

RESOLUTION NO. 2021-02
A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR
BEN HILL COUNTY, GEORGIA TO AMEND
BEN HILL COUNTY ORDINANCE ARTICLE II, SEC. 6-36

WHEREAS, the Ben Hill County Board of Commissioners has the authority to issue licenses for the manufacturing, distributing, and selling of beer (malt beverages), wine, and liquor (distilled spirits) within the unincorporated areas of Ben Hill County, Georgia;

NOW, THEREFORE, BE IT RESOLVED by the Ben Hill County Board of Commissioners to delete current sections 6-2, 6-4 and 6-36 from Ben Hill County Ordinance Article II and replace them with the following:

Sec. 6-2. – 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 includes all alcohol, whiskey, liquor, beer, malt beverage, wine or fortified wine.

Liquor or *distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 24 percent alcohol by volume, including but not limited to all fortified wines.

Malt beverage or beer means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar 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 or beer" does not include sake, known as Japanese rice wine.

Off-premises consumption means the sale of alcoholic beverages in unbroken packages for consumption in a location other than the licensed premises.

On-premises consumption means the sale of alcoholic beverages by the drink or in broken packages for consumption on the licensed premises.

Package means a bottle, can or other original consumer container.

Premises means one physical identifiable place of business consisting of one room, or two or more contiguous rooms operating under the same trade name where beer and wine by the drink are sold. On-premises outlets which cannot be determined as one identifiable place of business shall require additional licenses regardless of such establishments having the same trade name, ownership, or management; provided nothing herein shall require additional licenses for service bars, or portable bars used exclusively for the purpose of preparing such drinks when such bars are accessible only to employees of the licensed establishment and from which drinks are prepared to be served in the licensed premises. The term "premises" shall not include common facilities located in a shopping center area.

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

Retail sale means the sale of alcoholic beverages either in unbroken packages or for consumption on the premises, only to consumers and not for resale.

Wine means any alcoholic beverage containing not more than 21 percent alcohol by volume, made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. The term "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.

Sec. 6-4. – Unlawful activities.

It shall be unlawful for any person, corporation, partnership, association or any other entity, unless specifically exempt under this chapter, to engage in any of the following activities:

(1) To serve or offer for drinking or have possession for sale or distribution, any type of alcoholic beverage in any park, playground or building within the unincorporated area of the county without a license and business tax certificate.

(2) To sell or offer for sale, or serve for remuneration, whether the payment is direct or indirect, any alcoholic beverage at retail or wholesale without a license as required under this article and business tax certificate.

(3) To engage in any act involving the distribution, manufacturing, sale, service or consumption of alcoholic beverages prohibited by the laws of the state.

(4) To violate any of the provisions of this chapter.

Sec. 6-36. – License required.

(a) No alcoholic beverage may be sold, possessed for sale or distributed in the unincorporated area of the county except under a license granted by the county board of commissioners.

(b) Licenses granted hereunder shall fall into one or more of the following classes:

(1) Class A: On-premises consumption of beer (malt beverages).

(2) Class B: Off-premises consumption of beer (malt beverages).

(3) Class C: On-premises consumption of wine.

(4) Class D: Off-premises consumption of wine.

(5) Class E: Off-premises consumption of liquor (distilled spirits).

(6) Class F: On-premises consumption of liquor (distilled spirits).

(6) Class G: Wholesale distribution of beer (malt beverages).

(7) Class H: Wholesale distribution of wine.

(8) Class I: Wholesale distribution of liquor (distilled spirits).

SO RESOLVED AND ADOPTED at a meeting of the Ben Hill County Board of Commissioners this **2nd** day of **February 2021**.

BEN HILL COUNTY BOARD OF COMMISSIONERS:

By:

STEVE TAYLOR, CHAIRMAN

ATTEST:

DONNA PRATHER, COUNTY CLERK