee shall be refunded; but the \$250.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-335. Hours and days of sale.

- (a) No alcoholic beverages shall be sold for consumption on the premises of private clubs except between the hours of 9:00 a.m. and 1:55 a.m. Monday through Saturday.
- (b) Alcoholic beverages shall not be sold for consumption at any time in violation of any state law or local ordinance or regulation or of any special order of the mayor and city council.
- (c) The sale of alcoholic beverages for consumption on the premises is permitted on Sundays from 12:30 p.m. until 12:00 midnight in a private club or sports club provided a Sunday sales license has been obtained.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2019-03 , art. I(exh. A), 12-10-2019)

Secs. 6-336—6-350. Reserved.

ARTICLE VII. SPECIAL EVENT VENUES

Sec. 6-351. Preamble and purpose.

The city recognizes the valuable economic impact of special events facilities being located throughout the city's downtown and historic districts. the distribution and consumption of alcoholic beverages at special events facilities is attendant with the normal and customary types of events held at such facilities, i.e., weddings, meetings, banquets, catered events, parties or similar gatherings. to encourage such economic impact of these facilities while ensuring the safety, health and general welfare of the public, special events facilities must obtain a license to sell alcoholic beverages at said facilities and must also register with the city annually for operating a special events facility.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-352. Sale without a license prohibited.

Any special events facility that wishes to sell alcoholic beverages for consumption on premises shall be required to first obtain an appropriate state license in accordance with the laws and regulations of the State of Georgia, the Department of Revenue of the State of Georgia, as well as a city license pursuant to articles II and III of this chapter and comply with all other rules and regulations contained herein. Any sale of alcoholic beverages by the special events facility without said licensure is strictly prohibited.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2023-02 , art. I(Exh. A), 12-12-2023)

Sec. 6-353. Registration required.

Any special events facility that does not sell alcoholic beverages for consumption on premises but that allows alcoholic beverages to be consumed at said facility by private guests attending a private event must first register with the city on forms prepared by the code enforcement officer and pay an annual registration fee of \$300.00 per facility. Said registration fee shall be paid upon initial registration and annually by February 1 of each calendar year.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-354. Investigative and administrative costs.

Each application seeking a license to sell alcoholic beverages or seeking registration of a special events facility as required herein shall be accompanied by a certified check for the full amount of the license or registration fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, the deposit representing the license fee shall be refunded; but the \$250.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license or registration under this article who has in existence at the time of making the new application an existing license or active registration under this article shall pay no investigative and administrative costs.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-355. Alcoholic beverages must be purchased from retailer.

Any alcoholic beverage consumed at a special events facility by private guests attending a private event must be purchased from a package retailer authorized to sell said beverages for off premise consumption.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-356. Licensed alcoholic beverage caterer pouring.

A licensed alcoholic beverage caterer, licensed by the state pursuant to O.C.G.A. § 3-11-1, et seq. may distribute and sell alcoholic beverages at a special events facility in the city so long as the licensed alcoholic beverage caterer complies with all requirements of O.C.G.A. § 3-11-1, et seq. and the special events facility has first registered with the city pursuant to section 6-353 hereinabove.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-357. Facility must be approved.

A special events facility must first be approved by the code enforcement officer and the city fire department prior to conducting operations as a special events facility.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-358. Timing of sales or consumption.

All sales of alcoholic beverages or consumption of alcoholic beverages at special events facilities shall comply in all respects to the time restrictions found in sections 6-84 and 6-108 herein.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Secs. 6-359—6-400. Reserved.***ARTICLE VIII. HOTEL-MOTEL IN-ROOM SERVICE⁶*****Sec. 6-401. License.**

- (a) Any hotel as defined herein may provide in-room service of malt beverages and wine after obtaining a license for the same in accordance with the terms of this article.
- (b) The sale of malt beverages and wine by in-room service shall be subject to all restrictions and limitations imposed by this chapter, and shall be authorized only on such days and only during such hours as the sale of alcoholic beverages is otherwise authorized.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-402 In-room service.

- (a) For purposes of this chapter, "in-room service" consists of:
 - (1) The delivery of malt beverages and wine in unbroken packages by an employee of the hotel to a registered guest's room when such beverages have been ordered by the guest and when the guest shall be billed for the cost of such beverages at the time of delivery and when the sale of such beverages is completed at the time of delivery or,
 - (2) The provision of a cabinet, refrigerator, mini-bar or other facility located in a hotel's guest room which contains malt beverages or wine and which is accessible only to the guest and for which the sale of malt beverages or wine contained therein is final at the time requested except for a credit which may be given to the guest for any unused portion.
- (b) In order to be eligible for an in-room service license, a hotel must:
 - (1) Be used and held out to the public as a place where sleeping accommodations are offered to guests for adequate pay, and meet other standards and conditions of a "hotel" as defined in this article; and;

⁶State law reference(s)—In-room sales by hotels and motels, O.C.G.A. § 3-9-10 et seq.

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- (2) Contain four or more separate and distinct rooms used for the sleeping accommodations of guests.
- (c) A hotel may consist of a single building or may consist of two or more buildings located on the same premises and used in connection with the hotel operation.
- (d) A facility which is styled as a motel, motor lodge, inn, bed and breakfast or other similar appellation may be licensed as a hotel if it meets the requirements of this article.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018; Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-403. Operation of lounge, restaurant or supper club.

A hotel may grant permission for the operation of a lounge, restaurant, or supper club on its premises; such an operation may be granted an on premises consumption license pursuant to articles II or III herein if it meets the other applicable requirements of said articles and this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-404. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, the deposit representing the license fee shall be refunded; but the \$250.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-405. General provisions.

All alcoholic beverages sold pursuant to this article shall be purchased from a licensed wholesale dealer and shall be subject to all taxes imposed under chapter 90 of this Code, including the excise tax on the retail sale by the drink of alcoholic beverages containing distilled spirits.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Secs. 6-406—6-420. Reserved.

ARTICLE IX. BREWPUBS, BREWERIES AND DISTILLERIES⁷

⁷State law reference(s)—Limited exception, cocktail rooms; O.C.G.A. § 3-4-24.2; limited exception, malt beverage taprooms, O.C.G.A. § 3-5-24.1.

Sec. 6-421. License required.

No person shall be permitted to operate a brewpub, brewery, micro-brewery, distillery or micro-distillery without first obtaining a license from the state and the city pursuant to this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-422. Investigative and administrative costs.

Each application for a license under this article shall be accompanied by a certified check for the full amount of the license fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, the deposit representing the license fee shall be refunded; but the \$250.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of the investigative and administrative fees authorized under this chapter. Any applicant for a license under this article who has in existence at the time of making the new application an existing license under this article shall pay no investigative and administrative costs.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-423. Brewpubs.

- (a) No individual shall be permitted to own or operate a brewpub without first obtaining a proper brewpub license from the city. Each brewpub licensee shall comply with all other applicable state and local license requirements.
- (b) A brewpub license authorizes the holder of such license to:
 - (1) Manufacture on the licensed premises not more than 10,000 barrels of malt beverage in a calendar year solely for retail sale.
 - (2) Operate an eating establishment that shall be the sole retail outlet for such malt beverage and may offer for sale for consumption on premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer and, provided further, in addition to malt beverages manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer.
 - (3) Sell up to a maximum of 5,000 barrels annually of such malt beverage to licensed wholesale dealers. Under no circumstances shall such malt beverages be sold by a brewpub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.
 - (4) Sell malt beverages manufactured on the premises by the package at retail for consumption off the premises.
- (c) Possession of a brewpub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.
- (d) A brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (e) Except as set forth in this section, a brewpub licensee shall be subject to all other provisions of this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-424. Breweries.

- (a) No individual shall be permitted to own or operate a brewery without first obtaining a proper brewery license from the city. Each brewery license shall comply with all other applicable state and local license requirements.
 - (b) A licensed brewery is authorized to manufacture malt beverages for wholesale sale primarily to wholesale dealers.
 - (c) A licensed brewery shall comply with O.C.G.A. § 3-5-24.1 relating to the limited sale of malt beverages to the public for onsite consumption or offsite package sales and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the city.
 - (d) A brewery licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
 - (e) Breweries shall not be permitted within the boundaries of the Downtown Development Authority of the City of Monroe or any Historic District of the City of Monroe.
 - (f) Except as set forth in this section, a brewery licensee shall be subject to all other provisions of this chapter.
- (Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-425. Distilleries.

- (a) No individual shall be permitted to own or operate a distillery without first obtaining a proper distillery license from the city. Each distillery licensee shall comply with all other applicable state and local license requirements.
 - (b) A licensed distillery is authorized to manufacture distilled spirits for sale primarily to wholesale dealers.
 - (c) A licensed distillery shall comply with O.C.G.A. § 3-4-24.2 relating to the limited sale of distilled spirits to the public for onsite consumption and may sell on all days and at times that sales of distilled spirits by retailers are lawful within the city.
 - (d) A distillery licensed under this chapter shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
 - (e) Distilleries shall not be permitted within the boundaries of the Downtown Development Authority of the City of Monroe or any Historic District of the City of Monroe.
 - (f) Except as set forth in this section, a distillery licensee shall be subject to all other provisions of this chapter.
- (Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-426. Micro-breweries.

- (a) No individual shall be permitted to own or operate a micro-brewery without first obtaining a proper micro-brewery license from the city. Each micro-brewery shall comply with all other applicable state and local license requirements.
- (b) A licensed micro-brewery is authorized to manufacture malt beverages for sale primarily to wholesale dealers.

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- (c) A licensed micro-brewery shall comply with O.C.G.A. § 3-5-24.1 relating to the limited sale of malt beverages to the public for onsite consumption or offsite package sales and may sell on all days and at all times that sales of malt beverages by retailers are lawful within the city.
 - (d) A micro-brewery licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
 - (e) Except as set forth in this section, a micro-brewery licensee shall be subject to all other provisions of this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-427. Micro-distilleries.

- (a) No individual shall be permitted to own or operate a micro-distillery without first obtaining a proper micro-distillery license from the city. Each micro-distillery licensee shall comply with all other applicable state and local license requirements.
- (b) A licensed micro-distillery is authorized to manufacture distilled spirits for sale primarily to wholesale dealers.
- (c) A licensed micro-distillery shall comply with O.C.G.A. § 3-4-24.2 relating to the limited sale of distilled spirits to the public for onsite consumption and may sell at all times that sales of distilled spirits by retailers are lawful within the city.
- (d) A micro-distillery licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (e) Except as set forth in this section, a micro-distillery licensee shall be subject to all other provisions of this chapter.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Secs. 6-428—6-600. Reserved.

ARTICLE X. WHOLESALERS

Sec. 6-601. Special provisions applicable to wholesale purchases.

- (a) Any person desiring to sell at wholesale any alcoholic beverages in the city shall make application to the code enforcement officer for a license to do so, which application shall be in writing on the prescribed forms, and pay any license fee as set by this chapter.
- (b) No person who has any direct financial interest in any license for the retail sale of any alcoholic beverages in the city shall be allowed to have any interest or ownership in any wholesale alcoholic beverage license issued by the city.
- (c) No retailer shall purchase any alcoholic beverage from any person other than a wholesaler licensed under this article. No wholesaler shall sell any alcoholic beverage to any person other than a retailer licensed under this chapter; provided, however, that this section shall not prohibit the purchase by one retailer of another retailer's entire stock in a bona fide purchase of an ongoing business.

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- (d) No alcoholic beverage shall be delivered to any retail sales outlet in the city except by a duly licensed wholesaler. The name of the wholesale distributor shall be clearly marked on the delivery vehicle.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-602. Hours and days of sale.

Wholesalers shall not engage in the wholesale sale of alcoholic beverages except between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. There shall be no wholesale sales of alcoholic beverages on Sunday.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Sec. 6-603. Audit and penalties.

- (a) If the code enforcement officer deems it necessary to conduct an audit of the records and books of the wholesale licensee, he shall notify the licensee of the date, time and place of the audit.

(Ord. No. 2018-01 , art. I(exh. A), 1-16-2018)

Secs. 6-604—6-700. Reserved.

ARTICLE XI. ALCOHOLIC BEVERAGE CATERERS

Sec. 6-701. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage caterer means any person licensed for the sale of alcoholic beverages by the State and who possesses a license by a local government in the State authorizing such person to sell and dispense alcoholic beverages by the drink in connection with an authorized catered function.

Authorized catered function means an event at a location not otherwise licensed for consumption of alcoholic beverages by the drink at which alcoholic beverages are furnished, served, sold and dispensed to persons present at the event, by the drink, pursuant to a permit obtained under this section.

(Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-702. License requirements and restrictions.

An alcoholic beverage caterer, after properly obtaining a license to do so, may engage in the service and sell of malt beverages, wine or spiritous liquors by the drink at authorized catered functions as follows:

- (1) Licenses may be obtained for the purposes of selling or dispensing alcoholic beverages by the drink on premises on which authorized catered functions are to be held.
- (2) Such license may be obtained only by those persons, firms, or corporations with a valid local beverage alcohol license and a valid state retail dealer license.
- (3) Such licenses shall only authorize the alcoholic beverage caterer to sell those alcoholic beverages for which he or she is licensed.

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- (4) Before a licensed alcoholic beverage caterer may sell, serve or dispense alcoholic beverages at any authorized catered function, such alcoholic beverage caterer shall obtain an event permit from the city at least ten business days prior to the event.
 - (5) The application for an event permit shall include the name of the licensed alcoholic beverage caterer, the alcoholic beverage caterer's license number, and the date, address and time of the event.
 - (6) No event permit fee shall be charged for the alcoholic beverage caterers licensed by the city.
 - (7) For alcoholic beverage caterers licensed by jurisdictions other than the city, a permit fee of \$250.00 per event shall be charged.
 - (8) The event permit shall be good for the specific event at the specific address and times set forth in the application.
 - (9) The event permit and a copy of the alcoholic beverage caterer's state and local licenses shall be kept in the vehicle used to transport alcoholic beverages to the event at all times during which the event permit is in effect.
 - (10) Caterers licensed by the city or any other jurisdiction shall maintain records of alcoholic beverages transported for each event as may be required by state law.

(Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-703. Age restrictions.

No licensed alcoholic beverage caterer shall employ any person under 21 years of age to dispense, serve, sell or handle alcoholic beverages at authorized catered functions.

(Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-704. Excise taxes.

Excise taxes are imposed upon alcoholic beverage caterers and shall be paid as required by this chapter and Georgia law.

(Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-705. State law compliance.

The licensed alcoholic beverage caterer shall comply with all provisions set forth in this chapter and shall be subject to the restrictions found in O.C.G.A. § 3-11-4.

(Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-706. Investigative and administrative costs.

Each application seeking a license to sell alcoholic beverages as an alcoholic beverage caterer shall be accompanied by a certified check for the full amount of the license or registration fee, together with a separate certified check or cash in the amount of \$250.00 to defray investigative and administrative costs. If the application is denied and the license refused, the deposit representing the license fee shall be refunded; but the \$250.00 cost paid for investigation and administration shall be retained. However, any person applying for more than one license shall pay only one fee to defray investigative and administrative expenses, which fee shall be the largest of

the investigative and administrative fees authorized under this chapter. Any applicant for a license or registration under this article who has in existence at the time of making the new application an existing license or active registration under this article shall pay no investigative and administrative costs.

(Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

Sec. 6-707. Timing of sales or consumption.

All sales of alcoholic beverages or consumption of alcoholic beverages at authorized catered events shall comply in all respects to the time restrictions found in sections 6-84 and 6-108 herein.

(Ord. No. 2020-02 , art. I(exh. A), 8-11-2020)

PART I

MUNICIPAL CHARTER¹

ARTICLE I. INCORPORATION AND POWERS

[Sec.] 1. Name.

This City and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style Oxford, state, and by that name shall have perpetual succession.

[Sec.] 2. Corporate boundaries as stated in Charter of 1914.

- A. *Original boundaries.* The northern boundary of the City of Oxford shall be a line beginning at a rock at northwest corner of land lot number two hundred ninety one (291), situated and being in the ninth district of original Henry, but not Newton County, and running along the northern boundary of the land lot and continuing in a straight line east until it intersects Dried Indian Creek. The western boundary of the City of Oxford shall be a line beginning at the rock already mentioned (as northwest corner of land lot number two hundred ninety-one (291) and land lots number two hundred ninety-one (291) and 200 running in a southerly direction along the west boundary of eighty-eight (88), and continuing in same straight line until it reaches southern boundary hereinafter described. The eastern boundary of the City of Oxford shall be a line beginning where the northern boundary of the City, before described, intersects Dried Indian Creek, and running thence down the channel of the Dried Indian Creek to a ford in the creek situated in southwest corner of property now owned by No. F. Donnell, from which point the boundary line shall run south, following a line between property of L. L. Johnson and W. P. Odium, until it reaches southern boundary hereinafter described. The southern boundary of the City of Oxford shall be an east and west line which shall be a continuation of the southern boundary of the land subdivided into lots by Kidded and Marshall, being southern boundary of lots 15, 16, 17, and 18 in block E and lot (48) in block G in the Kidded and Marshall's plat; also southern boundary of parcel of land sold by J. Z. Johnson and J. E. Black stock to Harper. The

¹Editor's note(s)—Printed herein is 2011 Ga. Laws, Act No. 28, the most recent municipal charter of the City of Oxford, Georgia, which took effect on April 20, 2011. The sequence of sections in this chapter is the same as in the act comprising it. Amendments to the charter are indicated by history notes following amended provisions. The absence of a subsequent history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. The title, enactment, severability, repealer, transitional, ratification, publication and effective date provisions have been omitted, and where a section has been amended or repealed by a later provision, only the current language has been printed. Additions made for clarity are indicated by brackets.

State law reference(s)—Creation, dissolution, merger, boundary changes, and deannexation of municipalities, O.C.G.A. § 36-35-2; municipal annexations, O.C.G.A. § 36-36-1 et seq.; home rule for municipalities, O.C.G.A. § 36-35-3; limitations on home rule for municipalities, O.C.G.A. § 36-35-6; requirement for filing and publication of Charter, O.C.G.A. § 36-35-5; incorporation of municipal corporations, O.C.G.A. § 36-31-1 et seq.

southern boundary shall extend in straight line east until it intersects eastern boundary line of the City of Oxford hereinbefore described, and west until it intersects western boundary line of the City of Oxford hereinbefore described.

- B. *Present and future boundaries.* The boundaries of the City of Oxford shall be those existing on the earliest effective date of the adoption of this Charter with such alterations as may be made from time to time in the manner provided by local law or general State law.

The boundaries of the City of Oxford at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the City Clerk of the City and to be designated, as the "Official Comprehensive Zoning Map." Photographic, typed, or other copies of such map or description certified by the City Clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

Mayor and Council may provide for the redrawing of any such map by resolution to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

[Sec.] 3. Municipal powers and construction.

- A. This City shall have all powers possible for a city to have under the present or future Constitution and laws of this State as fully and completely as though they were specifically enumerated in this Charter. This City shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.
- B. The powers of this City shall be construed liberally in favor of the City. The specific mention or failure to mention a particular power shall not be construed as limiting in any way the powers of this City.

[Sec.] 4. Examples of powers.

The powers of this City shall include, but not be limited to, the following:

- A. *Air and water pollution.* To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the City.
- B. *Alcoholic beverages.* Liquors not to be kept for sale. The keeping for sale, selling or offering for sale, of any spirituous, vinous, malt, or fermented wines or liquors within the corporate limits of the City be, and the same is, hereby prohibited forever. And the Mayor and Council of Oxford shall have no power or authority to license the sale thereof, and it shall be their duty to enforce this prohibition by the enactment of necessary ordinances with suitable penalties for violation.
- C. *Animal regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this Charter;
- D. *Appropriations and expenditures.* To make appropriations for the support of the government of the City; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the City;
- E. *Building regulation.* To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all building, housing trades;

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- F. *Business regulation and taxation.* To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city fees or taxes;
- G. *Cemeteries.* The Mayor and Council shall have jurisdiction over all cemeteries belonging to, or located in the City, or may provide by ordinance for a public cemetery. They may appoint such employees to superintend the care thereof as they deem proper. They may enact ordinances to prevent trespass therein and to prevent any person from defacing any work therein. They may regulate the charges for grave digging, hearse fees and any and everything pertaining to the care and operation of such cemeteries.
- H. *Condemnation.* To condemn property, inside or outside the corporate limits of the City, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- I. *Contracts.* To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;
- J. *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists within or outside the City and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the City;
- K. *Environmental protection.* To protect and preserve the natural resources, environment and vital areas of the City through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
- L. *Fire regulations.* To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;
- M. *Garbage fees.* To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the City from all individuals, firms, and corporations residing in the City or doing business therein and benefitting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;
- N. *General health, safety, and welfare.* To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City, and to provide for the enforcement of such standards;
- O. *Gifts.* To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the City and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;
- P. *Health and sanitation.* To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- Q. *Jail sentences.* To provide that persons given jail sentences in the Municipal Court may work out such sentences in any public works or on the streets, roads, drains, and squares in the City; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

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- R. *Motor vehicles.* To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the City;
 - S. *Municipal agencies and delegation of power.* To create, alter, or abolish departments, boards, offices, commissions, and agencies of the City; and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
 - T. *Municipal debts.* To appropriate and borrow money for the payment of debts of the City and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this Charter or the laws of the State of Georgia;
 - U. *Municipal property ownership.* To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the City;
 - V. *Municipal property protection.* To provide for the preservation and protection of property and equipment of the City and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
 - W. *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; to provide for the withdrawal of service for refusal or failure to pay the same; to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which the utilities are distributed, inside and outside the corporate limits of the City; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the City as provided by ordinance;
 - X. *Nuisance.* To define a nuisance and provide for its abatement whether on public or private property;
 - Y. *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;
 - Z. *Planning and zoning.* To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as Mayor and Council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
 - AA. *Police and fire protection.* To exercise the power of arrest through duly appointed police officers; and to establish, operate, or contract for a police and a fire-fighting agency;
 - BB. *Public hazards; removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
 - CC. *Public improvements.* To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements, inside or outside the corporate limits of the City; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
 - DD. *Public peace.* To provide for the prevention and punishment of intoxication, riots, and public disturbances;
 - EE. *Public transportation.* To organize and operate such public transportation systems as are deemed beneficial;

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- FF. *Public utilities and services.* To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, standards, and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;
- GG. *Regulation of roadside areas.* To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the City; and to prescribe penalties and punishment for violation of such ordinances;
- HH. *Retirement.* To provide and maintain a retirement plan for officers and employees of the City;
- II. *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the City; to negotiate and execute leases over, through, under, or across any city property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the City, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the City; to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- JJ. *Sewer fees.* To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;
- KK. *Solid waste disposal.* To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials;
- LL. *Special areas of public regulation.* To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors and drugs, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and flammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors;
- MM. *Special assessments.* To levy and provide for the collection of special assessments to cover the costs for any public improvements;
- NN. *Taxes: ad valorem.* To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- OO. *Taxes: other.* To levy and collect such other taxes as may be allowed now or in the future by law;
- PP. *Trees.* The Mayor and Council of Oxford shall have full power and authority to adopt and enforce ordinances for the protection and preservation of trees on the streets, public places, cemeteries and parks in the City and to prevent the cutting, impairing or mutilations thereof by telephone, telegraph,

electric light linemen or employees, or any other person unless the same is done under and with the express and formal consent of the Mayor and Council or some officer appointed by them to direct the same, and then only when absolutely necessary for the public service or safety.

- QQ. *Urban redevelopment.* To organize and operate an urban redevelopment program;
- RR. *Vehicles for Hire.* To regulate and license vehicles operated for hire in the City; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;
- SS. *Other powers.* To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the City and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

[Sec.] 5. Exercise of powers.

All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II. GOVERNMENT STRUCTURE

[Sec.] 1. City Council creation; number; election.

The legislative authority of the government of this City, except as otherwise specifically provided in this Charter, shall be vested in a City Council to be composed of a Mayor and six councilmembers. The Mayor and councilmembers shall be elected in the manner provided by this Charter.

[Sec.] 2. City Council terms and qualifications for office.

The members of the City Council shall serve for terms of four years and until their respective successors are elected and sworn in. No person shall be eligible to serve as Mayor or councilmember unless he shall have been a resident of the City for 12 months prior to the date of qualification for the election of Mayor or councilmember (as the case may be). Each such official shall continue to reside in the City during his period of service and continue to be registered and qualified to vote in municipal elections of this City.

[Sec.] 3. Vacancy; suspensions; filling of vacancies.

Vacancies. The office of Mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of Mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by the Mayor and Council.

[Sec.] 4. Failure to qualify.

A failure to take the oath of office within 15 days after the first day of January, unless for providential cause, shall operate to vacate the office of the Mayor or councilmember.

- A. *Suspension.* Upon the suspension from office of Mayor or councilmember in any manner authorized by the general laws of the State of Georgia, Mayor and Council, or those remaining, shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this Charter.
- B. *Filling Vacancy.* In the event of a vacancy in the office of Mayor or councilmember prior to the expiration of a regular term of office, the remaining councilmembers and Mayor, if any, shall fill the vacant office for the unexpired term, provided that the person or persons selected shall meet the requirements of article II, [section] 2 of this Charter.

[Sec.] 5. Compensation and expenses.

The Mayor and councilmembers shall receive compensation and expenses for their services as provided by resolution.

[Sec.] 6. Conflicts of interest; holding other offices.

- A. *Officers as Trustees.* Elected and appointed officers of the City are trustees and servants of the residents of the City and shall act in a fiduciary capacity for the benefit of such residents.
- B. *Conflict of Interest.* No elected official, appointed officer, or employee of the City or any agency or political entity to which this Charter applies shall knowingly:
 - (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
 - (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or others;
 - (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
 - (5) Represent other private interests in any action or proceeding against this City or any portion of its government; and
 - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he has a financial interest.
- C. *Disclosure.* Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall

disclose such private interest to the City Council. The Mayor or any councilmember who has a private interest in the matter pending before Mayor and Council shall disclose such private interest and such disclosure shall be entered on the records of the City Council, and he shall disqualify himself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this Charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

- D. *Use of Public Property.* No elected official, appointed officer, or employee of the City or any agency or entity to which this Charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by Mayor and Council or the governing body of such agency or entity.
- E. *Contracts Voidable and Rescindable.* Any violation of this article which occurs with the knowledge, express or implied, of a party to a contract or sale shall render the contract or sale voidable at the option of the Mayor and Council.
- F. *Ineligibility of Elected Official.* Except where authorized by law, neither the Mayor nor any Councilmember shall hold any other elective or appointed office in city government during the term for which he was elected.
- G. *Political Activities of Certain Officers and Employees.* No appointed officer and no employee of the City shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.
- H. *Penalties for Violation.*
 - (1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this article shall be guilty of malfeasance in office or position and shall be deemed to have forfeited his office or position.
 - (2) Any officer or employee of the City who shall forfeit his office or position as described in paragraph (1) of this subparagraph shall be ineligible for appointment or election to or employment in a position in the City government for a period of three years thereafter.

[Sec.] 7. Inquiries and investigations.

Mayor and Council may make inquiries and investigations into the affairs of the any and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by Mayor and Council shall be punished as provided by ordinance.

[Sec.] 8. General power and authority of the Mayor and Council.

Except as otherwise provided by law or this Charter, the Mayor and Council shall be vested with all the powers of government of this City as provided by article I.

[Sec.] 9. Eminent domain.

Mayor and Council are empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the use thereof, the City, and to regulate and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

[Sec.] 10. Organizational meetings.

Mayor and Council shall hold an organizational meeting on the first Monday of each year, unless such date falls on a holiday, then on the second Monday. The meeting shall be called to order by a legal Officer of the Court, and the oath of office shall be administered to the Mayor and councilmembers as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (Mayor) (councilmember) of this City and that I will support and defend the Charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

[Sec.] 11. Regular and special meetings.

- A. Mayor and Council shall hold regular meetings at such times and places as prescribed by ordinance.
- B. Special meetings of Mayor and Council may be held on call of the Mayor or four members of the City Council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least forty-eight (48) hours in advance of the meeting. Such notice to councilmembers shall not be required if the Mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.
- C. All meetings of Mayor and Council shall be public to the extent required by law, and notice to the public of special meetings shall be made as fully as is reasonably possible prior to such meetings.

[Sec.] 12. Rules of procedure.

- A. Mayor and Council shall adopt rules of procedure and order of business consistent with the provisions of this Charter and shall provide for keeping a journal of proceedings, which shall be a public record.
- B. All committees, boards and commissions of citizens shall be appointed by the Mayor and Council and shall serve at their pleasure. The Mayor and Council shall have the power to appoint new members to any committee at any time; each committee may appoint its own chairperson, if the chairperson has not been especially appointed by Mayor and Council.

[Sec.] 13. Quorum; voting.

Five councilmembers (one of whom may be the Mayor) shall constitute a quorum and shall be authorized to transact business of the City Council. Voting on the adoption of ordinances shall be by voice vote or raising of right hand and the vote shall be recorded in the journal, but any member of the City Council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this Charter, the affirmative vote of four shall be required for the adoption of any ordinance, resolution, or motion.

[Sec.] 14. Ordinance form; procedure.

- A. Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Oxford hereby ordains" and every ordinance shall so begin.
- B. An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the City Council. Ordinances shall be considered and adopted or rejected by Mayor and Council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it

is introduced, except for emergency ordinances provided in article II, [section] 16 of this Charter. Upon introduction of any ordinance, the Clerk shall as soon as possible distribute a copy to the Mayor and to each councilmember and shall file a reasonable number of copies in the office of the Clerk and at such other public places as Mayor and Council may designate.

[Sec.] 15. Action requiring an ordinance.

Acts of Mayor and Council which have the force and effect of law shall be enacted by ordinance or resolution.

[Sec.] 16. Emergencies.

To meet a public emergency affecting life, health, property, or public peace, Mayor and Council may convene on call of the Mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing such emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this article if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this article for adoption of emergency ordinances.

[Sec.] 17. Code of technical regulations.

- A. Mayor and Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that:
 - (1) The requirements of subparagraph B of article II, [section] 14 of this Charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
 - (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the Clerk pursuant to article II, [section] 18 of this Charter.
- B. Copies of any adopted code of technical regulations shall be made available by the Clerk for distribution or for purchase at a reasonable price.

[Sec.] 18. Signing; authenticating; recording; codification; printing.

- A. The Clerk shall authenticate by his signature and record in fall in a properly indexed book kept for that purpose all ordinances or resolutions adopted by the Council.
- B. Mayor and Council shall provide for the preparation of a general codification of all the ordinances of the City having the force and effect of law. The general codification shall be adopted by Mayor and Council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as Mayor and Council may specify. This compilation shall be known and cited officially as "The Code of the City of Oxford, state." Copies of the Code shall be

furnished to all officers, departments, and agencies of the City and shall be made available for purchase by the public at a reasonable price as fixed by the Mayor and Council.

- C. Mayor and Council shall cause each ordinance and each amendment to this Charter to be printed promptly following its adoption, and the printed ordinances and Charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the Mayor and Council. Following publication of the first code under this Charter and at all times thereafter, the ordinances and Charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable for incorporation therein. Mayor and Council shall make such farther arrangements as deemed desirable with the reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the Code.

[Sec.] 19. Election of Mayor; forfeiture; compensation.

The Mayor shall be elected and shall serve for a term of four years and until his successor is elected and qualified. The Mayor shall be a qualified elector of this City and shall have been a resident of the City for 12 months prior to his qualification for his election. The Mayor shall continue to reside in this City during the period of his service. He shall forfeit his office on the same grounds and under the same procedure as for councilmembers. The compensation of the Mayor shall be established in the same manner as for councilmembers.

[Sec.] 20. Chief executive officer.

The Mayor shall be the executive of this City. The Mayor shall possess all of the executive and administrative power granted to the City under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this Charter.

[Sec.] 21. Powers and duties of Mayor.

As the chief executive of this City, the Mayor shall:

- A. Preside at all meetings of the City Council;
- B. Be the head of the City for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the City and the chief advocate of policy;
- C. Have the power to administer oaths and to take affidavits;
- D. Sign as a matter of course on behalf of the City all written and approved contracts, ordinances, and other instruments executed by the City which by law are required to be in writing, and are not otherwise delegated to the City Manager;
- E. Vote on matters before Mayor and Council and be counted toward a quorum as any other councilmember;
- F. Have prepared and submitted to the Council a recommended annual operating budget and recommended capital budget; and
- G. Assign councilmembers to their committees of responsibilities each year at the first scheduled Council meeting;
- H. Fulfill such other executive and administrative duties as Mayor and Council shall establish by ordinance.

[Sec.] 22. Mayor Pro Tem; selection; duties.

By a majority vote, Mayor and Council shall elect a councilmember to serve as Mayor pro tem. The Mayor pro tem shall preside at all meetings of the City Council and shall assume the duties and powers of the Mayor upon the Mayor's disability or absence. Mayor and Council by a majority vote shall elect a new presiding officer from among the councilmembers for any period in which the Mayor pro tem is disabled, absent, or acting as Mayor. Any such absence or disability shall be declared by majority vote of all councilmembers.

ARTICLE III. ADMINISTRATIVE AFFAIRS

[Sec.] 1. Organization and General Provision.

A. *City manager.*

- (1) *City manager; appointment and qualification.* The Mayor shall appoint, subject to confirmation by the Council, an officer whose title shall be the "City Manager". The City Manager shall be appointed without regard to political beliefs and solely on the basis of his education and experience in the accepted competencies and practices of local government management. The appointment is re-confirmed at the beginning of each fiscal year.
- (2) *City manager; chief administrative officer.* The City Manager shall be the chief administrative officer of the government of the City. The City Manager must devote all of his working time and attention to the affairs of the City and shall be responsible to the Mayor and Council for the proper and efficient administration of the affairs of the City over which the officer has jurisdiction.
- (3) *City manager; powers and duties enumerated.* The City Manager shall have the power, and it shall be his duty to:
 - (a) See that all laws and ordinances are enforced;
 - (b) Appoint and employ all necessary employees of the City, provided that the power of this appointment shall not include officers and employees who by this Charter are appointed or elected by the Mayor and the Council ~~or departments not under the jurisdiction of the City Manager;~~
 - (c) Remove those employees over whom he has the power to appoint and employ under (b) (immediately above) without the consent of the Council and without assigning any reason therefore;
 - (d) Exercise supervision and control of all departments and all divisions created in this Charter or that may hereafter be created by the Council except as otherwise provided in this Charter;
 - (e) Attend all meetings of the Council, without a right to vote, but with a right to take part in the discussions as seen fit by the chair; provided, however, that regardless of the decision of the meeting chair the City Manager may take part in any discussion and report on any matter requested and approved by the Council at such meeting. The City Manager shall be entitled to notice of all special meetings;
 - (f) Recommend to the Council, after prior review and comment by the Mayor, for adoption such measures as the City Manager may deem necessary or expedient;
 - (g) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof

-
- to call the same to the attention of the City Attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
- (h) Make and execute all lawful contracts on behalf of the City as to matters within the City Manager's level of authorization as established by the Council to the extent that such contracts are funded in the City's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the Council;
 - (i) Sign all orders, checks, and warrants for payment of money within the City Manager's level of authorization as established by the Council to the extent that such contracts are funded in the City's budget, except such as may be otherwise provided by law; provided, however, that no such order, check, or warrant requiring a budget amendment shall be valid and binding until after approval of the Council;
 - (j) Act as budget officer to prepare and submit to the Council, after review and comment by the Mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the City government and the reasons for such estimated expenditures;
 - (k) Keep the Council at all times fully advised as to the financial condition and needs of the City;
 - (l) Make a full written report to the Council each month showing the operations and expenditures of each department of the City government for the preceding month, and a synopsis of such reports shall be published by the City Clerk;
 - (m) Fix all salaries and compensation of city employees in accordance with the City budget and the City pay and classification plan; and
 - (n) Perform such other duties as may be prescribed by this Charter or required by ordinance or resolution of the Council.
- (4) *City Manager; Council Interference With Administration.* Except for the purpose of inquiries and investigations, the Council or its members shall deal with city officers and employees who are subject to the direction or supervision of the City Manager solely through the City Manager, and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.
- (5) *City Manager; Removal.*
- (a) The Mayor and Council may remove the City Manager from office, with or without cause, in accordance with the following procedures;
 - (b) The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution removing the City Manager and may suspend the City Manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the City Manager;
 - (c) Within five days after a copy of the resolution is delivered to the City Manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than 15 days nor later than 30 days after the request is filed. The City Manager may file with the Council a written reply not later than five days before the hearing; and
 - (d) The Council may adopt a final resolution of removal, which may be made effective immediately by affirmative vote of four of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the City Manager if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

-
- (e) The City Manager shall continue to receive his salary until the effective date of a final resolution of his removal. The action of the Council in suspending or removing the City Manager shall not be subject to review by any court or agency.
 - (f) If the City Manager is suspended in accordance with subsection (a) of this section or becomes disabled and is unable to carry out the duties of the office or if the City Manager dies, the acting City Manager shall perform the duties of the City Manager until the City Manager's disability is removed or until the City Manager is replaced. Removal of the City Manager because of disability shall be carried out in accordance with the provisions of subsection (a) of this section.
- (6) *City manager; acting City Manager.*
- (a) The Mayor with the approval of the Council may appoint himself / herself or any person to exercise all powers, duties, and functions of the City Manager during the City Manager's suspension, temporary absence from the City, or during the City Manager's disability.
 - (b) In the event of a vacancy in the office of City Manager, the Mayor may designate with the approval of the Council a person as acting City Manager, who shall exercise all powers, duties, and functions of the City Manager until a City Manager is appointed.

B. *Department heads.*

- (1) Except as otherwise provided in this Charter, Mayor and Council by resolution shall prescribe the functions or duties of and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the City and establish professional qualifications as necessary for the proper administration of the affairs and government of the City.
- (2) Except as otherwise provided by this Charter or by law, all appointed officers of the City shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (3) All appointed officers shall receive such compensation as prescribed by ordinance or resolution.
- (4) The Mayor may suspend or remove any and all appointed city officials, but such suspension or removal shall not be final for 21 calendar days following the Mayor giving written notice of such action and the reasons therefor to the appointed city official involved and to the City Council. The appointed city official involved may appeal within 21 days to the Council which, after a hearing, may override the Mayor's action by a vote of four Councilmembers.

C. *Boards, commissions.*

- (1) Mayor and Council shall create by ordinance or resolution such boards, commissions, and authorities to fulfill any functions Mayor and Council deem necessary and shall by ordinance or resolution establish the composition, period of existence, duties, and powers thereof.
- (2) All members of boards, commissions, and authorities of the City shall be appointed by Mayor and Council for such terms of office and in such manner as shall be provided by ordinance or resolution, except where other appointing authority, terms of office, or manner of appointment is prescribed by this Charter or by law.
- (3) Mayor and Council by ordinance or resolution may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.
- (4) Except as otherwise provided by this Charter or by law, no member of any board, commission, or authority shall hold any elective office in the City.
- (5) Any vacancy on a board, commission, or authority of the City shall be filled for the unexpired term in the manner prescribed in this article for original appointment, except as otherwise provided by this Charter or by law.

-
- (6) No member of a board, commission, or authority shall assume office until he has executed and filed with the Clerk of the City an oath obligating himself to faithfully and impartially perform the duties of his office, such oath to be prescribed by ordinance or resolution and administered by the Mayor.
 - (7) Any member of a board, commission, or authority may be removed from office for cause by a vote of four members of the City Council.
 - (8) Except as otherwise provided by this Charter or by law, each board, commission, or authority of the City may elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the City, provided that the Mayor and Council did not especially appoint a chairperson at the time of appointment. Each board shall pass rules and regulations, not inconsistent with this Charter, ordinances of the City, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such rules and regulations shall be filed with the Clerk of the City.

[Sec.] 2. Administrative officers.

- A. *City Attorney.* Mayor and Council shall appoint a City Attorney at the first scheduled meeting of the calendar year for a term of one year, together with such assistant City Attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the City. The City Attorney shall be responsible for representing and defending the City in all litigation in which the City is a party; may be solicitor in the Municipal Court; shall attend the meetings of the Council as directed; shall advise the City Council, Mayor, and other officers and employees of the City concerning legal aspects of the City's affairs; and shall perform such other duties as may be required of him by virtue of his position as City Attorney.
- B. *City Clerk.* Mayor and Council shall appoint a City Clerk at the first scheduled meeting of the calendar year for a term of one year, who shall not be a Councilmember. The City Clerk shall be custodian of the official city seal; maintain City Council records required by this Charter; and perform such other duties as may be required by the City Council, and as supervised by the City Manager.
- C. *City Treasurer.* Mayor and Council may appoint a City Treasurer at the first scheduled meeting of the calendar year for a term of one year to collect all taxes, licenses, fees, and other moneys belonging to the City subject to the provisions of this Charter and the ordinances of the City and to enforce all laws of state relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the City. The City Treasurer shall also be responsible for the general duties of a treasurer and fiscal officer, and shall be supervised by the City Manager.
- D. *Chief of Police.* Mayor and Council shall appoint a Chief of Police at the first scheduled meeting of the calendar year for a term of one year, to perform the duties as the administrative officer of the Police Department and have all the powers of an arresting officer within the City of Oxford; he shall further have all the powers usual and incident to such office; he shall have the power to serve all papers and summons/citations and execute all writs and executions directed by the municipality and the State of Georgia; he shall perform all duties prescribed by State law and by this Charter, and carry out such other duties as the Mayor and Council may lawfully direct. The Chief of Police municipality through Mayor and Council shall have the power to hire additional police officers to assist the Chief of Police in his duties and to act in his stead. The Chief of Police shall be supervised by the City Manager.
- E. *Municipal Judge.* Mayor and Council shall appoint a Municipal Judge at the first scheduled meeting of the calendar year for a term of one year, whose duty it shall be to try all cases of violation of the City ordinances and perform such functions and acts as may be laid upon him by the provisions of this Charter, or shall be from time to time placed upon him by the ordinances or by-laws adopted by the Mayor and Council of the City of Oxford.

[Sec.] 3. Personnel administration.

- A. *Position classification and pay plans.* The City Clerk shall be responsible for the preparation of a position classification and pay plan which shall be submitted to [the] Mayor and Council for approval. Such plan may apply to all employees of the City and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, Mayor and Council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this article, all elected and appointed city officials are not city employees.
- B. *Personnel policies.* Mayor and Council shall adopt rules and regulations consistent with this Charter concerning:
- (1) The method of employee selection and probationary periods of employment;
 - (2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
 - (3) Hours of work, vacation, sick leave, other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
 - (4) Such dismissal hearings as due process may require; and
 - (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

Address	Complaint Type	Property Inspection Overview
107 W Bonnell St	Junked Materials	Vehicles with missing or expired tags Junk and debris on the side and the rear of the home
118 Longstreet Cir	Junked Materials	Potentially Junk vehicles in the rear of the home. Also contains junk and debris
115 Longstreet Cir	Junked Vehicles	Vehicle with a missing tire and a vehicle with missing Tag. Also graffiti
1412 Emory St	Junked Materials	Vehicle parts on the side of the property
1404 Emory St	Signage	Business sign placed in the right of way (signage is not allowed)
406 W Soule St	Vegetation	Excessive vegetation on the property
908 Emory St	Vegetation	Tall Grass on site
	Stalled construction	Building is not secure
1301 Coke St	Junked Materials	Junk visible in the backyard
114 Airport ct	Tall Grass and Weeds	Tall Grass present on site
211 Oxford Dr	Tall Grasss and weeds	Tall Grass present on site
106 E Wade St	Tall Grass and weeds	Tall Grass present on site
303 Haygood St	Tall Grass and weeds	Tall Grass present on site
166 Longstreet Cir	Tall Grass and weeds	Tall Grass present on site
123 E Richardson st	Junk	Couch in the front yard
301 W Bonnell St	Tall Grass and weeds	tall grass on site
1408 Emory st	Inoperable Vehicle	Vehicle with a flat tire
112 W Marshall St	Vegetation	Tall Grass and some debris



Asbury Park

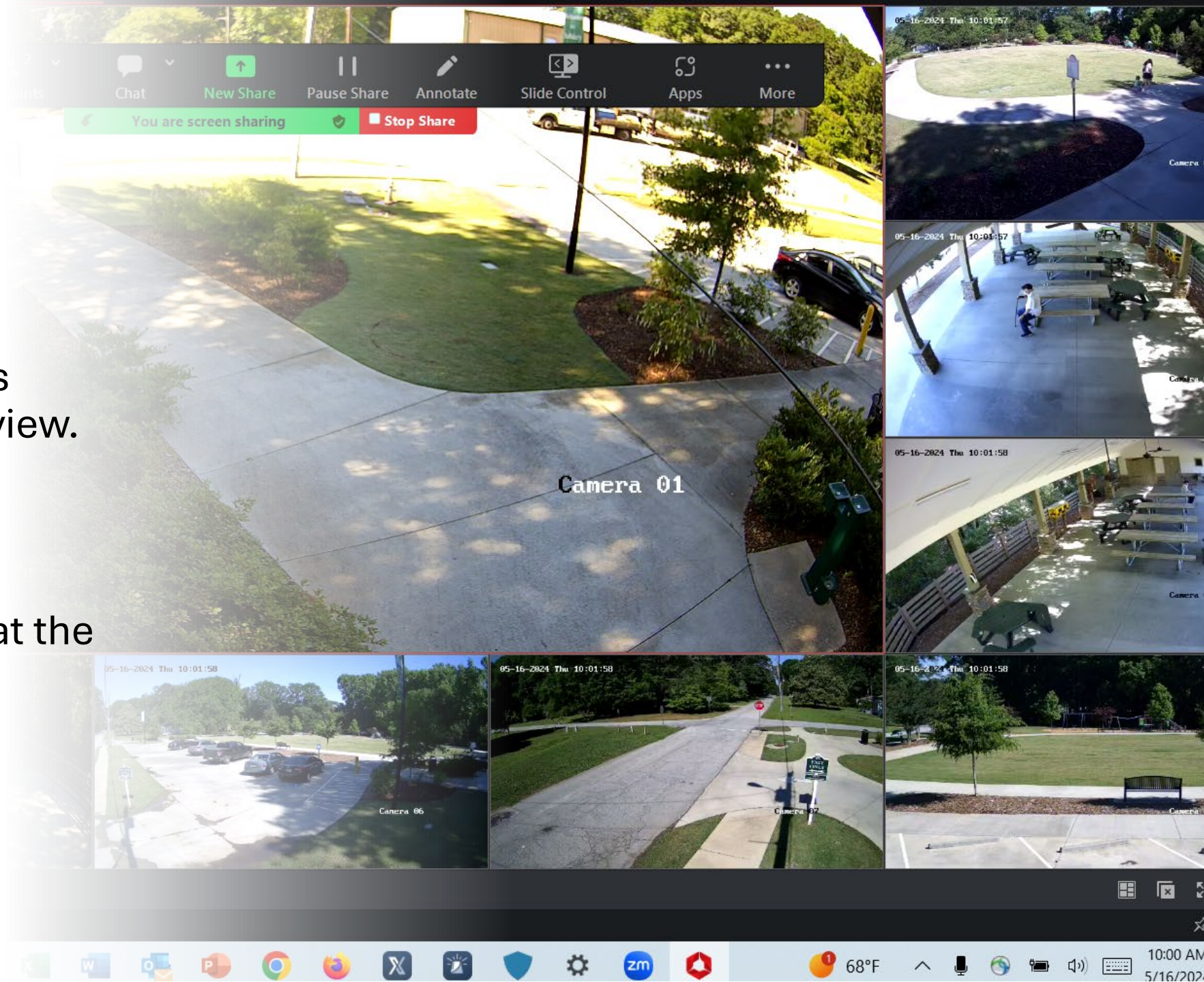


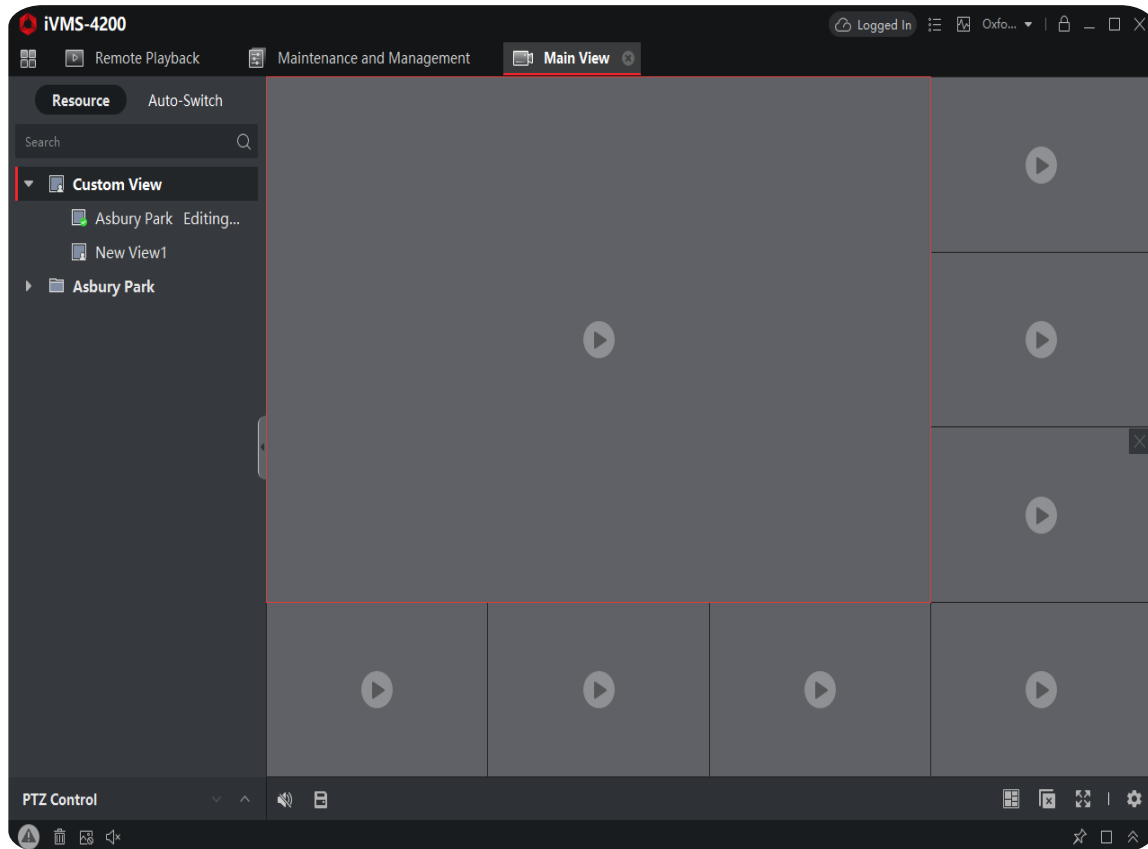
Upgrading Asbury Park Camera System

- Current Camera Hikvision installed 2022 by Viper Security
- System requires a Network Video Recorder (NVR) records data that must be retrieved at the park.
- Viper was requested to provide a system where the park could be viewed in real time from a computer. It was stated that the equipment that was sold to the City Oxford will be able to be retrieved anytime from any platform.
- Internet was added to the park for the specific purpose to utilize the cameras, and new equipment was purchased. The camera system is still not functioning as was sold to the City of Oxford.

Some Issues Encountered

- The current cameras show a pretty good view.
- The data cannot be retrieved from the desktop, must be retrieved from NVR at the park.





Some Issues Encountered

Camera view times out and goes blank.

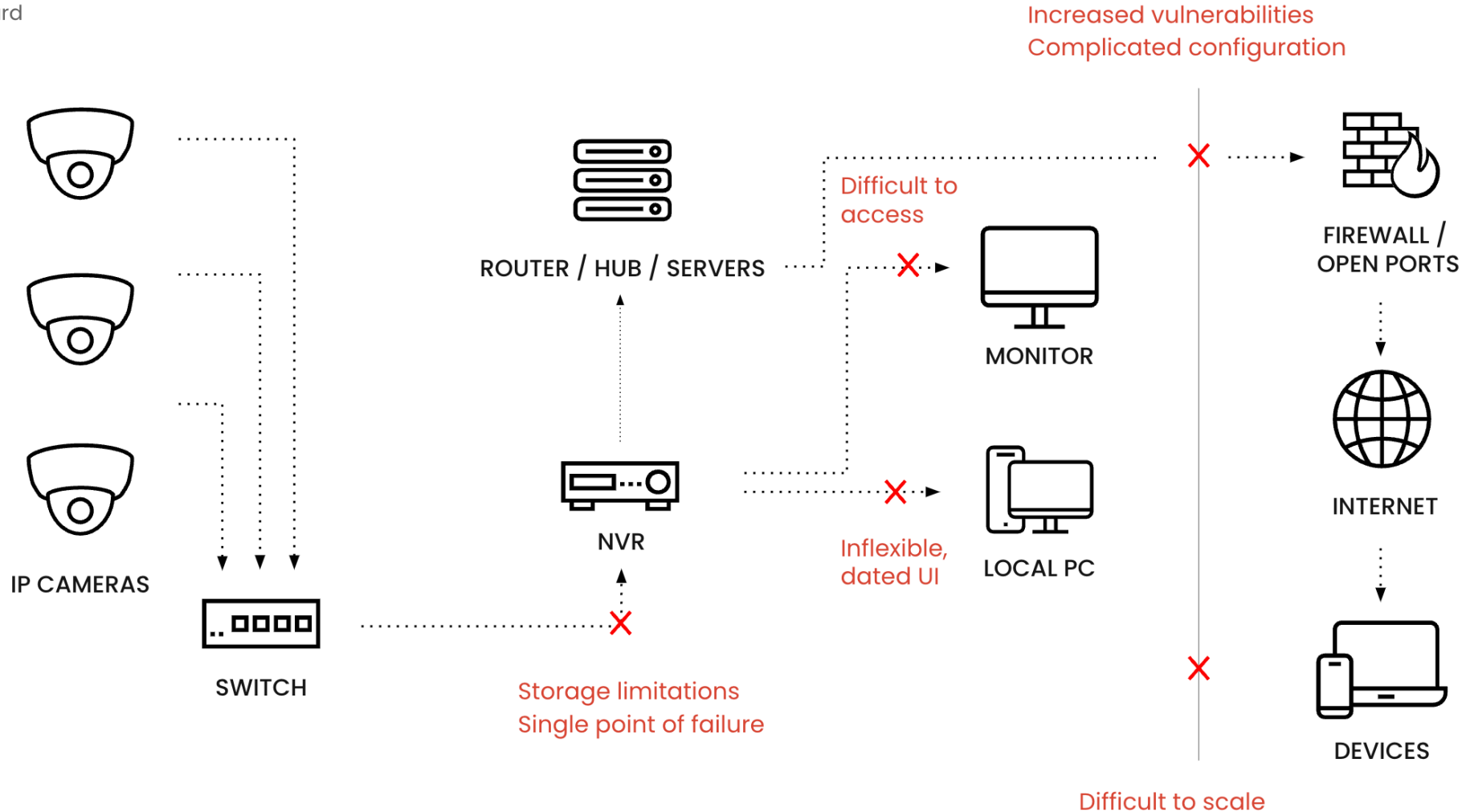
Unable to share live views with other law enforcement agencies.

Time consuming and tedious to recover data at the park in the utility room.



Traditional Camera System Architecture

Bulky, expensive, and hard to maintain and scale



Options



Flock Safety Condor™ Fixed

Fixed, live and recorded video. Ideal for building exteriors and city streets. Now available with AC or solar power.



Flock Safety Condor™ PTZ

Live and recorded video with remote PTZ controls. Ideal for open areas like intersections and parks.



Dome Series

[Learn More >](#)



Bullet Series

[Learn More >](#)



Mini Series

[Learn More >](#)



FLOCK System

- \$3,000.00 per camera annually, $8 \times 3000 = \$24,000.00$

Verkada

- Equipment is purchased one time, 10-year product warranty, 5-year on bullet. Can purchase 5-year subscription approx. \$150.00 per camera, $8 \times 150 = \$1200.00$ annual subscription. (Still waiting on quote)

Pros

Both systems can provide real time monitoring.

Both systems can be shared with other law enforcement agencies for real time viewing.

Both have 30-day storage and can be accessed through cloud base programs.

Both utilize cellular type service to operate cameras.

Cons

FLOCK has limited camera options.

FLOCK is per camera annual fees.

VERKADA, new to the market.

Conclusion

Most video monitoring systems today operate from a cellular gateway service to provide monitoring. By removing the NVR storage device, we will be able to retrieve the data needed in real time from computer or cell phones.

FLOCK is an outstanding product that the City of Oxford Police Department has utilized to solve crimes by viewing the license plates. I do recommend the city continue with the contract we have with FLOCK, The License Plate Reader (LPR) is a much-needed tool.

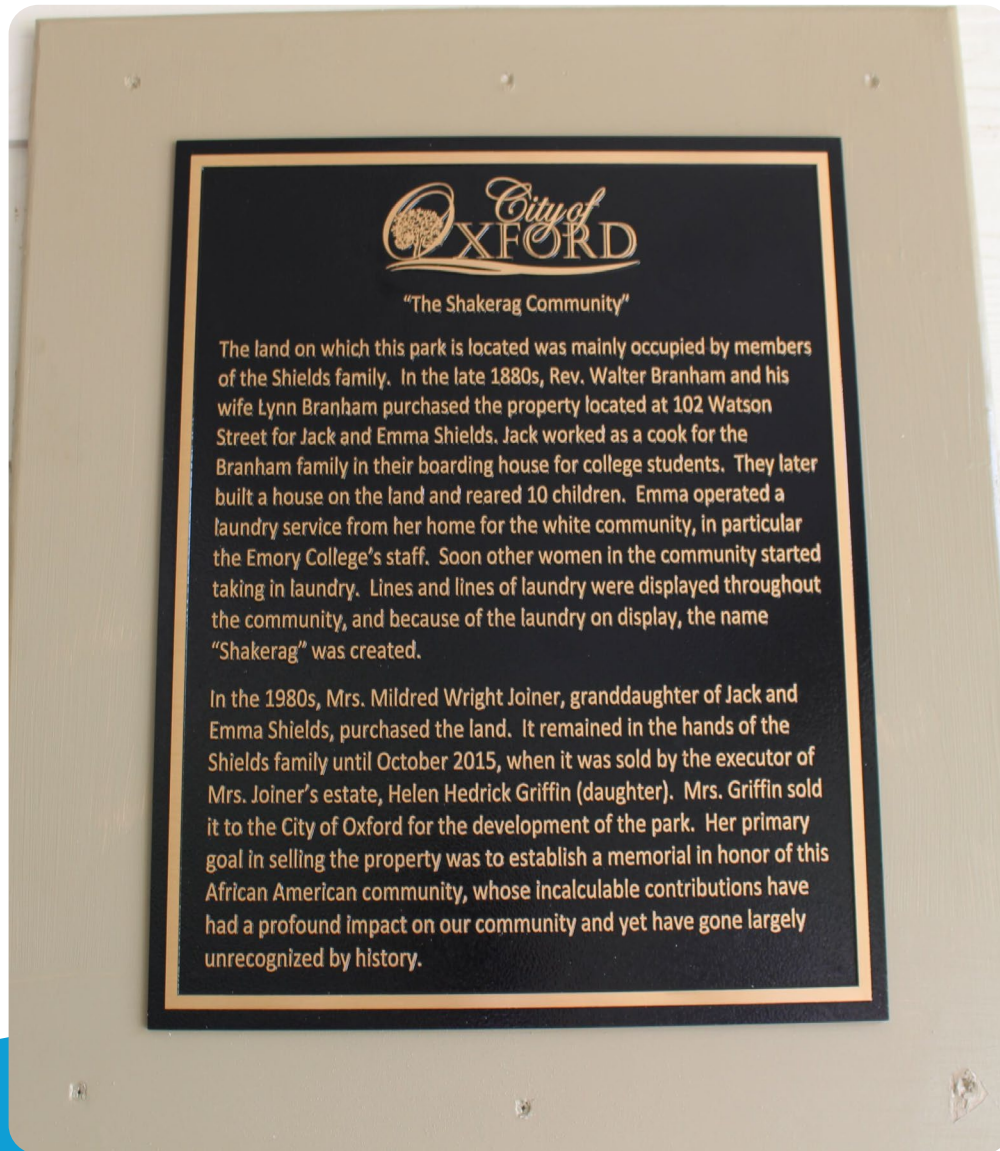
The Verkada equipment is purchased one time and can be installed by police department personnel. The Verkada platform can be expanded relatively easy by adding a larger switch system. These are relatively inexpensive, costing well under \$1,000.00 dollars.

Verkada has many other solutions for public safety and government entities.

<https://www.verkada.com/solutions/municipalities/#use-cases>

<https://www.verkada.com/pricing/#dome-series-indoor>

<https://www.verkada.com/customers/hartford-police-department/>



Conclusion

- It is my professional opinion and analysis of each system that the City of Oxford would be better served by the Verkada system. This will afford the police officers the ability to monitor the park in real time as needed, capture images when **criminal activity occurs, use that data for prosecution of the criminal activity, and provide a safe watch over those who enjoy Asbury Park.** I recommend to utilize Capital budget funding and General Operating budget funding for subscription services.



Questions

About

Verkada brings the ease of use that consumer security solutions provide, to the levels of scale and protection that businesses and organizations require.

By building high-end hardware on an intuitive, cloud-based software platform, modern enterprises are able to run safer, smarter buildings across all of their locations.

Why Verkada?

With Verkada you get a lot more than leading-edge security devices and premium hardware technology. Verkada offers a cloud-based software license, which enables you to future-proof your investment and ensure your long-term success.

Today, our suite of connected devices provides enterprise organizations with meaningful insights into the health and safety of their environments. Tomorrow, we'll deepen our use of machine learning to continue building technology that protects people, places, and privacy at scale.



Video Security

Hybrid cloud cameras offer onboard storage and edge-based processing to reliably deliver insights in real-time.



Sensors

With a collection of eight onboard sensor readings, monitor for the health and safety of all environments.



Access Control

Manage doors, credentials and users across sites at ease with global access and active directory integrations.



Alarms

Catch and respond to break-ins with cloud-managed intrusion detection and 24/7 professional monitoring.

Customer Growth

We are the fastest growing physical security company in the world, with over 7,800 customers including 40 Fortune 500 companies. Across cameras, access control, and environmental monitoring systems – we have thousands of Verkada devices deployed.

38

2017

730

2018

2,454

2019

5,552

2020

7800+

2021

Global Partners

Verkada partners with 3,300+ top security system installers and integrators to provide an excellent customer experience. We have achieved compliance for sales in North America (US, Mexico, Canada), the UK, the EU, Australia, New Zealand for all of our hardware and software products.

12

2017



3,300

2021



Trusted by Global Leaders



EQUINOX



Team

The company was founded by computer scientists and security experts from Stanford University, and Hans Robertson, the former co-founder and COO of Cisco Meraki. We now have over **840** employees on our team and continue to grow rapidly.

15

2017

76

2018

279

2019

467

2020

840+

2021

Offices

Our headquarters is located in **San Mateo, CA**, and we continue to expand our office locations. As of 2021 we have offices in London, Sydney, San Mateo, Austin, and Salt Lake City.

Valuation

After being named by Forbes as one of the next 'billion dollar startups,' in January, Verkada closed their Series C round of funding with a new valuation of **\$1.6 billion**.

\$80M

Q2 2018

\$540M

Q2 2019

\$1.6B

Q2 2020

Investors

We're proud to be funded by a storied group of venture capital firms, and supported by partners who have our back. In our last funding round we raised \$80 million Series C financing, and have raised a total of \$138.9 million since our founding in 2016.



MERITECH



With backing from the above investors, Verkada will continue to innovate ahead of the market across our suite of cloud connected devices.



We have prepared a quote for you

Verkada Cameras - 5 Year

Quote # 005431
Version 1

Prepared for:
Oxford Municipality

Mark Anglin
mason.million@verkada.com

Prepared by:
Netreti LLC

William Minor
William.Minor@netreti.com



Cameras - Verkada

Product Details		Qty	List Price	Discount Amount	Price	Ext. Price
Verkada CB62-E Outdoor Bullet Camera, 4K, Zoom Lens, 512GB of Storage, Maximum 30 Days of Retention.		3	\$1,799.00	\$269.85	\$1,529.15	\$4,587.45
Verkada CB62-TE Outdoor Bullet Camera, 4K, Telephoto Zoom Lens, 512GB of Storage, Maximum 30 Days of Retention.		1	\$1,899.00	\$284.85	\$1,614.15	\$1,614.15
Verkada CD62-E Outdoor Dome Camera, 4K, Zoom Lens, 512GB of Storage, Maximum 30 Days of Retention.		2	\$1,699.00	\$254.85	\$1,444.15	\$2,888.30
Verkada CP52-E PTZ Camera, 5MP, 28x Zoom Lens, 220° Tilt x 360° Pan, 512GB of Storage, Maximum 30 Days of Retention.		2	\$3,699.00	\$554.85	\$3,144.15	\$6,288.30
Verkada 5-Year Camera License.		8	\$899.00	\$134.85	\$764.15	\$6,113.20
Verkada ACC-MNT-9 Pole Mount, 2nd Generation. Compatible with the Bullet Series, SV11, and ACC-MNT-2, ACC-MNT-3, or ACC-MNT-7.		3	\$209.00	\$31.35	\$177.65	\$532.95
Verkada ACC-MNT-XLARM-1 Large Arm Mount. Compatible with PTZ Camera.		2	\$159.00	\$23.85	\$135.15	\$270.30
Verkada ACC-MNT-SJBOX-1 Square Junction Box Mount Kit. Compatible with Cameras: Bullet Series, Mini Series; Mounts: ACC-MNT-9, ACC-MNT-CORNER-1, ACC-MNT-POLE-1, ACC-MNTMJBOX-1.		2	\$89.00	\$13.35	\$75.65	\$151.30
Verkada PoE++ (802.3bt-2018) Injector, GigE.		2	\$149.00	\$22.35	\$126.65	\$253.30

Subtotal: \$22,699.25

Verkada Cameras - 5 Year

Quote Information:

Quote #: 005431

Version: 1

Delivery Date: 05/20/2024

Expiration Date: 09/17/2024

Prepared for:

Oxford Municipality

110 W Clark St

Oxford, GA 30054

Mark Anglin

mason.million@verkada.com

Prepared by:

Netreti LLC

William Minor

678-909-9010

William.Minor@netreti.com

Quote Summary

Description	Amount
Cameras - Verkada	\$22,699.25
Total:	\$22,699.25

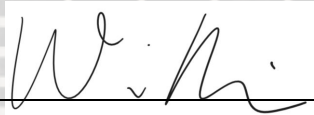
Payment Options

Description	Payments	Interval	Amount
Term Options			
100% Due on Approval	1	One-Time	(\$22,699.25)

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Netreti LLC

Signature:



Name: William Minor

Title: Director of Sales

Date: 05/20/2024

Oxford Municipality

Signature:

Name: Mark Anglin

Date:



We have prepared a quote for you

Verkada Cameras 10 Year

Quote # 005429
Version 1

Prepared for:
Oxford Municipality

Mark Anglin
mason.million@verkada.com

Prepared by:
Netreti LLC

William Minor
William.Minor@netreti.com



Cameras - UI

Description	Qty
	1

Cameras - Verkada

Product Details		Qty	List Price	Discount Amount	Price	Ext. Price
Verkada CB62-E Outdoor Bullet Camera, 4K, Zoom Lens, 512GB of Storage, Maximum 30 Days of Retention.		3	\$1,799.00	\$449.75	\$1,349.25	\$4,047.75
Verkada CB62-TE Outdoor Bullet Camera, 4K, Telephoto Zoom Lens, 512GB of Storage, Maximum 30 Days of Retention.		1	\$1,899.00	\$474.75	\$1,424.25	\$1,424.25
Verkada CD62-E Outdoor Dome Camera, 4K, Zoom Lens, 512GB of Storage, Maximum 30 Days of Retention.		2	\$1,699.00	\$424.75	\$1,274.25	\$2,548.50
Verkada CP52-E PTZ Camera, 5MP, 28x Zoom Lens, 220° Tilt x 360° Pan, 512GB of Storage, Maximum 30 Days of Retention.		2	\$3,699.00	\$924.75	\$2,774.25	\$5,548.50
Verkada 10-Year Camera License.		8	\$1,799.00	\$449.75	\$1,349.25	\$10,794.00
Verkada ACC-MNT-9 Pole Mount, 2nd Generation. Compatible with the Bullet Series, SV11, and ACC-MNT-2, ACC-MNT-3, or ACC-MNT-7.		3	\$209.00	\$52.25	\$156.75	\$470.25
Verkada ACC-MNT-XLARM-1 Large Arm Mount. Compatible with PTZ Camera.		2	\$159.00	\$39.75	\$119.25	\$238.50
Verkada ACC-MNT-SJBOX-1 Square Junction Box Mount Kit. Compatible with Cameras: Bullet Series, Mini Series; Mounts: ACC-MNT-9, ACC-MNT-CORNER-1, ACC-MNT-POLE-1, ACC-MNTMJBOX-1.		2	\$89.00	\$22.25	\$66.75	\$133.50
Verkada PoE++ (802.3bt-2018) Injector, GigE.		2	\$149.00	\$37.25	\$111.75	\$223.50

Subtotal: \$25,428.75

Verkada Cameras 10 Year

Quote Information:

Quote #: 005429

Version: 1

Delivery Date: 05/20/2024

Expiration Date: 09/14/2024

Prepared for:

Oxford Municipality

110 W Clark St

Oxford, GA 30054

Mark Anglin

mason.million@verkada.com

Prepared by:

Netreti LLC

William Minor

678-909-9010

William.Minor@netreti.com

Quote Summary

Description	Amount
Cameras - Verkada	\$25,428.75
Subtotal:	\$25,428.75
Shipping:	\$208.00
Total:	\$25,636.75

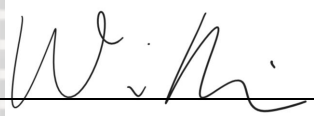
Payment Options

Description	Payments	Interval	Amount
Term Options			
50% Due on Approval	1	One-Time	(\$25,636.75)

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel orders arising from pricing or other errors.

Netreti LLC

Signature:



Name: William Minor

Title: Director of Sales

Date: 05/20/2024

Oxford Municipality

Signature:

Name: Mark Anglin

Date: