

# CITY OF CLEVELAND, GEORGIA ALCOHOLIC BEVERAGE LICENSE FREQUENTLY ASKED QUESTIONS

**Note: Read and understand the Cleveland Beer and Wine Alcohol Sales Ordinance**

## LICENSE TYPES:

**What type of alcohol licenses does the City of Cleveland issue?**

City of Cleveland issues the following licenses.

Sales and/or Consumption	Type of Business	Beer	Wine	Distilled Spirits
Consumption on Premises	Eating Establishment	X	X	X
Consumption on Premises	Indoor Commercial Recreation Establishment	X	X	
Consumption on Premises	Indoor Civic & Cultural Center	X	X	X
Consumption on Premises	Golf Course	X	X	
Consumption on Premises	Alcoholic Beverage Caterer <i>Must hold consumption on premises license.</i>	X	X	
Consumption on Premises	Special Event Alcohol Permit <i>Must hold an alcoholic beverage caterer license.</i>	X	X	
Retail Sales	Grocery Store / Market	X	X	
Retail Sales	Convenience Store	X	X	
Retail Sales	Restaurant and Brew Pub	X	X	
Retail Sales	Specialty Gift Shop	X	X	
Retail Sales & Consumption	Farm Winery Tasting Room		X	

**What is the difference between "consumption on the premises" and "package" licenses?**

Package licenses are issued to grocery stores, convenience stores, and markets to sell alcoholic beverages in their original packaging and MAY NOT be consumed on the licensed premises.

Consumption on the premises licenses are issued to restaurants to sell alcoholic beverages by the drink on the licensed premises. Consumption on the premises licenses may not allow the sale of alcoholic beverages "to go". All alcohol MUST be consumed on the premises.

*Exception to the above:* A licensed restaurant may permit a patron to remove one (1) unsealed bottle of wine per patron, if the patron has purchased a meal and consumed a portion of the bottle of wine. However, the bottle of wine must be resealed, placed in a bag with receipt attached, and placed in a locked glove compartment, locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

## LICENSE REQUIREMENTS AND QUALIFICATIONS:

### **Who may apply for an alcoholic beverage license?**

The business owner or an officer of a corporation or limited liability company may apply for a license.

### **Is there an age requirements to hold an alcoholic beverage license?**

**Yes** - The license holder must be at least 21 years of age at the time of application.

### **Is there a citizenship requirement?**

**Yes** - The license holder must be a U.S. citizen or an alien lawfully admitted for permanent residence. Proof of citizenship or legal residency is required. Signed SAVE and E-Verify forms are required as part of the application package.

### **Is there a county residency requirement?**

**Yes and No.** Only the registered agent must be a resident of White County.

### **Is a background check required?**

**Yes** - Fingerprinting at the City of Cleveland law enforcement center is required for a federal and state background check. You must complete a background check consent form and submit with your application.

### **I have a criminal history; may I apply for an alcohol license?**

No person shall be granted any alcoholic beverage license unless proper information establishes to the satisfaction of City Council or its designee that such person, partners in the firm, officers and directors of the corporation have not been convicted or pled guilty or entered a plea of nolo contendere, and has been released from parole or probation, 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 (10) 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 so convicted in the **ten (10) years** preceding the filing of the application. An applicant's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a city ordinance shall not, by itself, make an applicant ineligible for an alcohol license. If any applicant, partner, or officer used in the sale or dispensing of any alcoholic beverage, after a license has been granted, is convicted or pleads 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, including 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 sexual related crime, then the license shall be immediately revoked and canceled.

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 **ten (10) years** prior to the filing of application for such license.

**Are there other required licenses, permits or fees before I may obtain my City of Cleveland alcohol license?**

**Yes** - The business must have a current valid Certificate of Occupancy, a current valid Occupational Tax License, a Health Department Permit (applicable to restaurants and establishments required to be permitted by the Health Department), and a Department of Agriculture Food Sales Establishment License (applicable to grocery and convenience stores and establishments required to be permitted by the Department of Agriculture Food Sales Establishments) before issuance of an alcoholic beverage license. All city and county taxes must be current.

**May I get an alcohol license if my business is located close to a church, school, daycare, alcohol treatment facility, or housing authority?**

The business must be a minimum footage from any church building, daycare, alcohol treatment facility, school, educational building, college, or housing authority property (refer to Sec. 4-82). As part of the application process, you are required to obtain a survey and scale drawing from a Georgia registered land surveyor. Please see section 4-16 of the Cleveland Alcohol Beverage Ordinance.

**When does my alcohol license expire?**

Your license will expire each year on December 31<sup>st</sup>. We mail a renewal application for your alcoholic beverage license on October 1<sup>st</sup>. It is due back with payment by November 30<sup>th</sup>. A 10% penalty is due on late submittals. Any application not fully complete will be returned. You must also renew your state alcohol license each year.

**If the license holder/managing agent or registered agent ceases to work for the business, or in any way ceases to qualify to be the agent, how long do I have to let you know and to make the change?**

You must notify the alcohol licensing department within five (5) days of any change in ownership interest including division of profits and/or losses; division of net gross or sales; method of paying or amount of rent paid; ownership of leased premises, or buildings or land used in the business; members of a partnership; stockholders of corporate stock, and management. You must then apply for a new license or request a transfer of the existing license.

**May I transfer my alcohol license to a new owner?**

**No** – Sec 4-22 It is your responsibility to notify the alcohol-licensing department within five (5) days of an ownership change. You must provide contact information for the new owner. The new owner must meet license requirements, file the application, and pay required transfer fees.

**ALCOHOL SALES:**

**May I sell beer and wine on Sunday?**

**Yes** - Sunday sales are allowed.

**What is the legal age to purchase alcohol? What happens if I sell to a minor?**

The legal age to purchase and/or possess alcoholic beverages in the State of Georgia is 21 years of age. The license holder, or any of his agents or employees, SHALL use discretion in checking identification per the state code requirements for persons wanting to purchase alcohol (see below).

O.C.G.A. 5-3-23

*In any case where a reasonable or prudent person could **reasonably be in doubt** as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing alcoholic beverages to request and be furnished with proper identification in order to verify the age of such person. Failure to make such a request and to verify the purchaser's age may be considered by trier of fact in determining whether any sale to an underage person was made knowingly. "Proper identification" means any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth. "Proper identification" includes, but is not limited to, a passport, military identification card, driver's license, or a state issued identification card.*

If you sell alcohol to a minor, you are subject to fines, suspension, and possible revocation of the alcohol license at both the state and local levels.

**Once I have my City of Cleveland Alcoholic Beverage License, may I begin selling alcohol?**

**No** - You must also have a license from the State of Georgia, Department of Revenue. You must attach a copy of the city license to your application for a state license. A copy of your State License must be submitted to the city within seven (7) days of receiving from the state.

**May I have a "Happy Hour" at my restaurant?**

**No** - City of Cleveland Code prohibits practices normally associated with Happy Hour including special pricing.

**May I sell alcoholic beverages on Election Day?**

**Yes** - The licensed business must be at least 250 feet from a polling place. It is your responsibility to determine the closest polling place. You may call Elections and Registration office for the nearest polling site to your business.

**Are there restrictions about when I may sell/serve alcohol?** Sales are permitted as follows:

<b>GROCERY, CONVENIENCE STORES &amp; SPECIALTY GIFT SHOPS (Beer &amp; Wine)</b>		
Monday-Saturday	9:00 a.m. – 12:00 a.m.	No Christmas Day Sales
Sunday	12:30 p.m.. – 11:30 p.m.	
<b>CONSUMPTION ON PREMISES – RESTAURANTS, WINE TASTING ROOMS &amp; BREW PUBS (Beer &amp; Wine)</b>		
Monday-Saturday	9:00 a.m. – 12:00 a.m.	No Christmas Day Sales
Sunday	12:30 p.m.. – 11:30 p.m.	
<b>GOLF COURSE – FOR CONSUMPTION</b>		
Monday - Saturday	9:00 a.m. – 9:00 p.m.	No Sunday Sales No Christmas Day Sales

## EMPLOYEES:

### **What about my employees - what if they have a criminal history?**

Restaurant employees or those who work in a package beer, wine, or distilled spirits store must have an employee permit. No person shall be granted a permit unless it appears to the satisfaction of the Police Chief or his designee that such person has not been convicted or pled 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 sale or possession of alcoholic beverages, including the sale or transfer of alcoholic beverages to minors in a manner contrary to law, keeping a place of prostitution, solicitation of sodomy or any sexually related crime within a period of **ten (10) years** of the date of conviction and has been released from parole or probation. A person's first time conviction for illegal possession of alcohol as a misdemeanor or violation of a city ordinance shall not by itself make a person ineligible for a permit required by this ordinance. No person shall be granted a permit required by this ordinance who has been convicted, pled guilty or entered a plea of nolo contendere to any federal, state or local law for any felony within **ten (10) years** of the date of application and has not been released from parole or probation prior to the filing for application for such permit. For purposes of this ordinance, a conviction or plea of guilt or nolo contendere shall be ignored as to any offense for which a person whose sentence was entered under the Georgia First Offender Act, as amended so long as the First Offender status has not been revoked.

### **Do my employees have to be 21 to sell alcohol?**

**No** - They must be **18 years of age**. Persons under the age of 18 may not dispense, sell, serve, take orders, mix alcoholic beverages, or handle alcoholic beverages in ANY way.

### **Can my employees use their employee permit at another restaurant?**

**No** - Employee permits are issued for work at the specific licensed establishment as indicated on the employee permit application and may not be used at another licensed establishment.

## MISCELLANEOUS:

### **May customers in my restaurant BYOB or "brown bag"?**

**No** – Brown Bagging is prohibited

### **I do not have an alcoholic beverage license but I want to have a public "customer appreciation party." May I GIVE away alcoholic beverages?**

**No** - In order to distribute alcoholic beverages in ANY way to the public, you must have a City of Cleveland Alcoholic Beverage License.

### **Is wine tasting permitted in City of Cleveland?**

City of Cleveland allows wine tasting only in a licensed farm winery tasting room.

### **Are signage and advertising of alcoholic beverages permitted in City of Cleveland?**

**Yes** - Licensees may use window signs to advertise products for sale within the store subject to compliance with the City of Cleveland Sign Ordinance and Cleveland Alcohol Beverage Ordinance. Licensees may advertise, including products and prices, in newspapers, on the radio, and on the internet.

### **May my restaurant have patio sales?**

**Yes** – Patio sales are allowed if you have a current alcoholic beverage for consumption on the premises license. The patio must meet all applicable codes and must be enclosed by a structure with a height of four (4) feet above ground level. Please refer to Section 4-94.