



# CITY OF PORT WENTWORTH

CITY COUNCIL

APRIL 27, 2023

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Council Meeting Room

Regular Meeting

7:00 PM

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7224 GA HIGHWAY 21  
PORT WENTWORTH, GA 31407

**1. CALL MEETING TO ORDER**

**2. PRAYER AND PLEDGE OF ALLEGIANCE**

**3. ROLL CALL - CLERK OF COUNCIL**

**4. APPROVAL OF AGENDA**

**5. RECOGNITION OF SPECIAL GUESTS**

**6. PUBLIC COMMENTS - REGISTERED SPEAKERS**

**7. ELECTIONS & APPOINTMENTS**

**8. ADOPTION OF MINUTES**

- A. Regular Meeting Minutes- March 23, 2023
- B. Retreat Minutes- April 6-7, 2023

**9. COMMUNICATIONS & PETITIONS**

- A. Retreat Recap
- B. Stand Up For America Day

**10. COMMITTEE REPORTS**

**11. CONSENT AGENDA**

**12. UNFINISHED BUSINESS**

**13. NEW BUSINESS**

- A. Site Plan Review Application submitted by Claret Communities, LLC., for PIN # 7-0976-02-027 (Highway 30) for a Specific Development Site Plan to allow a Multi-family Development (Noble Vines Phase 2) in a P-RIP (Planned Residential Institutional) Zoning District
  - Public Hearing
  - Action
- B. Subdivision Application submitted by Jessica Vick, Roberts Civil Engineering, LLC., on behalf of Landmark 24 Homes of Savannah, LLC., for PIN # 7-0906-01-031(Miller Park Circle) located in a P-R-M (Planned Residential Multifamily) Zoning District for a Final Plat of a Major Subdivision (Rice Creek Tract C-1 Phase V) for the purpose of Single-Family Homes

- Public Hearing
- Action

**14. RESOLUTIONS/ORDINANCES/PROCLAMATIONS**

- A. Alcohol Ordinance Re-Write- 1st Reading

- Public Hearing
- Action

- B. Industrial Moratorium Extension

**15. EXECUTIVE SESSION**

- A. Litigation
- B. Personnel
- C. Real Estate

**16. ADJOURNMENT**



**City Council**  
 7224 GA Highway 21  
 Port Wentworth, GA 31407

**SUBMITTED**

Meeting: 04/27/23 07:00 PM  
 Department: Development Services  
 Category: Planning/Zoning Item  
 Prepared By: Melanie Ellis  
 Department Head: Brian Harvey

**AGENDA ITEM (ID # 2819)**

DOC ID: 2819

## Site Plan Review Application submitted by Claret Communities, LLC., for PIN # 7-0976-02-027 (Highway 30) for a Specific Development Site Plan to allow a Multi-family Development (Noble Vines Phase 2) in a P-RIP (Planned Residential Institutional) Zoning District

**Issue/Item:** Site Plan Review Application submitted by Claret Communities, LLC., for PIN # 7-0976-02-027 (Highway 30) for a Specific Development Site Plan to allow a Multi-family Development (Noble Vines Phase 2) in a P-RIP (Planned Residential Institutional) Zoning District.

**Background:** The subject property is currently vacant woodland. There are no buildings or structures on the subject property. A general development plan for this property was approved during the June 23, 2022 City Council meeting.

**Facts and Findings:** This is specific site development plan for Phase 2 of the Noble Vines development. The site plan consist of 60 Townhome Buildings and amenity building. The main entrance for the development will be on GA Highway 30. The site plan also includes associated parking, utilities, drainage and infrastructure improvements. This application received Engineer Concurrence by the City Engineer's TR Long Engineering on February 21, 2023. The project area is in the Rural Neighborhood character area according to the Port Wentworth 2021 - 2041 Comprehensive Plan. The project is located in Council District 1.

**Funding:** N/A

**Recommendation:** The Planning Commission will hear this application on Monday, April 10, 2023 at 3:30 PM. **/ UPDATE: THE PLANNING COMMISSION VOTED UNANIMOUSLY TO APPROVE THE APPLICATION.**

### ATTACHMENTS:

- Site Plan Review Noble Vines Ph 2 2023 - Application (PDF)
- Site Plan Review Noble Vines Ph 2 2023 - Timeline (DOCX)
- Site Plan Review Noble Vines Ph 2 2023 - Concurrence Letter TR Long 2.21.23 (PDF)

Project # 220474

Noble Vines - Phase 2

13.A.a

City of Port Wentworth  
7224 Highway 21 ■ Port Wentworth ■ Georgia ■ 31407 ■ 912-999-2084

### Site Plan Review Application

*Site Plan Application is required for all new construction in a "P" or "MPO" zone as defined in the Zoning Ordinance of the City of Port Wentworth.*

Site Plan Type (Check One): ☐ General / Concept ☒ Specific Development

Site Plan Address: Hwy 30, Port Wentworth, GA 31407

PIN #(s): 7-0976-02-027

Zoning: P-RIP Estimated Cost of Construction: \$

Type of Construction: Multifamily Residential

Applicant's Name: Claret Communities, LLC

Mailing Address: 5553 Peachtree Road, Suite 170

Chamblee, GA 30341

Phone #: 404-308-5507 Email: mruskin@claretcommunities.com

Owner's Name (if Different form Applicant): Claret Communities, LLC

Mailing Address: 5553 Peachtree Road, Suite 170

Chamblee, GA 30341

Phone #: 404-308-5507 Email: mruskin@claretcommunities.com

I hereby acknowledge that the above information is true and correct.

Applicant's Signature

Lee N. Terry  
Managing Member

Date

8-12-2022

Owner's Signature (if Different form Applicant)

Date

Please see page 2 for required submittal checklist



City of Port Wentworth  
 7224 Highway 21 ▪ Port Wentworth ▪ Georgia ▪ 31407 ▪ 912-999-2084

### Site Plan Review Application Submittal Checklist

Documentation below is required for a complete submittal.

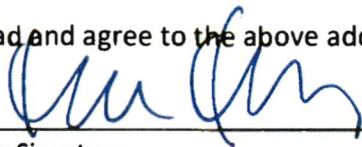
- ☒ Signed and Completed Application
- ☒ 3 Full size sets of site plan civil drawings or concept plan (depending on type of site plan)
- ☒ 15 half size (11" X 17") sets of site plan civil drawings or concept plan (depending on type of site plan)
- ☒ 2 copies of hydrology reports (if applicable)
- ☒ Names, mailing address, and PIN number of all property owners within 250 feet of all property lines
- ☒ 1 8 1/2" X 11" of site plan civil drawings or concept plan (depending on type of site plan)
- ☒ PDF of entire submittal (either flash drive or CD)
- ☒ Other Engineering details or reports may be required once submittal has been received
- ☒ Site plan review fee check

- ☐ ~~No Land Disturbance - \$206.00 Site Plan Fee + \$50.00 Admin Fee = Total \$256.00~~
- ☐ With Land Disturbance - \$836.00 Site Plan Fee + \$50.00 Admin Fee = Total \$886.00

**Additional Fee Statement:** If engineer review cost to the City exceeds the site plan review fee that is paid at the time of initial application submittal, you may be required to pay additional review cost.

I have read and agree to the above additional fee statement

Applicant's Signature



**Lee N. Terry**  
 Managing Member

Date

8-16-2022

## **Noble Vines – Phase 2 City of Port Wentworth**

### **Concept Plan Project Narrative J – 28896.0003 November 2021**

Claret Communities, LLC (applicant) proposes the development of Noble Vines Phase 2, a ±11.7 acre townhome development in the City of Port Wentworth. The proposed site is located on Parcel A of the included plat, with Phase 1 of the project consisting of ±21.3 acres. The parcel is approximately half a mile southwest of GA Highway 21 on Piedmont Avenue. The Property PIN number is 7-0976-02-027.

Noble Vines Phase 2 consists of 60 townhomes. The project is zoned Residential-Industrial (P-RIP). On-site elevations range from approximately 17.3– 25.0, NAVD 88. The property lies in flood zone X as shown on the Chatham County Flood Insurance Rate Map (FIRM) panel 13051C0030G, effective date August 16, 2018. The site is wooded with a mixture of hardwoods and planted pines. Soils on site are predominately hydrologic soil group C/D, with minor area of B/D type soil as well. There is an isolated pocket of wetlands to the northeast as shown on the approved Jurisdictional Determination.

Access to the Noble Vines Phase 2 will be from an access drive west of Newport Boulevard, directly across from the Stop N Store access. The anticipated site improvements include roadway, parking areas, townhomes, an access point along Piedmont Avenue, an amenity area, and associated infrastructure to accommodate the development.

Existing water and sewer service is available along Piedmont Avenue and Berrien Road and will be provided by the City of Port Wentworth. Connections to the existing water and sewer systems will be extended to service the proposed site. Gas service shall be provided by Atlanta Gas Light Company, with electric and communications services provided by Georgia Power Company and Hotwire Communications, respectively. Fire protection will be provided by the Port Wentworth Fire Department.

The majority of the existing stormwater runoff flow will be captured by inlets and is piped to the interconnected proposed ponds. One of the proposed ponds will outfall through the crossing pipes under Highway 30 into the Newport drainage system. Newport discharges to Black Creek and continues southeast approximately 21,500 feet and ultimately discharges to the Savannah River.

Sedimentation and Erosion Control measures will be installed prior to and concurrent with construction. Sedimentation and Erosion Control devices will conform to the latest Georgia manual for erosion and sediment control in Georgia. Permanent grassing will be established to provide final stabilization for the area.

Port Wentworth – Claret Communities

Properties within 250' of 7-0976-02-027

1. PIN #: 7-0976C-01-004

Owner(s) Name: R&R Property Ventures, LLC

Mailing Address: 9710 Stirling Road, Unit 104, Hollywood, FL 33024-8018

2. PIN #: 7-0976-02-038

Owner(s) Name: Varnedoe, Sam L

Mailing Address: PO Box 2379, Tybee Island, GA 31328-2379

3. PIN #: 7-0976-02-045

Owner(s) Name: Graham, Kevin and Graham, Bryan

Mailing Address: 601 E 7<sup>th</sup> Street, Vidalia, GA 30474-5316

4. PIN #: 7-0976-02-046

Owner(s) Name: Graham, Rosetta Foreman

Mailing Address: 601 E 7<sup>th</sup> Street, Vidalia, GA 30474-5316

5. PIN #: 7-0976-02-005

Owner(s) Name: Williams, Alvin

Mailing Address: PO Box 786, Savannah, GA 31402-0786

6. PIN #: 7-0976-02-008

Owner(s) Name: Mucha, Zachary D

Mailing Address: 188 Jamestown Dr., Rincoln, GA 31326-5649



7. PIN #: 7-0976-02-035

Owner(s) Name: Varnedoe, Sam L

Mailing Address: PO Box 2379, Tybee Island, GA 31328-2379

8. PIN #: 7-0976A-01-001

Owner(s) Name: Benton, Georgia W

Mailing Address: 120 E 31<sup>st</sup> Street, Savannah, GA 31401-7303

9. PIN #: 7-0976A-01-002

Owner(s) Name: McCall, Flossie

Mailing Address: 7412 GA Highway 21, Port Wentworth, GA 31407-9717

10. PIN #: 7-0976A-01-003

Owner(s) Name: Rovolis, William

Mailing Address: PO Box 15054, Savannah, GA 31416-1754

11. PIN #: 7-0976A-01-026

Owner(s) Name: Eason, Freddie Allen

Mailing Address: 665 Sam Smart Rd, Clyo, GA 31303-2827

12. PIN #: 7-0976A-01-027

Owner(s) Name: City of Port Wentworth

Mailing Address: 304 S Coastal Highway, Port Wentworth, GA 31407-2010

13. PIN #: 7-0976A-01-006

Owner(s) Name: Steele, Glenn A and Steele, Anthony

Mailing Address: 207 Stephanie Ave, Rincoln, GA 31326-9666

14. PIN #: 7-0976A-01-007

Owner(s) Name: Steele, Glenn A and Steele, Anthony

Mailing Address: 207 Stephanie Ave, Rincoln, GA 31326-9666

15. PIN #: 7-0976-02-028

Owner(s) Name: City of Port Wentworth

Mailing Address: 305 S Coastal Highway, Port Wentworth, GA 31407-2001

16. PIN #: 7-0976B-01-003

Owner(s) Name: Steele, Elnora Sweet and Steele, Will

Mailing Address: 52 Leon Village Dr, Savannah, GA 31408-2704

17. PIN #: 7-0976B-01-014

Owner(s) Name: Price, Shirley

Mailing Address: 522 W Victory Drive, Savannah GA 31405-1724

18. PIN #: 7-0976-02-034

Owner(s) Name: Brady-Hohnerlein, Colleen Lynette

Mailing Address: 13 Putters Pl, Savannah, GA 31419-6067

19. PIN #: 7-0976-02-033

Owner(s) Name: Floyd, James Hugh

Mailing Address: 744 Omaha Dr, Norcross, GA 30093-4922

20. PIN #: 7-0976-02-026

Owner(s) Name: Paderewski, Jules B

Mailing Address: PO Box 9087, Savannah, GA 31412-9087

21. PIN #: 7-0976-02-025

Owner(s) Name: Coopers Hill, LLC

Mailing Address: Port Wentworth, GA 31407

22. PIN #: 7-0976-02-024

Owner(s) Name: City of Port Wentworth

Mailing Address: 305 S Coastal Highway, Port Wentworth, GA 31407-2001

23. PIN #: 7-0976-02-023

Owner(s) Name: Paderewski, Jules B

Mailing Address: PO Box 9087, Savannah, GA 31412-9087

24. PIN #: 7-0978-05-011

Owner(s) Name: Stop N Store, LLC

Mailing Address: 9100 White Bluff Road, Unit 502, Savannah, GA 31406-4672

25. PIN #: 7-0976C-01-003

Owner(s) Name: Works Inez Keller

Mailing Address: 390 N Orange Ave, Unit 1285, Orlando, FL 32801-1674





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3604

JUNE 28 2017

Regulatory Branch  
SAS-2016-00851

Mr. Iraj Shambayati  
S & I Cleaning, Inc.  
554 Suncrest Boulevard  
Savannah, Georgia 31410

Dear Mr. Shambayati:

I refer to a letter dated September, 2016, submitted on your behalf by Ms. Elaine Ceccacci of Environmental Services, Inc., requesting our verification of a delineation of aquatic resources for your site located adjacent to State Route 30 west of State Route 21 in Chatham County, Georgia (Latitude 32.1983, Longitude -81.2056). This project has been assigned number SAS-2016-00851 and it is important that you refer to this number in all communication concerning this matter.

The enclosed exhibit entitled, "Wetlands Plat Heritage Point", dated March 10, 2017, identifies the delineation limits of all aquatic resources within the review area. The wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual. This delineation will remain valid for a period of 5 years unless new information warrants revision prior to that date.

Please be advised, aquatic resources that are under the jurisdiction of Section 404 of the Clean Water Act (33 United States Code § 1344) and/or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) may require a permit for the placement of dredged or fill material or mechanized land clearing of those aquatic resources may require prior Department of the Army authorization pursuant to Section 404.

If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must state whether, or not a permit for the development has been applied for, issued or denied by the U.S. Army Corps of Engineers (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property, invasion of rights, or any infringement of federal, state or local laws, or regulations. It


does not obviate your requirement to obtain state or local assent required by law for the development of this property. If the information you have submitted, and on which the U.S. Army Corps of Engineers has based its determination is later found to be in error, this decision may be revoked.

A copy of this letter is being provided to the following parties: Ms. Elaine Ceccaci, Environmental Services, Inc., 101 B Estus Drive, Savannah, Georgia 31404.

Thank you in advance for completing our on-line Customer Survey Form located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

If you have any questions, please call me, at (912) 652-5893.

Sincerely,



William M. Rutlin  
Chief, Coastal Plain Field Office

Enclosures

## Reference

1. Plat recorded at Subdivision Map Book  
28-S, Pg. 21

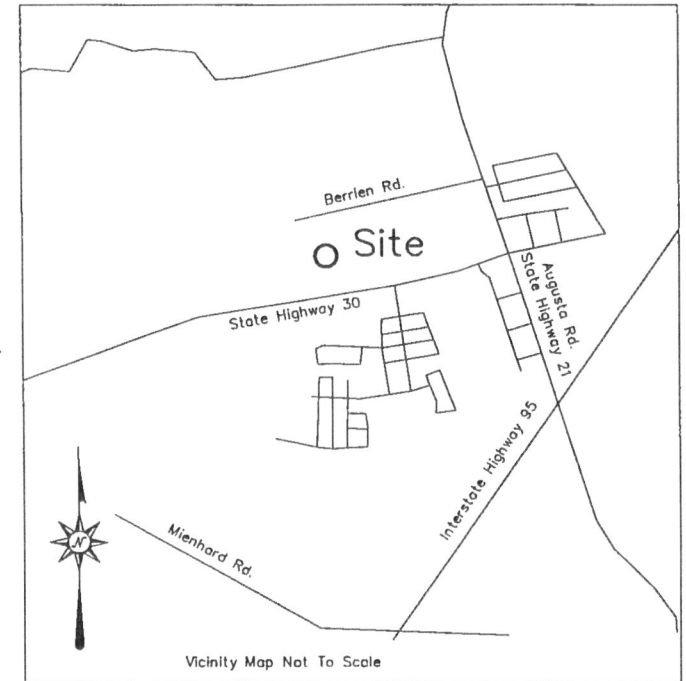
## Property Information

Current Zoning: P-RIP

Tax Assessor's Property  
Identification Number: 7-0976-02-027

Total Study Area: 33.0 Ac.

See Sheet 2 Of 4 For Study Area Map  
See Sheet 3 Of 4 For Wetland Area No. 1  
See Sheet 4 Of 4 For Wetland Area No. 2



To the best of my knowledge and belief,  
this plat has been prepared in conformity  
with the Technical Standards for Property  
Surveys in Georgia as set forth in Chapter  
180-7 of the Rules of the Georgia Board  
of Registration for Professional Engineers  
and Land Surveyors and as set forth in  
the Georgia Plat Act, O.C.G.A. 15-6-67

## Yawn Land Surveys, LLC

Dale E. Yawn, R.L.S.

24 Island Creek Lane  
Savannah, Ga. 31410  
912-697-6307  
yawn2510@bellsouth.net

LSF #000907

## Surveyor's Notes

1. This is not a boundary survey of the property. The boundary line information as shown has been taken from a plat of record. (See Reference). The boundary line of this property is the study area limits line. Boundary/Study Area acreage taken from plat of record.
2. The bearings and coordinates as shown on this drawing are based on the Georgia State Plane Coordinate System, East Zone, NAD83. A Topcon GR3 dual frequency GPS receiver using differential corrections obtained from the EGPS RTK network was used to position control points used in the survey.
3. The wetlands areas as shown were delineated by Environmental Services, Inc. in October, 2016.

Wetlands Plat  
Heritage Point  
Parcel A of a Subdivision  
of the Gregg Howze Tract

8th G.M. District  
City of Port Wentworth  
Chatham County, Georgia

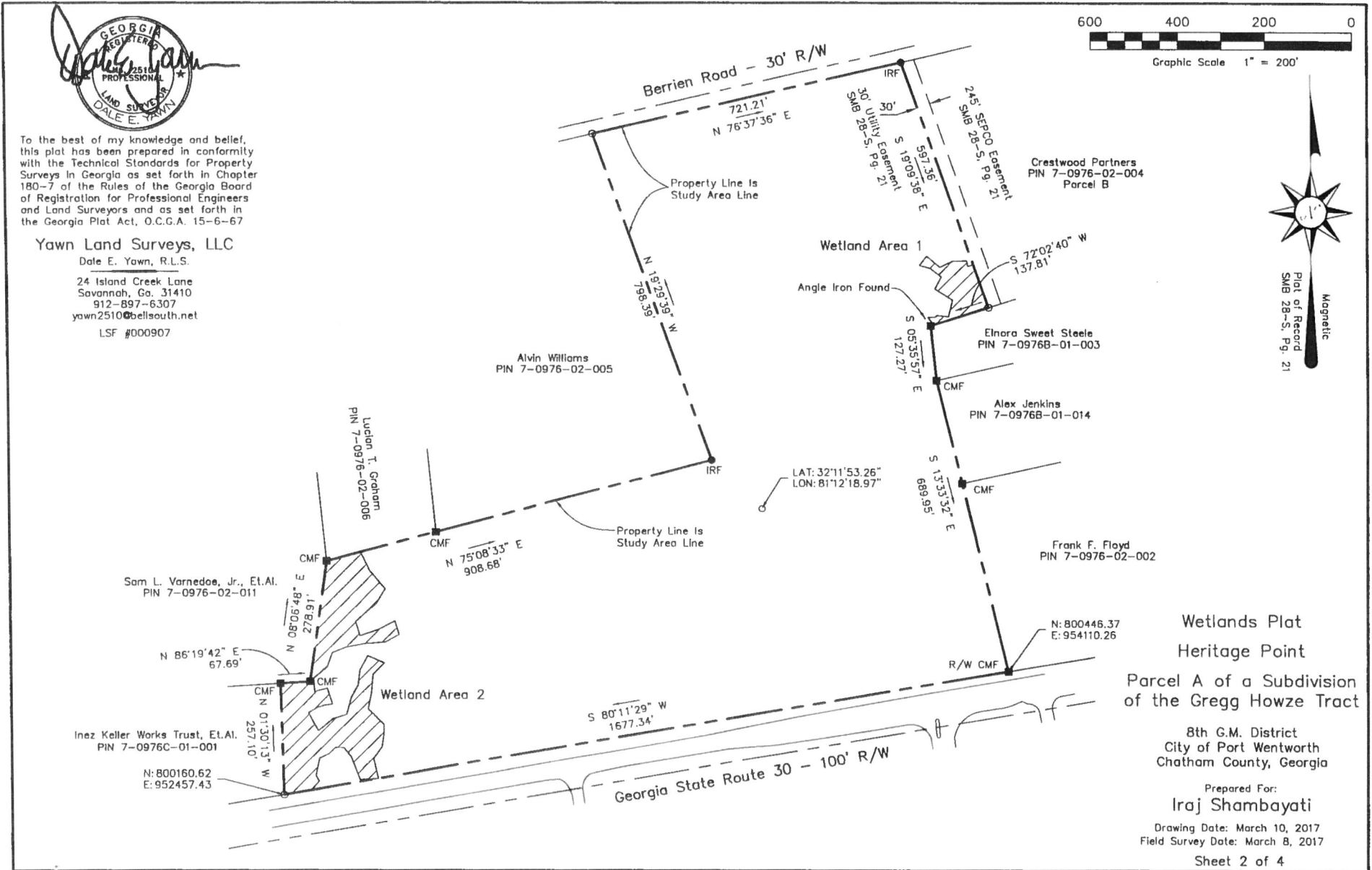
Prepared For:

Iraj Shambayati

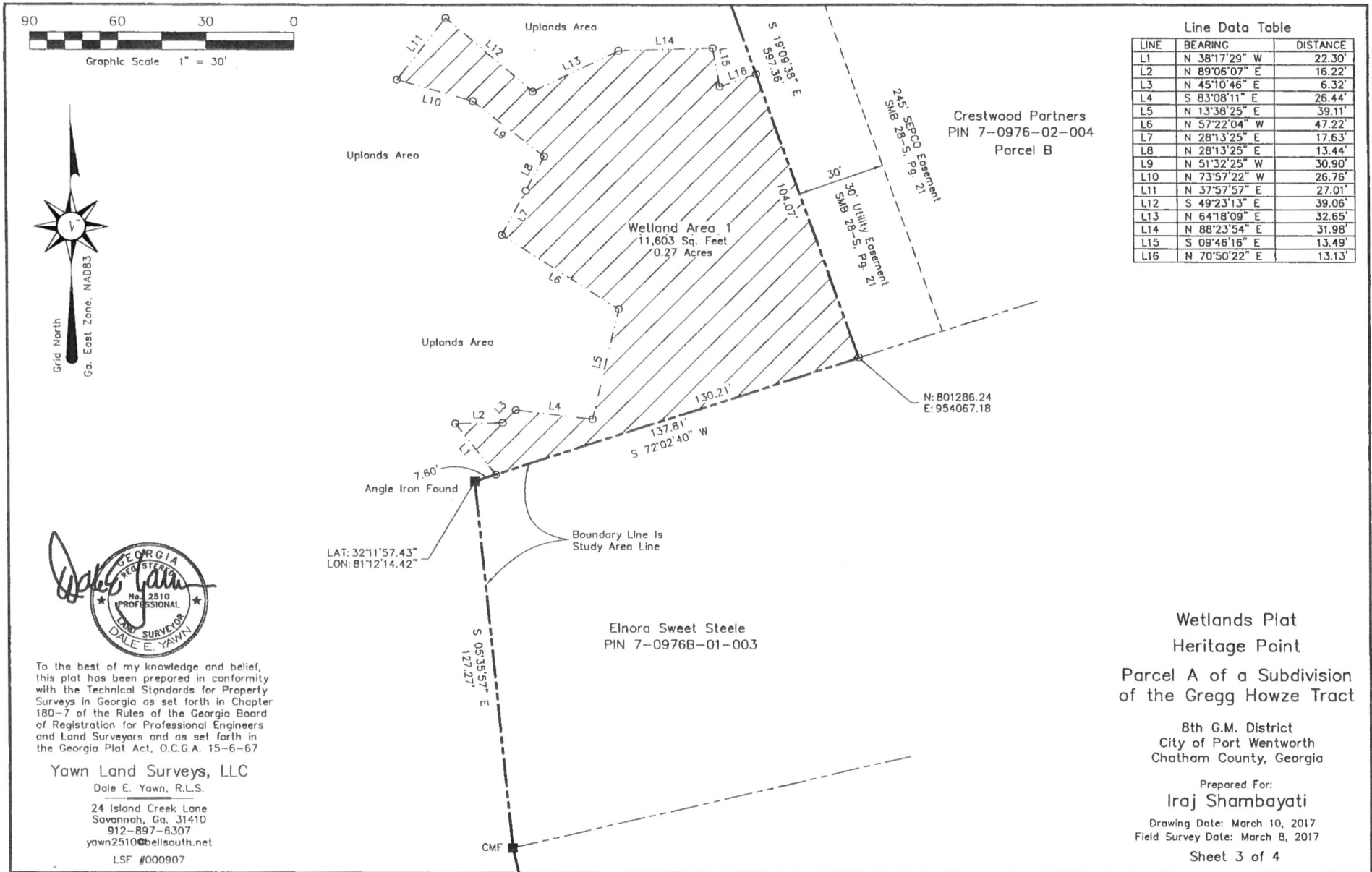
Drawing Date: March 10, 2017  
Field Survey Date: March 8, 2017

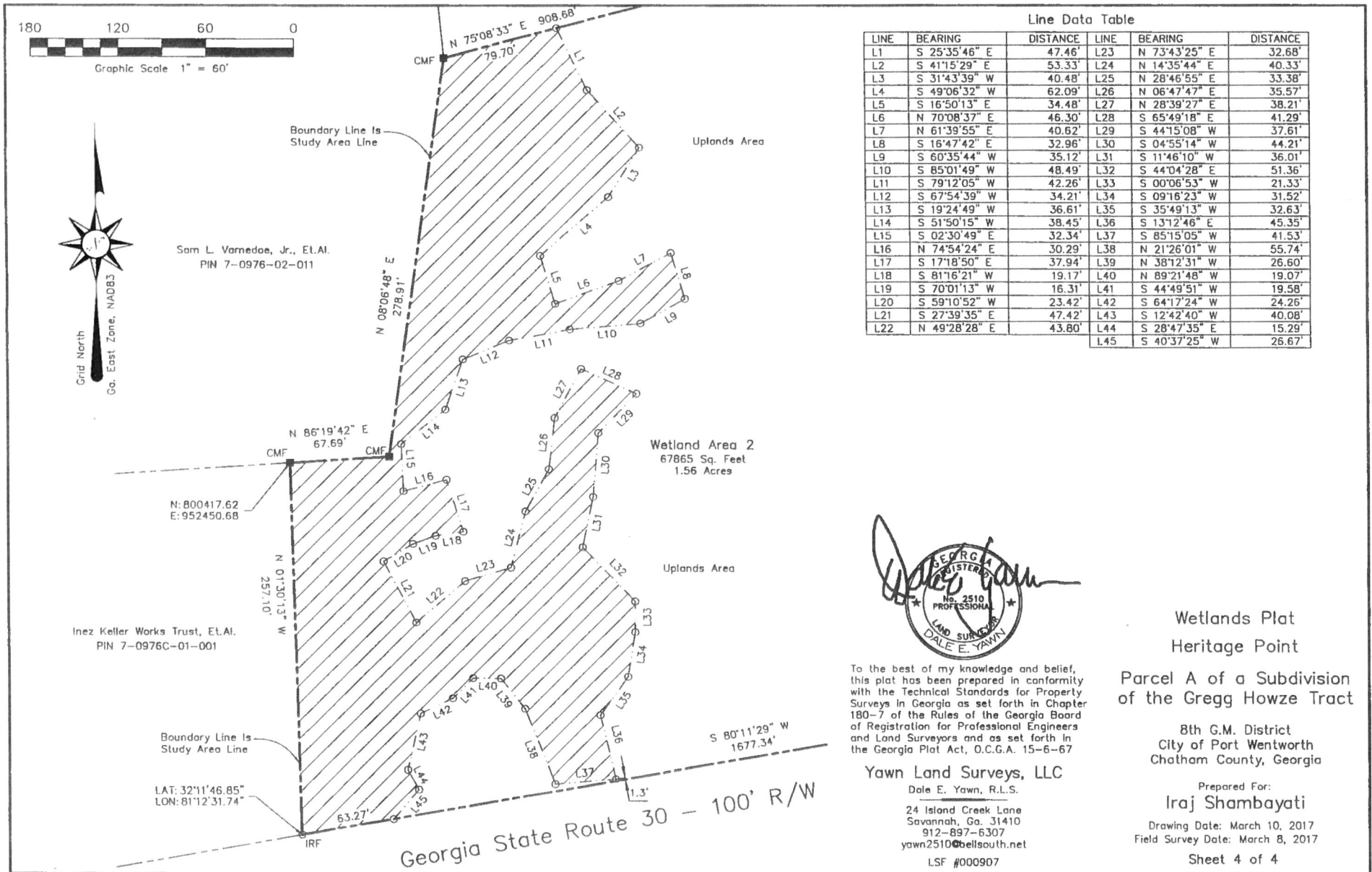
Sheet 1 of 4

Total Study Area: 33.00 Acres  
Wetlands Area 1: 0.27 Acre  
Wetlands Area 2: 1.56 Acre  
  
Total Wetlands: 1.83 Acre  
  
Total Uplands: 31.17 Acre











### 3.4.3 Exhibit 1 - Water Distribution System Check List

Typical Water System Plan shall include:

Check Off

- |  |                             |
|--|-----------------------------|
| 1) Layout and legend   | <u>✓</u>                    |
| 2) Water System analysis and design (include calculations)   | <u>✓</u>                    |
| 3) Show waterline easement (if applicable)   | <u>✓</u>                    |
| 4) Pipe separated distances called out at utility crossings  | <u>✓</u>                    |
| 5) Isolation Valves  | <u>✓</u>                    |
| 6) Valves 8" and larger placed in manholes   | <u>✓</u>                    |
| 7) Meters sized and located on plans   | <u>✓</u>                    |
| 8) All service connections shown   | <u>✓</u>                    |
| 9) Existing and proposed fire hydrants shown   | <u>✓</u>                    |
| 10) Fire Flow Demand (Exhibit 2) To be provided upon receiving more information                                      |                             |
| ▪ Calculate water need based upon ISO Guidelines   | <u>          </u>           |
| ▪ Show maintenance responsibility for fire line and appurtenances in owner/client agreement (Exhibit 3)              | <u>          </u>           |
| ▪ Show Backflow Detector Check Assembly  | <u>          </u>           |
| ▪ If no fire system is proposed, please indicate on the plans  | <u>          </u>           |
| 11) Irrigation System  |                             |
| ▪ Calculate water need based upon system design  | <u>✓</u>                    |
| ▪ Show size and location of backflow preventor and water meter   | <u>✓</u>                    |
| ▪ If no irrigation system is proposed, please indicate on the plans  | <u>✓</u>                    |
| 12) Attach certification that water lines are not in, nor do they serve, structures built upon solid waste landfills | To be provided upon receipt |
| 13) City of Port Wentworth specifications and details used   | <u>✓</u>                    |
| 14) Proposed water/sewer agreement attached  | To be provided upon receipt |
| 15) Georgia Registered Professional Engineer stamp & signature   | <u>✓</u>                    |

### 3.5.3 Exhibit 1 - Wastewater Collection System Check List

Typical Wastewater System Plan shall include:

	<u>Check Off</u>
1) Layout and legend	<u>✓</u>
2) Exhibit 2 completed (load data)	<u>✓</u>
3) For effluents with process water, comply with the City's Pretreatment Ordinance.	<u>N/A</u>
4) Show sewer easement (if applicable)	<u>N/A</u>
5) Manholes numbered and placed at 350' (max.) spacing	<u>✓</u>
6) Manholes placed at line directional changes	<u>✓</u>
7) Manhole frame and invert elevations shown	<u>✓</u>
8) Invert elevations shown for all pipe inside manholes	<u>✓</u>
9) Minimum gradient of 0.4% used for 8" pipes	<u>✓</u>
10) Maximum height of 2' between invert of pipes and invert of discharge manholes	<u>✓</u>
11) Minimum angle of 90 degrees for influent lines	<u>✓</u>
12) All sanitary sewers profiled	<u>✓</u>
13) Oil/grease traps and details provided for service station and food service preparers	<u>N/A</u>
14) Grading, paving, drainage, erosion control plans attached	<u>✓</u>
15) Attach certification that water and/or sewer lines are not in, nor do they serve, structures built upon solid waste landfills	<u>To be provided upon receipt</u>
16) For pump station design:	
a. Attach design calculations with pump curves	<u>✓</u>
b. City of Port Wentworth pump station design standards used to prepare drawings, details and specifications	<u>✓</u>
17) City of Port Wentworth sewer specifications and details used	<u>✓</u>
18) Proposed water/sewer agreement attached	<u>To be provided upon receipt</u>
19) Georgia Registered Professional Engineer stamp and signature	<u>✓</u>

### 3.5.4 Exhibit 2 Equivalent Residential Unit (ERU) Calculations

The following is designed to compute the total number of equivalent residential units (ERU's), as well as, total water and sewer fees.

**PROJECT** NOBLE VINES PHASE 2 **DATE** 08/09/22  
**LOCATION** HWY 30, PORT WENTWORTH, GA

RESIDENTIAL USE: EQUIVALENT RESIDENTIAL UNITS (ERU)			
Total Number of Single Family Homes	@ 300 gpd	=	GP
Total Number of One Bedroom Apartments	@ 150 gpd	=	GP
Total Number of Two Bedroom Apartments	@ 200 gpd	=	GP
Total Number of Three Bedroom Apartments	60 @ 300 gpd	=	18,000 GP
(4 or more units per parcel)	TOTAL GPD 18,000		
	Divide by 300 gpd (1 ERU)		
	= TOTAL ERU's 60		
COMMERCIAL USE: GALLONS PER DAY (GPD)			
Offices	30 gallons/200 sq. ft.	=	GPD
Department Store/Retail	5 gallons/100 sq. ft.	=	GPD
Restaurant, Less Than 24 hr Operation	25 gallons/seat	=	GPD
Restaurant, 24 hr Operation	50 gallons/seat	=	GPD
Hotel/Motel	100 gallons per room	=	GPD
Schools/Day, Restrooms, gym &	25 gallons/person	=	GPD
Self Service Laundry	200 gallons/machine	=	GPD
Commercial Laundry	1000 gallons/machine	=	GPD
Physician's Office	100 gallons/exam room	=	GPD
Dental Office	150 gallons/chair	=	GPD
Clinic	150 gallons/exam room	=	GPD
Nursing Home	100 gallons/resident	=	GPD
Barber Shop/Beauty Parlor	100 gallons/chair	=	GPD
Banks	30 gallons/200 sq.ft.	=	GPD
Grocery Store	5 gallons/100 sq.ft.	=	GPD
Warehouse	10 gallons/1000 sq.ft.	=	GPD
Other		=	
	TOTAL GPD		
	= TOTAL ERU's		

Calculated by: NIKHIL DUGGIRALA Date: 08/09/22

For determination of sewer tap fees reference Port Wentworth Code of Ordinance Article III Section 21-63

For determination of water tap fees reference Port Wentworth Code of Ordinance Article I Section 21-11

For determination of fire protection tap fees reference Port Wentworth Code of Ordinance Article I Section 21-11



ESTD 1946



THOMAS &amp; HUTTON

50 PARK OF COMMERCE WAY  
SAVANNAH, GA 31405 | 912.234.5300  
THOMASANDHUTTON.COM

September 1, 2022

Ms. Melanie Ellis  
City of Port Wentworth  
7224 GA Highway 21  
Port Wentworth, GA 31407

Re: Noble Vines Phase 2  
Specific Development Plan Submittal  
J-28896.0003

Dear Ms. Ellis:

On behalf of our client, Claret Communities, LLC, please accept the following documents in support of the Specific Development Plan Submittal.

1. Site Plan Application
2. One (1) copy of the Project Narrative
3. One (1) copy of Nearby Property Information
4. One (1) copy of Recorded Plat
5. One (1) copy of Army Corp of Engineers Wetland JD
6. Three (3) full sized copies of site plan civil drawings
7. Fifteen (15) half-sized (11"x17") copies of site plan civil drawings
8. One (1) 8.5" x 11" copy of overall site plan
9. Two (2) copies of stormwater report
10. One (1) copy of the water report
11. One (1) copy of the pump station design considerations
12. \$886.00 check for site plan review fee

An electronic copy of the above documents has been e-mailed to your office.

We appreciate your time in reviewing this project. Please feel free to contact our office with any questions.

Sincerely,

THOMAS &amp; HUTTON

Nathan B. Long, PE

NBL/dc  
Enclosures

Attachment: Site Plan Review Noble Vines Ph 2 2023 - Application (2819 : Site Plan Review Application (Specific) 7-0976-02-027 Noble Vines Ph

CITY OF PORT WENTWORTH  
(912) 964-4379

REC#: 00368446 9/07/2022 9:55 AM  
OPER: KS TERM: 055  
REF#: 1052

TRAN: 112.0000 BLDG PERMIT  
220474 886.00CR  
CLARET COMMUNITIES, LLC  
7-0976-02-027  
DEV-SPR 886.00CR

TENDERED: 886.00 CHECK  
APPLIED: 886.00-

CHANGE: 0.00

WWW.CITYOFPORTWENTWORTH.COM

**Project Timeline**

Project Number: 220474

Project Name: Noble Vines Ph II

Applicant / Engineer: CLARET COMMUNITIES, LLC

Owner: CLARET COMMUNITIES, LLC

City Review Engineer: TR Long Engineering

- 09.01.22-APPLICATION RECEIVED-INCOMPLETE (NO JUMP DRIVE)
- 09.06.22-PDF SUBMITTAL LINK RECEIVED
- 09.06.22-COMplete APPLICATION
- 09.06.22- sent submittal to TR Long for review.
- 10.03.22 – sent email to TR Long for review update.
- 10.21.22 – received EPD review letter. Forwarded to TR Long
- 11.21.22 – received 1<sup>st</sup> review letter from TR Long. Forwarded to Kathryn Oppenheimer (T&H)
- 12.13.22 – received resubmittal from T&H. Forwarded to TR Long. [ME]
- 02.21.23 – Received concurrence letter from TR Long. Forwarded to T&H and let them know they would be put on the next available meeting date pending advertising requirements.
- 03.15.23 – Oliver Lee requested a meeting to run through the project approvals and what else is needed for ground breaking. Meeting set for 03.28.23 at 11:00 am.
- 03.20.23 – Email sent to Michael Lerque requesting layout of the final unit numbers. Address already assigned.
- 03.24.23 – Public Hearing notice letters mailed [M.E.]
- 03.26.23 – Public Hearing Notice published in the Savannah Morning News [ME]
- 04.10.23 – The Planning Commission voted unanimously to approve the application.



114 North Commerce Street  
Hinesville, Georgia 31313  
(912) 368-5664 Office  
(912) 368-7206 Fax



1000 Towne Center Blvd.  
Suite 304  
Pooler, Georgia 31322  
(912) 355-1046

February 21, 2023

Mr. Brian Harvey  
City of Port Wentworth  
7224 Georgia Highway 21  
Port Wentworth, Georgia 31407

Re: Site Development Plans of Noble Vines Phase 2  
Port Wentworth, Georgia

Dear Mr. Harvey:

T. R. Long Engineering, P.C. has reviewed the revisions to the construction plans for the above referenced project. These plans were prepared by Thomas & Hutton dated 8/12/2021 and revised 12/13/2022. The proposed plans generally meet the intent of the ordinances and guidelines governing construction in Port Wentworth.

Concurrence with the site plan by T. R. Long Engineering, P.C. and Port Wentworth does not relieve the owner/developer, designer, engineer, and contractor nor their representatives from their individual or collective responsibilities to comply with provisions of Local, State, and Federal regulations and/or ordinances. T. R. Long Engineering, P.C. and Port Wentworth's review of the submitted documents for completeness and general compliance with codes, ordinances and/or standards. No design liability can be assumed or assigned to T. R. Long Engineering, P.C. or Port Wentworth. All design liability remains with the professional engineer who signed and sealed those documents. Additionally, concurrence with the submitted documents and their intent is not to be construed as a check of every item submitted and does not prevent Port Wentworth from requiring corrections and/or addressing of omissions in the submitted documents and/or construction.

Should you have any questions, comments or need additional information please contact us.

Sincerely,

A handwritten signature in blue ink that reads 'Trent R. Long'.

Trent R. Long, P.E.



**City Council**  
 7224 GA Highway 21  
 Port Wentworth, GA 31407

**SUBMITTED**

Meeting: 04/27/23 07:00 PM  
 Department: Development Services  
 Category: Planning/Zoning Item  
 Prepared By: Melanie Ellis  
 Department Head: Brian Harvey

**AGENDA ITEM (ID # 2818)**

DOC ID: 2818

**Subdivision Application submitted by Jessica Vick, Roberts Civil Engineering, LLC., on behalf of Landmark 24 Homes of Savannah, LLC., for PIN # 7-0906-01-031(Miller Park Circle) located in a P-R-M (Planned Residential Multifamily) Zoning District for a Final Plat of a Major Subdivision (Rice Creek Tract C-1 Phase V) for the purpose of Single-Family Homes**

**Issue/Item:** Subdivision Application submitted by Jessica Vick, Roberts Civil Engineering, LLC., on behalf of Landmark 24 Homes of Savannah, LLC., for PIN # 7-0906-01-031(Miller Park Circle) located in a P-R-M (Planned Residential Multifamily) Zoning District for a Final Plat of a Major Subdivision (Rice Creek Tract C-1 Phase V) for the purpose of Single-Family Homes.

**Background:** This is the Final Plat Submittal for Rice Creek Tract C-1 Phase V. Phase V includes thirty-two (32) single-family lots on approximately 6.94 acres. The lots will be accessed off of Marsh Salt Lane and Sea Oats Drive. Phase V is served by City water and sanitary sewer utilities.

**Facts and Findings:** The construction of this phase complies with the City of Port Wentworth Development Standards, and all requirements of the Subdivision Ordinances have been met. The project area is in the Suburban character area according to the Port Wentworth 2021 - 2041 Comprehensive Plan. The project is located in Council District 1.

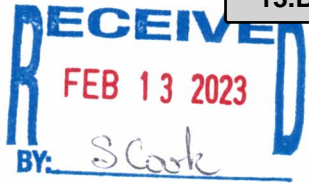
**Funding:** N/A

**Recommendation:** The Planning Commission will hear this application on Monday, April 10, 2023 at 3:30 P.M. / **UPDATE: THE PLANNING COMMISSION VOTED UNANIMOUSLY TO APPROVE THE APPLICATION.**

**ATTACHMENTS:**

- RICE CREEK PH V 7-0906-01-031 FINAL PLAT 2023-Application (PDF)
- RICE CREEK PH V 7-0906-01-031 FINAL PLAT 2023-Timeline (DOCX)

SUBDIVISION APPLICATION FORM  
FOR THE  
CITY OF PORT WENTWORTH



13.B.a

Application Form Required

This application form is to accompany all subdivisions submitted for Port Wentworth Planning Commission review and is to be filled out in its entirety. Plats/subdivisions not accompanied by this application will not be accepted for processing. All subdivisions with their completed applications must be received by the City of Port Wentworth at least 20 business days prior to the Planning Commission meeting at which they are to be considered. Revisions to a subdivision under review by the Port Wentworth Planning Commission must be received 10 business days prior to the Port Wentworth Planning Commission at which each subdivision is scheduled to be heard.

Subdivision Name: ~~Rice Creek Phase V~~ Rice Creek Tract C-1 Phase V

Location: 0 Miller Park Circle, Port Wentworth, GA 31407

Number of Lots: 32

Number of Acres: 5.86

PIN #: 70906 01031

Current Zoning: PUD-M

Type of Subdivision: (Check applicable blanks from each column)

- |    |  |    |   |
|----|--|----|---|
| A. | <input type="checkbox"/> Sketch Plan                 | B. | <input checked="" type="checkbox"/> Major Subdivision<br>(4 or more lots or a new road) |
|    | <input type="checkbox"/> Master Plan                 |    |   |
|    | <input type="checkbox"/> Preliminary Plat            |    | <input type="checkbox"/> Minor Subdivision<br>(3 or less lots & no new road)            |
|    | <input checked="" type="checkbox"/> Final Plat       |    |   |
|    | <input type="checkbox"/> Revision to a Recorded Plat |    |   |

Purpose of Subdivision:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Single-Family | <input type="checkbox"/> Industrial    |
| <input type="checkbox"/> Multi-Family             | <input type="checkbox"/> Institutional |
| <input type="checkbox"/> Retail                   | <input type="checkbox"/> Other         |
| <input type="checkbox"/> Other Business           | <input type="checkbox"/> Sign          |

Variances: (List all variances being requested)

None

Attachment: RICE CREEK PH V 7-0906-01-031 FINAL PLAT 2023-Application (2818 : Subdivision Application Rice Creek Tract C-1 Ph V Final

**Georgia DOT Review**

In all applications in which property being subdivided lies along a State Highway or access is needed from a State Highway, all applicants are required to submit a plat to the Georgia Department of Transportation for review. The subdivision application will not be considered by the Port Wentworth Planning Commission until the Georgia Department of Transportation has commented on the subdivision. The comments must accompany the application.

**Previous Submittal**

Has this tract of land being proposed for subdividing been submitted to the Port Wentworth Planning Commission under a different subdivision name?

Yes \_\_\_\_\_

No ☒ \_\_\_\_\_

If yes, what name? \_\_\_\_\_

Date Submitted: \_\_\_\_\_

PWPC File No: \_\_\_\_\_

**Number of Required Prints**

All submittals, regardless of type, shall include fifteen (15) prints. **Final Plats must include a copy of the plat scanned to a CD along with the fifteen (15) printed copies. Stamp must be in contrasting ink.**

**Statements as to Covenants/Deed Restrictions: (Check One)**

\_\_\_\_\_ A copy of all existing deed restrictions or subdivision covenants applicable to this property are attached.

☒ There are no added restrictions or subdivision covenants on this property.

**Contact Person (s): (Type or Print Legibly)**

**Engineer/Surveyor:** Roberts Civil Engineering - Jessica Vick, P.E.

**Address:** 6001 Chatham Center Dr., Suite 255 Savannah, GA

**Zip Code:** 31405

**Phone #:** 912-298-7006

**Fax #:** \_\_\_\_\_

**Owner:** Landmark 24 Homes of Savannah, LLC - Cole Chenowith

**Address:** 2702 Whatley Ave, Savannah, GA

**Zip Code:** 31404

**Phone #:** 912-925-3440

**Fax #:** \_\_\_\_\_

**Date of Submittal:** 02/08/2023

Attachment: RICE CREEK PH V 7-0906-01-031 FINAL PLAT 2023-Application (2818 : Subdivision Application Rice Creek Tract C-1 Ph V Final




Please list all property owners that are adjacent to the parcel to be subdivided including those across the public right-of-way:

Please see the attached list

### Certifications

1. I hereby certify that this proposed subdivision/plan does not violate any covenants or deed restrictions currently in effect for the property being subdivided.
2. I hereby certify that all taxes applicable to this property have been paid and that there are no delinquent taxes outstanding.
3. I hereby certify that I am the owner of the property being proposed for subdivision.
4. I hereby certify that all the information pertained in this application is true and correct.

DocuSigned by:  
  
 134762830A304D3  
 Signature of Owner

Comments: Place any pertinent comments you wish to make in the following space:

Submit this form along with the proposed subdivision and any accompanying information to:

CITY OF PORT WENTWORTH  
 7306 HIGHWAY 21, SUITE 301  
 PORT WENTWORTH, GEORGIA 31407

CITY OF PORT WENTWORTH  
(912) 964-4379

REC#: 00389256 2/15/2023 1:56 PM  
OPER: KS TERM: 055  
REF#: 001338

TRAN: 112.0000 BLDG PERMIT  
230083 1,921.00CR  
LANDMARK 24 HOMES OF SAVANNAH  
7-0906-01-031  
I-SUBDIV 1,921.00CR

TENDERED: 1,921.00 CHECK  
APPLIED: 1,921.00-

CHANGE: 0.00

WWW.CITYOFPORTWENTWORTH.COM

CITY OF PORT WENTWORTH  
(912) 964-4379

REC#: 00389258 2/15/2023 1:58 PM  
OPER: KS TERM: 055  
REF#: 1406

TRAN: 112.0000 BLDG PERMIT  
230083 50.00CR  
LANDMARK 24 HOMES OF SAVANNAH  
7-0906-01-031  
I-SUBDIV 50.00CR

TENDERED: 50.00 CHECK  
APPLIED: 50.00-

CHANGE: 0.00

WWW.CITYOFPORTWENTWORTH.COM



### Adjacent Property Owners Within 250 Feet of the Project Property Lines

OWNER NAME	ADDRESS	PIN #
RICE CREEK INVESTORS NO 2 LLC	15 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16008</a>
RICE CREEK INVESTORS NO 2 LLC	17 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16009</a>
RICE CREEK INVESTORS NO 2 LLC	38 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16030</a>
RICE CREEK INVESTORS NO 2 LLC	40 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16031</a>
RICE CREEK INVESTORS NO 2 LLC	42 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16032</a>
RICE CREEK INVESTORS NO 2 LLC	44 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16033</a>
RICE CREEK INVESTORS NO 2 LLC	46 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16034</a>
RICE CREEK INVESTORS NO 2 LLC	48 Marsh Salt Ln, PORT WENTWORTH, GA	<a href="#">70906C16035</a>
DONNA EDWARDS, TRUSTEE, OR HER SUCCESSOR	87 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11031</a>
KELLY BEULAH M.	92 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11051</a>
RICE CREEK INVESTORS NO 2 LLC	94 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11050</a>
HYMAN BRUCE MARTIN NATALIE JEAN	HYMAN 96 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11049</a>
FAMBLE WARREN & HUNTER TERADESHIA M	98 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11048</a>
GARDENHIRE CANTON	100 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11047</a>
PHILADELPHIA DENESHEA DANIELLE	102 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11046</a>
BLUNT, SR BERNARD E. & BLUNT CYNTHIA B.	104 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11045</a>
READY JAMECIA	106 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11044</a>
PATTEN ZACHARY AARON & PATTEN CRYSTAL MICHELLE	108 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11043</a>
JOHNSON JORDAN CHRISTOPHER & JOHNSON SARA EMILY	4 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C11024</a>
STARLING KENDRIC R.	6 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C11025</a>
BOPP JAMIE L & JAMIE LYNN *	7 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C10014</a>
DIXON VERONICA L	8 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C11026</a>
BOSTICK & BING ANTONIO & WHITNEY*	9 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C10015</a>
WARE PHILLIP	10 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C11027</a>
CAMPFIELD SAM II	11 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C10016</a>
LANDON JARVIS J	12 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C11028</a>
HERNDON JOHN HERNDON ANNA D.	13 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C10017</a>
TART JONATHAN LORENZO & FLOR M*	15 CORONEDO LANE, PORT WENTWORTH, GA	<a href="#">70906C10018</a>

RENE RONALD & RENE MARIE CLAUDE	89 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11032</a>
RAMOS JOSE E. & ALICEA-SOTO EDGARDO J.	91 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11033</a>
ANCRUM DERRICK T.	93 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11034</a>
GRAVES JENNIFER A.	95 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11035</a>
COOPER DOMONICK L.	97 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11036</a>
BRYANT JAMORI R.	99 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11037</a>
GRACE AUNDRELL	101 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11038</a>
SHELLMAN FELICIA	103 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11039</a>
RICHEY LOREAL TIERA	105 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11040</a>
LOPEZ JOMAR ACEVEDO	107 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11041</a>
HUBERT KRISTEN NICOLE* & HUBERT DANIEL P.	109 BURNT OAK RD, PORT WENTWORTH, GA	<a href="#">70906C11042</a>
RICE CREEK INVESTORS NO 7 LLC	0 Miller Park Circle, Port Wentworth, GA 31407	<a href="#">70906 01031</a>
ROBERTS-SMITH LOUKISHA M	15 HERITAGE RD, Port Wentworth, GA 31407	<a href="#">70906C15015</a>
BRISBON LASHAWN F	10 HERITAGE RD, Port Wentworth, GA 31407	<a href="#">70906C10004</a>
BROWN GLORIA G	12 HERITAGE RD, Port Wentworth, GA 31407	<a href="#">70906C10003</a>
BURNETT CYNTHIA R	14 HERITAGE RD, Port Wentworth, GA 31407	<a href="#">70906C10002</a>
DAVIS CONSWEULO	16 HERITAGE RD, Port Wentworth, GA 31407	<a href="#">70906C10001</a>
WALLACE & WALLACE-MILSON KENNETH & PHYLL	121 MILLER PARK CIR, PORT WENTWORTH, GA 31407	<a href="#">70906C09003</a>
SAMS DARNIKI AISHA & JAMES	123 MILLER PARK CIR, PORT WENTWORTH, GA 31407	<a href="#">70906C09004</a>
BAILEY DOUGLAS W. & BURGOA MELANIE F.	125 MILLER PARK CIR, PORT WENTWORTH, GA 31407	<a href="#">70906C09005</a>
SCOTT DENISE PINCKNEY	127 MILLER PARK CIR, PORT WENTWORTH, GA 31407	<a href="#">70906C09006</a>
BING PHILLIP REID	129 MILLER PARK CIR, PORT WENTWORTH, GA 31407	<a href="#">70906C09007</a>



**Project Timeline**

Project Number: 230083

Project Name: RICE CREEK PH V 7-0906-01-031 FINAL PLAT 2023

Applicant / Engineer: Roberts Civil Engineering

Owner: Landmark 24 Homes of Savannah

City Review Engineer: City Staff – Omar Senati

- 02/13/2023 – Application received: Incomplete(sc)
- 02/14/2023 – Email sent to Jessica Vick with missing items-(3) sets of Final Plat Plans & \$50 admin fee not included with application. (sc)
- 02/14/2023 – Email from Kennon Strowd acknowledging Plans & check to be delivered. (sc)
- 2/15/2023 – received plans and check [S.C.]
- 2/14/2023 – sent email to Omar that we needed plans reviewed. [S.C.]
- 2/22/2023 – sent email to Omar about when will review plans [M.E.]
- 3/1/2023 – sent email to Omar about when will review plans [M.E.]
- 3/13/2023 – Omar reviewed plans. [M.E.]
- 3/14/2023 – sent letter to Applicant for review notes. Picked up by Roberts Civil Engineering. [M.E.]
- 3/22/2023 – received resubmittal. Reviewed for completeness. [M.E.]
- 3/24/2023 – sent email to Savannah Kelly, Roberts Civil, stating we needed the original signed maintenance bonds and that this application would be scheduled for the April agendas. [M.E.]
- 3/24/2023 – Public Hearing notice letters mailed [M.E.]
- 3/26/2023 – Public Hearing notice published in the Savannah Morning News. [M.E.]
- 4/10/2023 – The Planning Commission voted unanimously to approve the application.



**City Council**  
7224 GA Highway 21  
Port Wentworth, GA 31407

**SUBMITTED**

Meeting: 04/27/23 07:00 PM  
Department: All  
Category: Ordinance  
Prepared By: Zahnay Smoak  
Department Head: Steve Davis

14.A

**AGENDA ITEM (ID # 2820)**

DOC ID: 2820

## **Alcohol Ordinance Re-Write- 1st Reading**

**Issue/Item:** The Port Wentworth alcohol ordinances have not been updated in many years and state law has changed over those years.

**Background:** Port Wentworth has 13,000 residents and is growing exponentially. The city currently has 5 package stores and there are numerous other outlets for beer and wine.

**Facts and Findings:** It has been determined that in addition to modernizing the ordinance to comply with state law that we needed to limit the number of package stores based on population.

**Funding:** N/A

**Recommendation:** Approve

### **ATTACHMENTS:**

- Alch Ord - 2.1 (DOCX)
- COPW - Ord - Alch Ord (DOCX)



## Chapter 3 ALCOHOLIC BEVERAGES<sup>1</sup>

### ARTICLE I – GENERAL

#### Sec. 3-1. 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.

*Auditorium* means a permanent building or hall used for concerts, speakers, plays and similar activities and that has a seating capacity in excess of 50 seats.

*Beer* or *malt beverage* 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 does not include sake, known as Japanese rice wine.

*Brewery* means an establishment where malt beverages are manufactured or brewed.

*Brewery, micro* means any brewery designed to accommodate the processing of fewer than 5,000 barrels of beer or ale within any consecutive 12-month period.

*Brewpub* means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. The term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

*Church* means a permanent building specifically constructed for the purpose of persons regularly assembling for religious worship.

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<sup>1</sup>State law reference(s)—Use of proceeds of alcoholic beverage tax for prevention, education and treatment, Ga. Const. art. 3, sec. 9, par. 6; Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.; furnishing to, purchase of or possession by persons under 21 years of age; use of false identification, O.C.G.A. § 3-3-23; 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; treatment of alcoholics and intoxicated persons, O.C.G.A. § 37-8-1 et seq.; driving under the influence of alcohol or drugs, O.C.G.A. § 40-6-391.

*City* means the City of Port Wentworth, Georgia.

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

*Eating establishment* means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

*Election day* means that period of time beginning with the opening of the polls and ending with closing of the polls for any election.

*Government center* means a building owned or leased by and operated by the state or the county or the city and which contains a lobby or atrium area or other room which is used for group functions. If a license is issued for premises within a government center, a government official or employee shall be the named licensee.

*Hotel* means a building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent or residential, in which 50 or more rooms are used for the sleeping accommodations of these guests, and having one or more public dining rooms, with an adequate and sanitary kitchen and seating capacity of at least 50 where meals are regularly served to those guests, the sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out in this definition for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of being granted franchises for the operation of a lounge, restaurant or nightclub in their premises and the holder of the franchise shall be included in the definition of hotel.

*License* means the authorization granted by the city to engage in the sale or distribution of alcoholic beverages.

*Licensee* means a person holding any class of license issued under this chapter.

*Lounge* means a separate room connected with a part of, and adjacent to, a restaurant or located in a hotel with all booths, stools, and tables being unobstructed and open to view. A lounge that is operated on a different floor in the premises or in a separate building or that is not connected to or adjacent to a restaurant shall be considered a separate establishment and an additional license fee shall be paid therefore.

*Malt beverage* 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 six percent alcohol by volume and including ale, porter, brow, stout, lager, small and strong beers. The term does not include sake, known as Japanese rice wine.

*Manufacturer* means any maker, producer or bottler of an alcoholic beverage. The term also means:

- (1) For distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits;
- (2) For malt beverages, any brewer; and
- (3) For wine, any vintner.

*Minor* means a person less than 21 years of age.

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

*Package store* means an establishment engaged in the retail sale of packaged alcoholic beverages, such as ale, beer and wine for consumption off the premises and at which on-premises consumption is specifically prohibited, as distinct from a bar, restaurant or similar establishment which is licensed for the sale of alcoholic beverages of any type by the drink and/or for consumption on the premises.

*Person* means an individual or individuals, a partnership or partnerships, a limited partnership, a limited liability company or companies, a corporation or corporations an association or associations or any combination thereof.

*Premises* means the definite closed or partitioned-in locality, whether room, shop, tasting room, or building, wherein alcoholic beverages are sold or consumed. Premises also includes any area or patio immediately adjacent to the main licensed facility and located on property owned or leased by such licensee.

*Private club* means a corporation chartered, organized and existing under the laws of the state, exempt from federal income taxes pursuant to Ordinance 501 (c) of the Internal Revenue Code, as amended, actively and continuously in operation within the city as a nonprofit corporation for at least one year immediately prior to the application for a license under this chapter and during which time such corporation shall have had continuously not less than 50 members whose names, current addresses, and current telephone numbers shall have been kept listed on the club premises, which members shall have regularly paid quarterly, semiannual or annual dues. The nonprofit corporation shall be operated exclusively for pleasure, recreation, and other non-profitable purposes, and no part of the net earnings of the corporation shall inure to the benefit of any member, director, or officer. No member, director, officer, agent, or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the sale of distilled spirits by or to the club or its members or guests, except such salary as may be fixed by its members at any annual meeting or by its governing board out of the general revenue of the club.

*Restaurant* means any public place kept, used maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served, at least one meal per day for six days each calendar week, with the exception of holidays, vacations, and periods of redecorating, without sleeping accommodations, the place being provided with adequate and sanitary kitchen, adequate sanitary restroom facilities, dining room equipment and seating capacity of at least 50 people, having employed therein a sufficient number and kind of employee to prepare, cook and serve suitable food for its guests. The preparations and serving of these meals shall be the principal business conducted, with the serving of alcoholic beverages to

be consumed on the premises constituting not more than 50 percent of the gross sales thereof in any one quarter of a calendar year.

*Resort facility* means a golf course or golf course facility and restaurant operated in connection therewith, and shall include any hotel and restaurant facility operated in connection with such golf course facility.

*Retailer or retail dealer* means any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale.

*Sale* means selling or offering for sale any alcoholic beverages to any member of the public.

*School* means only such state, county, city, church, or other schools as teach the subjects commonly taught in the common schools of this state and does not include private schools where only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

*Sports facility* means premises operated exclusively for the purpose of providing professional sporting events, such as professional football, auto racing, or similar athletic or amusement events for attendance by the public.

*Tasting room* means an outlet operated by a winery for the promotion of a winery's wine by providing complimentary samples of such wine to the public and for the retail sale of such wine.

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

*Wine or vinous liquors* 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 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 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 that point in the manufacturing process when it conforms to the definition of wine contained in this section.

*Winery* means a manufacturer of wine.

### **Sec. 3-2. Compliance assumed for existing licenses.**

All licensees holding a valid license for the manufacture or sale of alcoholic beverages issued by the city at the time of the enactment of this chapter shall be deemed to have complied with all requirements as to application and issuance of licenses under this chapter. The licensees shall, however, meet all other requirements as to regulation and control as set forth in this chapter. The city hereby ratifies its issuance of existing licenses pursuant to this chapter.



**Sec. 3-3. Days, hours of sale.**

No licensee shall sell, give away or otherwise dispense alcoholic beverages by the drink or package sale between the hours of 2:00 a.m. Sunday and 6:00 a.m. Monday, and between the hours of 2:00 a.m. and 6:00 a.m. on other days, and shall not permit their places of business to be opened for the sale of malt beverages on Sunday, Christmas Day, and any other day prohibited by state law.

Notwithstanding the foregoing, the package sales of malt beverages, wine and distilled spirits shall be permitted on Sundays between the hours of 12:30 p.m. and 11:30 p.m., and the retail sales of alcoholic beverages for consumption on the premises shall be allowed between the hours of 11:00 a.m. Sunday and 12:00 a.m. Monday.

**Sec. 3-4. Sale on election days.**

Pursuant to O.C.G.A. § 3-3-20(b), the sale of alcoholic beverages on election days is authorized.

Sections 3-5 through 3-10 - RESERVED

**ARTICLE II – ALCOHOLIC LICENSES****Sec. 3-11. Duration of license.**

All licenses issued pursuant to this chapter shall be valid only so long as the licensee is actively engaged in such business and if the licensee ceases to be actively engaged in such business his license shall be invalid and the licensee shall immediately notify the city clerk and return his license to the city clerk.

**Sec. 3-12. Term of license.**

No license for retail sales of alcoholic beverages for consumption on the premises shall be issued to expire sooner than at 11:59 p.m. on December 31 of year in which it was issued. In case of the revocation or surrender of the license before expiration of the calendar year period, the holder shall not be entitled to receive any refund of any fees or taxes whatsoever.

**Sec. 3-13. Expiration of license.**

All licenses issued under the provisions of this chapter shall expire at 11:59 p.m. December 31 of the year in which issued.

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**Sec. 3-14. License required.**

- (a) All applications for alcoholic beverage licenses shall, at a minimum, include the following: The name of the business, the address of the business, telephone contact information for the business, the applicant's Social Security number or tax identification number. The application shall contain all such other information as provided by this chapter. The information contained on the application shall be used only for the purposes of determining whether to grant the application or to assist the city in enforcement of the requirements of this chapter or in the collection of any delinquent occupational taxes, license fees, or other taxes or charges imposed by this chapter or by other provisions of this Code. If the applicant refuses to supply the required information, the city clerk, or their designee, may reject the application.
- (b) No tasting room shall be operated except under a license granted as provided in this chapter. The applicant for a tasting room license must be a winery and must meet all legal requirements contained in this chapter for the sale of wine by the package and for the sale of wine by the drink. A tasting room license shall allow the license holder to sell wine by the package and to give or sell wine samples at one location. No other license shall be required for the tasting room location pursuant to this chapter. Tasting room licensees are subject to all laws, rules and regulations of the state and are subject to license revocation for violation thereof.
- (c) No licensee shall be authorized to operate a business until the license has been paid for in cash or the equivalent and the license delivered to the licensee by the city clerk, or their designee.

**Sec. 3-15. Separate licenses required for package sales and sales for on-premises consumption.**

Licensees for the sale of alcoholic beverages by the drink shall not permit the sale of alcoholic beverages by the bottle or package. Provided however that licensees for the sale of alcoholic beverages by the drink shall have the right to sell wines, champagnes or malt beverages to the public by the bottle or package for consumption on the premises without the issuance of a separate retail license therefore.

**Sec. 3-16. Transfer of license.**

No alcoholic beverage license shall be transferred from one person to another during the year in which the license was obtained, except in the case of death of the person holding a license, in which event his executor or administrator may continue to operate under the license for six months from the date of his qualification.

### **Sec. 3-17. Operation by new owner under prior license.**

Upon the sale of any licensed business hereunder, the new owner may operate the business under the old license under this chapter until either the expiration of 60 days after the business's sale or until a new application is granted or refused under this chapter, whichever shall first occur.

### **Sec. 3-18. License categories.**

- (a) The alcoholic beverage licenses which may be issued under this chapter are:
  - (1) Wholesaler.
  - (2) Retail package sales of wine and/or malt beverages.
  - (3) Retail sales of wine and malt beverages and distilled spirits for consumption on the premises.
  - (4) Manufacturer.
  - (5) Wine importer.
  - (6) Caterer.
  - (7) Special event.
  - (8) Retail sales of distilled spirits by the package.
- (b) A separate application is required for each license category enumerated in subsection (a) of this section. Each application will be acted upon separately pursuant to this ordinance.
- (c) A license for retail sales of alcoholic beverages for consumption on the premises shall be issued only to applicants that meet the requirements of this chapter for a hotel, restaurant, private club or other specific activities outlined in this chapter.

### **Sec. 3-19. Fees.**

License fees for each category of license specified in this ordinance shall be as follows:

Distilled spirits consumption on premises within the Central Business District \$1,500.00

Distilled spirits consumption on premises outside the Central Business District 4,000.00

Distilled spirits wholesale 2,000.00

Distilled spirits manufacturer 4,000.00

Distilled spirits by the package retail 5,000.00

Malt beverage package retail 500.00

Malt beverage consumption on premises 500.00

Malt beverage wholesale 250.00

Malt beverage manufacturer 750.00

Wine package retail 500.00

Wine consumption on premises 300.00

Wine wholesale 250.00

Wine manufacturer 250.00

Wine Importer 200.00

At the time of application for any license, the applicant shall provide a payment of \$50.00 as a non-refundable application fee in addition to the applicable license fees.

The event permit fee for alcoholic beverage caterers for beer and wine shall be \$30.00 and for distilled spirits it shall be \$50.00.

Special event permit fee is \$50.00 per day up to a maximum of \$2,000.00.

Notwithstanding the fees scheduled hereinabove, it is provided that the licensed fee for a distilled spirits consumption on the premises during the first year of operation of a licensed business shall be reduced to \$2,000.00. It is further provided that any licensee obtaining an alcoholic beverage license prior to July 1 of the year shall pay the full annual license fee due, but any licensee obtaining an alcoholic beverage license on or after July 1 of the year shall pay only one-half the required annual fee.

### **Sec. 3-20. Catered function.**

- (a) An authorized catered function is an event at which an alcoholic beverage caterer sells and or serves alcoholic beverages and a meal is served.
- (b) No single person, group, association, corporation, company, partnership, limited liability corporation or partnership, or any other entity shall hold more than six authorized catered functions per year.
- (c) No authorized catered function shall take place on the premises of any alcoholic beverage licensee who is not also the caterer for the function.

### **Sec. 3-21. Knowledge, publication of article; responsibility of licensee.**

The holder of any license under this article shall have available in his place of business at all times the current copy of this article and shall be responsible for compliance with this article by all persons on the premises.

Sections 3-22 through 3-30 - RESERVED

## **ARTICLE III – ALCOHOLIC LICENSE APPLICATION**



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**Sec. 3-31. Application procedure.**

- (a) *General.* The applicant for a license under this chapter shall make a written application under oath on the form as provided by the city clerk or his/her designated representative. Such application shall be a public record and open to public inspection by any citizen at a reasonable time and place.
- (b) *Application fee.* The applicant shall, upon turning in his complete application to the city clerk or his/her designated representative.
- (c) *Corporation-stockholders.* All applicants who are corporations having ten or less stockholders shall list the names and addresses of all stockholders and the percentage of stock owned by each on the application form. If a named stockholder therein is another corporation, the same information shall be given for the stockholding corporation. If during the life of the license the identity of the stockholders or their percentages of ownership should change, that information shall be sent to the city clerk or his/her designated representative for processing.
- (d) *Corporate agents.* All corporate applicants, without regard to the number of stockholders, shall list the names and addresses of the officers of the corporation. In addition thereto, they shall name an agent and address of the agent, who shall be the individual who does in fact have regular, managerial and supervisory authority over the business conducted on the licensed premises. In addition, the manager shall be an agent for service for the corporation in addition to all other methods allowed for serving a corporation by the laws of Georgia. Any person who has been an agent/manager of a corporation whose license has been revoked is ineligible to act as an agent/manager for any corporate licensee thereafter.
- (e) *Documents.* The following documents shall be attached to each application:
  - (1) Evidence of ownership of the premises where the proposed business is to be located or a copy of the lease if the applicant is leasing the building or premises.
  - (2) A certified or cashier's check payable to the city for the proper amount of the license fee. If the license is refused, the amount of the check shall be refunded to the applicant.
  - (3) All applications shall include a certificate from a registered surveyor showing a scale drawing of the location of the proposed or existing premises and the distance, measured in a straight line, from the proposed or existing front entrance of the proposed or existing premises to the front entrance of the buildings of the nearest alcoholic treatment centers or churches or to the nearest property line of the real property of a school building, educational building, school grounds, college campus or residentially zoned property or certifying that the proposed location complies with the location requirements of this chapter and state law.
  - (4) A copy of an advertisement to be run in the Port Wentworth News one time stating the purpose of the application, the location of the business and the owner or owners of the business together with an affidavit by the applicant stating the date when this advertisement has or will run in such newspaper.
- (f) *Investigation.* The city clerk or his/her designated representative shall submit the application within two business days after filing to the police department. The police department shall make an arrest and conviction investigation concerning any applicants hereunder if

individuals and the officers and the designated agent or manager if applicant is a corporation and shall submit the results of the investigation to the city clerk within seven days of submission.

- (g) *Offenses.* Any person making a false statement in any application for a license, or statement in connection with renewal thereof, shall be guilty of an offense and punished as provided by state law relating to false swearing, and further, a license, if previously granted or renewed, may be revoked for the violation. It shall be an offense for any person to give other than the true and correct legal name of the intended licensee, and a conviction for a violation thereof shall be punished as provided by this Code, and in his discretion, the judge of the municipal court may revoke, suspend or probate any license for such violation and the administrative hearing officer may revoke, suspend, or probate any license for such violation.
- (h) *Duration/renewal.* All licenses are issued only on a calendar year basis and shall come up for renewal each year following issuance. All licensees under this chapter shall expire on December 31 of each calendar year in which it was issued. All fees shall be tendered with the application.
  - (1) Each licensee shall make a written application for renewal by November 15 of each year following issuance. Each licensee shall swear to the truthfulness of such information that is the same as the prior application and shall set forth facts which are different from the prior year's application.
  - (2) All applications for renewal of licenses for the ensuing year shall be treated as applications for new licenses, except that they need not be advertised nor, except to the extent of any change in ownership or interested parties, an investigation conducted by the chief of police.
  - (3) All such reapplications shall be administratively acted on by the City Manager, or their designee.
- (i) *Penalty for filing renewal application and license fee payment after November 15.* There shall be a penalty fee charged for filing alcoholic beverage renewal application and license fee payment after November 15 of \$50.00. If an alcoholic beverage license renewal application and license fee has not been filed with the city clerk's office by December 15, the license shall be declared to be abandoned and any re-licensing shall require a new application.

### **Sec. 3-32. Qualifications for applicants.**

All applicants for licenses under this chapter must attach to their application evidence of their good character. No license, whether original or renewal, shall be issued to any person organized for pecuniary gain where any individual having an interest either as owner, partner, general or limited, stockholder, directly or indirectly, beneficial or absolute, or the spouse of any individual with any interest as set forth in this section, shall have been convicted or shall have taken a plea of nolo contendere within ten years immediately prior to the filing of the application for any felony or misdemeanor of any state of the United States or any municipal ordinance except traffic violations. A conviction or a plea of nolo contendere to the offense of driving an

automobile while under the influence of intoxicating liquor or drugs shall not be considered an excepted traffic violation.

### **Sec. 3-33. Investigation of application.**

- (a) Applicants, by filing for a license agree to furnish the date, information and records required by this article and also agree to submit under oath to interrogation by the city manager, city attorney, and/or city council as to any facts considered pertinent to the application. Applicants, by filing the application, also agree to produce for oral interrogation by the city manager, city attorney, and/or city council, any person requested by the city manager and/or city council, as being important in the ascertainment of the facts relative to the granting of the license. Failure to furnish this date, information and records or failure to produce these persons within 30 days from the date of the request by the city shall automatically serve to dismiss with prejudice the application of the applicant failing to furnish the date, information and records or failing to produce these persons.

All applications for new licenses, and applications for renewals thereof, shall be investigated by the designee of the city clerk, and no new or renewal license shall be acted upon by the city council or city manager or issued by the city clerk until the designee has indicated in writing that in his opinion no violation exists upon the facts as stated and ascertained by such investigation as to any ordinance or law in effect as of the date of the rendering of the opinion.

- (b) All applicants for new licenses or for transfers of locations shall be passed upon by the city council and its action shall be taken within 60 days from the date of the filing of the application.
- (c) Any change in any relationship declared in an application, pertaining to the application's contents, which requires investigation by the city manager or city council prior to the issuance of a renewal license, shall be considered upon within 60 days from the date of filing of the changes.

### **Sec. 3-34. Public hearing on application.**

All applications for licenses shall be acted upon by the city council after a public hearing and advertisement in at least one issue of the legal organ of the city, which notice shall contain a particular description of the location of the proposed business and shall give the name of the applicant; and, if a partnership, the names of all the partners, both general and limited; and, if a corporation, the names of the officers and board of directors. The advertisement referred to in this section shall be a type not smaller than ten point capital and lower case and shall be at least a one-inch, two-column advertisement.

### **Sec. 3-35. Issuance of license.**

- (a) All licenses must be obtained and license fees and occupational taxes must be paid at the time the completed application is submitted to the city clerk. If the application is denied by

the mayor and council, all application fees will be returned to the applicant except the administrative fee.

- (b) When a license has been approved by the mayor and council, a license will be issued to the applicant.

**Sec. 3-36. Consideration of, action on application by council.**

- (a) Upon completion of the application for a license under the provisions of this article, the printing of the notice in the newspaper, and the completion of the character investigation by the chief of police, the city clerk shall submit the application to the city council at its next regularly scheduled meeting and shall notify the applicant of the date, time, and place of the meeting.
- (b) Before the city council shall deny any application or the city manager shall deny any reapplication for a license, or the city shall revoke or suspend any existing license, the applicant or licensee, as the case may be, shall be given notice in writing by the mayor or the city clerk to show cause before the city council or city manager at a time and place specified and being not less than three days nor more than ten days from the date of service of the notice, why the application or reapplication for license should not be denied, or why the license should not be revoked or suspended, as the case may be. This notice shall set forth any objections to the application or reapplication and any possible grounds on which a denial of the application or reapplication or a revocation or a suspension of the license may be based as well as the names of any witnesses to be called in support of the denial or revocation. At the appointed time and place the applicant or licensee shall have an opportunity to present evidence, call witnesses, cross-examine witnesses, make statements and otherwise show cause, if any exists, why the application or reapplication should not be denied or why the license should not be revoked or suspended.
- (c) After this hearing and based upon the evidence presented at this hearing, the city council or city manager shall take such action as it, in its judgment and discretion, shall deem warranted under the facts, the hearing herein provided for need not be at a regular meeting of the city council but may be at such time and place as shall be fixed in the above described notice.
- (d) The city council or city manager shall have the right to suspend any malt beverage or wine license pending the hearing provided for in this section where in the judgment of the city council or city manager, such action is necessary to protect the public health, safety, welfare or morals of the community. Any such suspension shall not exceed ten days unless the licensee requests a continuance of the hearing before the city council or city manager on which case the suspension will stay in effect until the time of the hearing.

**Sec. 3-37. Zoning requirements for license location.**

No license for retail sales of any alcoholic beverage for consumption on the premises shall be issued within the areas described in this article unless the location has been zoned Commercial the zoning rules and regulations of the city.



Sections 3-38 through 3-40 - RESERVED

## ARTICLE IV – EXCISE TAX

### Sec. 3-41. Excise tax.

- (a) *Per liter of distilled spirits.* There is hereby levied an excise tax computed at the rate of \$0.22 per liter which shall be paid to the city on all distilled spirits sold for consumption on the premises in the city. Such tax shall be paid to the governing authority by the wholesale distributor on all distilled spirits sold to licensees for the sale of distilled spirits for consumption on the premises in the city as follows:
- (1) Each wholesaler selling, shipping, or in any way delivering distilled spirits to any licensee hereunder, shall collect the excise tax at the time of delivery and shall remit the same together with a summary of all deliveries to each licensee on or before the 20<sup>th</sup> day of the month following. The \$0.22 per liter shall be prorated so that all containers of distilled spirits shall be taxed on the basis of \$0.22 per liter.
  - (2) It shall be unlawful and a violation of this section for any wholesaler to sell, ship, or deliver in any manner any distilled spirits to a retail consumption dealer without collecting said tax.
  - (3) It shall be unlawful and a violation of this Section for any retail consumption dealer to possess, own, hold, store, display, or sell any distilled spirits on which such tax has not been paid.
  - (4) Each wholesaler shall be paid three percent of the amount of taxes collected as reimbursement for collection of said tax.
- (b) *Distilled spirits by the drink.* In addition to the excise tax required in subsection (a) of this section, a tax on the retail purchase of distilled spirits by the drink is hereby levied, to be collected at the rates and in the manner hereinafter set forth.
- (1) Every purchaser of distilled spirits by the drink shall be liable for a tax thereon at the rate of three percent of the retail price or charge for such drink. Such taxes shall be collected by the licensee hereunder and such licensee shall remit the same to the city on or before the 20<sup>th</sup> day of the succeeding month along with a summary of the licensee's gross sales derived from the sale of distilled spirits by the drink excluding malt beverages and wine. Gross sales shall include all credit sales and shall be reported and taxes collected thereon shall be submitted to the city to the same extent as required for cash sales.
  - (2) Each licensee shall be allowed a deduction equal to that rate authorized from deduction from state tax under the "Georgia Retailer's and Consumer's Sales and Use Tax Act", as now written or hereafter amended (O.C.G.A. § 48-8-1, et seq.); provided that said tax is not delinquent at the time of payment. It shall be the duty of every licensee required to make a report and pay any tax levied hereunder to keep such records, receipts,

invoices and such other books or accounts may be necessary to determine the amount of tax due; and it shall be the duty of every licensee to keep and preserve such records for a period of three years, which shall be made available on request for inspection by any duly authorized representative of the city.

- (c) *Malt beverages.* There is hereby levied and imposed upon each wholesaler selling malt beverages within the city an excise tax as follows:
  - (1) Where malt beverages, commonly know as tap or draft beer, are sold in or from a barrel or bulk container, a tax of \$6.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons.
  - (2) Where malt beverages are sold in bottles, cans, or other containers, except barrel or bulk containers, a tax of \$0.05 per 12 ounce and a proportionate tax at the same rate on all fractional parts of 12 ounces.
- (d) *Wines.*
  - (1) It is hereby levied and imposed upon each wholesale dealer selling wine within the city an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.
  - (2) Wines produced by a wine manufacturer and sold at retail by the package or for consumption on the premises of the manufacturer shall have levied thereon an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.
  - (3) Notwithstanding anything to the contrary which may be contained herein:
    - a. No excise tax is levied hereunder upon bulk wine purchased by a wine manufacturer and used for blending purposes or blended, bottled, and sold other than at retail by a wine manufacturer.
    - b. No excise tax is levied hereunder on wine produced by a wine manufacturer and sold by such manufacturer to persons outside of the city for resale or consumption outside of the city.
    - c. No excise tax is levied hereunder on wine produced by a wine manufacturer and distributed by such manufacturer as samples in its tasting room on the premises of the winery.
  - (4) There is hereby levied and imposed upon each wholesale dealer selling wine within the city to a facility other than a winery facility, including a tasting room, or a resort facility, an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.
- (e) *Collection of excise tax.* Unless otherwise authorized by the mayor and city council, alcoholic beverage excise taxes shall be calculated monthly, and such taxes for a particular month shall be paid to the city on or before the 20<sup>th</sup> day after the close of such month.
- (f) *Reporting excise tax.* A summary of sales by each licensee shall be furnished to the city clerk with each monthly payment. Any misstatement or concealment of fact in reports or

applications shall be grounds for revocation of the license issued and shall make the applicant or licensee liable to prosecution for perjury under the laws of the State of Georgia.

- (g) *Distilled spirits by the package.* It is hereby levied and imposed upon each retail dealer selling distilled spirits by the package within the city an excise tax in the amount of \$0.22 per liter and a proportionate tax at like rates on all fractional parts of a liter.

#### **Sec. 3-42. Determination if no return made.**

- (a) If any licensee fails to make a return for the tax levied under this chapter, the city clerk shall make an estimate of the amount of the gross receipts of the licensee or as the case may be, of the amount of the total sales in this city which are subject to the tax. The estimate shall be made for the period in respect to which the licensee failed to make the return and shall be based upon any information which is or may come into the possession of the city clerk. Upon the basis of this estimate, the city clerk shall compute and determine the amount required to be paid, adding to the sum thus determined a penalty equal to 15 percent thereof. One or more determinations may be made for one or for more than one period.
- (b) In making a determination, the city clerk may offset overpayments from a period or penalties against the interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) of this subsection.
- (c) The amount of the determination, exclusive of penalties, shall bear interest at the rate set forth in this code from the 20th day after the close of the monthly period for which the amount or any portion thereof have been returned, until the date of payment.
- (d) If the failure of any person to file a return is due to fraud or an intent to evade this subsection or rules and regulations, a penalty of 25 percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the 15 percent penalty.
- (e) Promptly after making a determination, the city clerk shall give to the person, written notice to be served personally or by mail.

#### **Sec. 3-43. Collection of unpaid tax.**

- (a) At any time within three years after any tax levied under this chapter or any amount of tax required to be collected under this chapter becomes due and payable and at any time within three years after the delinquency of any tax or any amount of tax required to be collected, the city may bring an action in the courts of this state or any other state or of the United States in the name of the city to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.
- (b) If any licensee liable for any amount under this chapter sells or terminates the business, the licensee's successor or assigns shall withhold sufficient funds from the purchase price to cover such amount until the former owner produces a receipt from the city clerk, showing that the amount has been paid or a certificate stating that no amount is due.

- (c) If the purchaser of a business fails to withhold from the purchase price as required, the purchaser becomes personally liable for the payment of the amount required to be withheld by the purchaser to the extent of the purchase price, valued in money. Within 30 days after receiving a written request from the purchaser for a certificate, the city clerk shall either issue the certificate or mail notice to the purchaser at the purchaser's address as it appears on the records of the amount that must be paid as condition of issuing the certificate. The time within which the obligation of a successor may be enforced shall start to run at the time the operator sells the business or at the time that the determination against the operator becomes final, whichever event shall last occur.

Sections 3-44 through 3-50 - ESERVED

## **ARTICLE V – ESTABLISHMENTS**

### **Sec. 3-51. Inspection of establishments.**

Sworn officers of the city police department and other authorized city employees 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 this chapter.

### **Sec. 3-52. Inspection of premises.**

Licensed premises operated under this article shall be open to inspection by authorized personnel of the city at any and all times.

### **Sec. 3-53. Sale or delivery to unlicensed premises; removal of beverages from premises.**

- (a) It shall be unlawful for any licensee to make deliveries of any alcoholic beverage by the package beyond the boundaries of the premises covered by the license.
- (b) It shall be unlawful for any licensee to make or allow the sale or delivery of any alcoholic beverage by the drink to any area other than the premises covered by the license, private, meeting, and dining rooms located on the premises covered by the license and the designated rooms of any guest in a hotel or motel covered by the license.
- (c) It shall also be unlawful for any person to remove any alcoholic beverage served by the drink to any area beyond the licensed premises.



### **Sec. 3-54. Misrepresentation of alcoholic beverage contents.**

It shall be unlawful for licensee or their agents to add to the contents of a bottle or to refill empty bottles or in any other manner to misrepresent the quantity, quality, or brand name of any alcoholic beverage.

### **Sec. 3-55. Advertisement of sale of alcoholic beverages.**

- (a) Licensee shall not display any signs of any kind, painted or electric, advertising directly or indirectly the sale of alcoholic beverages other than in the principal building for which the license is issued, and such signs displayed within the principal building shall not be displayed on the outside or inside of the front window or wall within view of the passing general public from the sidewalk or street.
- (b) No plaque or sign of any kind which is visible from the exterior of the principal licensed building shall make reference to the price of any alcoholic beverage.
- (c) Notwithstanding the foregoing, no trade name, corporate name or name of a business shall be allowed to use the work "beer" or "liquor" or "beer and liquor" in such name.

### **Sec. 3-56. Location restrictions.**

- (a) *Wholesale and retail package sales of wine and malt beverages.* No license to sell malt beverages or wine for package sales shall be issued by the city council to or for:
  - (1) A location at which the operation of the proposed business would be in violation of the zoning ordinance of the city.
  - (2) A location within 100 yards of any school, college, public park, or church provided such distances shall be measured from the property line of the business premises along the most direct route of travel to the property line of school, college, park, or church at the point where the property lines are nearest each other.
  - (3) Brewery retail sales. A brewery shall be allowed to make retail package sales of malt beverages manufactured at the brewery to consumers but shall sell no more than 288 fluid ounces of packaged malt beverages to a consumer during a 24-hour period.
- (b) Alcoholic beverage consumption on the premises.
  - (1) The distance set out in this section shall be measured in a straight line from the property line of the business premises to the property line of the resident, church or school.
  - (2) No license for retail sales alcoholic beverages for consumption on the premises shall be issued to any retailer under this article where any point of the real property upon which the business of the applicant is to be located is within 150 yards of any point of the property upon which any church, school or public park is located or operated.
  - (3) The schools referred to in this section shall include only such state, county, city, church or other schools as teach the subjects commonly taught in the common schools of this

state, and shall not include private schools or colleges wherein only specialized subjects such as law, stenography, business, music, art, medicine, dentistry, vocational occupations and other special subjects are taught.

- (4) A license for retail sales of alcoholic beverages for consumption on the premises shall be issued only to the applicants that meet the requirements of this article for a hotel, motel, restaurant, private club or for other specific activities outlined in this article.
- (5) The provisions of this subsection shall not apply as to the consumption of alcohol by the drink on premises only within the downtown development area as established by the city council from time to time so that within the said downtown development area there shall be no distance requirements from churches, schools and colleges and public parks as to the consumption of alcohol by the drink on the premises only.
- (6) No alcoholic beverages shall be sold or offered for sale in violation of O.C.G.A. § 3-3-21; provided, however, that the provisions of this section shall not apply as to the consumption of alcohol by the drink on premises within the central business district as established by the city council from time to time, so that within the said central business district area there shall be no distance requirements as to the consumption of alcohol by the drink on the premises as set forth in this section.
- (c) A private residence, for the purpose of this section is defined as a house or dwelling wherein not less than one nor more than two families reside and shall not include an apartment house having facilities for housing more than two families, nor a boarding or rooming house where there are five or more boarders or roomers. Any building occupied as a residence located within an area zoned for business shall not be construed as a private residence.
- (d) No license for retail sales of alcoholic beverages for consumption on the premises shall be issued to any location which is within 150 feet of any private residence, that distance to be measured from the nearest point of the property line of the proposed business to the nearest point of the residential building except in the central business district where there is no distance restriction.
- (e) No license to sell alcoholic beverages shall be issued by the city for a location at which the operation of the proposed business would be in violation of the zoning ordinance of the city.

### **Sec. 3-57. Examination of books, papers, etc.**

The city or any person authorized in writing by the city may examine the books, papers, records, financial reports, equipment and other facilities of any licensee in order to verify the accuracy of any return or report made or to ascertain and determine the amount of tax or other fee required to be paid. The city may require the filing of reports by any person or class of persons having in such person's possession or custody information related to purchases which are subject to the tax imposed by this article.

### **Sec. 3-58. Personal restrictions on interest.**

- (a) Not more than one license shall be issued to any one person, which shall include all members of that person's family.

- (b) For the purposes of this section, the word "family" includes any person related to the holder of the license within the first degree of consanguinity or affinity as computed according to the civil law.
- (c) No person or member of his family shall own, hold or control any interest whatsoever in more than one licensee unless the licensee is a corporation which owns or controls a chain of hotels, motels, or restaurants.
- (d) It shall be unlawful for any elected or appointed official or employee of the city, or the spouse or minor children of such official or employee, to have any whole, partial or beneficial interest in any license.
- (e) A licensee may take in partners or additional stockholders; provided, any such additional partner or stockholder must be approved by the mayor and council.
- (f) No license to engage in the sale of alcoholic beverages for consumption on the premises shall be issued for a location which also is licensed to sell package malt beverages or wine.

### **Sec. 3-59. Display of license number.**

Each person licensed to sell alcoholic beverages for consumption on the premises shall have printed on the front window adjacent to the main entrance of the licensed premises the inscription "City License No. \_\_\_\_\_" in uniform letters not less than three inches and not more than four inches in height.

### **Sec. 3-60. Employees.**

- (a) No licensee shall employ any person under the age of 18 years or who has been convicted in this or any state or by the United States or any other country of soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses, or any charge relating to the unlawful manufacture or sale of intoxicating liquors or any other crime involving moral turpitude within ten years immediately prior to the date of employment, and employment of such a person subjects the licensee to suspension or revocation of the license by the city council.
- (b) Minors under 18 years old may be employed in or about places of business where alcoholic beverages are sold, provided the minors shall not be allowed or required to dispense, sell, deliver off premises, or take orders for alcoholic beverages, or in any manner aid or assist in the dispensing, sale, delivery, or take orders for such beverages as per state law.
- (c) Alcoholic beverages shall be served only by employees of the licensee.

### **Sec. 3-61. Condition of premises.**

- (a) All licensed premises shall be kept clean and in proper sanitary condition and in full compliance with the provisions and regulations governing the conditions of premises used for the storage and sale of food for human consumption.

- (b) The fire and/or the police department shall, upon request of the city manager and/or the city council, inspect each premises and report its findings to the same. All premises licensed under this article shall conform at all times with all state and local fire regulations.

Sections 3-62 through 3-70 - RESERVED

## ARTICLE VI – SPECIAL EVENTS

### Sec. 3-71. Temporary for special events with sales.

- (a) Upon the filing of an application and payment of a filing fee of \$25.00 and a permit fee of \$50.00 per day, up to a maximum of \$2,000.00, and after investigation by the city clerk, the city manager may issue a permit to an individual or organization for the sale of alcoholic beverages for consumption on the premises only during a special event under the following conditions:
- (1) The applicant must already hold an annual license for the sale of alcoholic beverages for on-premises consumption.
  - (2) The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.
  - (3) Food must be served during any period of time that alcoholic beverages are served.
  - (4) The application for such permit must have been filed with the city clerk at least 30 days prior to the date of the special event.
  - (5) The hours of any such special event must be between 9:00 a.m. and 11:00 p.m. Monday through Saturday.
  - (6) Each special event shall last a maximum of seven consecutive days, and the hours of any such special event must be between 6:00 a.m. to 11:59 p.m. on Monday through Saturday and 12:30 p.m. through 11:30 p.m. on Sunday.
  - (7) For events to be held in a park, the city manager shall, from time to time, designate boundaries to establish zones for special events within the city and the applicant must obtain approval for the specific zone in which the special event shall occur.
- (b) The application for a special event permit shall set forth the following information:
- (1) The name, address and telephone number of the person seeking to conduct the special event;
  - (2) If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of this organization;
  - (3) The name, address and telephone number of the person who will be the special event chairman of the event and who will be responsible for its conduct;



- (4) The date when the special event is to be conducted, and whether the special event will extend over a series of days;
  - (5) The hours when the special event will start and terminate;
  - (6) The estimated number of people who will attend the event;
  - (7) If the special event is to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the city clerk a written authorization from the person proposing to hold the special event, authorizing the applicant to apply for the permit on the applicant's behalf;
  - (8) A reasonably detailed description of the event, together with all location of which alcohol will be consumed; and
  - (9) Any additional information which the city manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (c) The city manager shall issue a permit as provided for in this section when, from a consideration of the application and from such other information as may be obtained, the city manager finds that:
- (1) The conduct of the special event will not substantially interrupt the safe and orderly conduct of other patrons of the public places in which it will be held.
  - (2) The special event will not divert or disrupt police protection.
  - (3) The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
  - (4) The applicant for permit have not violated the terms of any previous special event permit granted to them or any terms of this chapter and have not caused undue traffic congestion and police problems under any previous special event permit.
  - (5) The city manager shall either issue or deny the permit within 15 days from the filing of the application.
- (d) Any person aggrieved shall have the right to appeal the denial of a special events permit to the mayor and council. The appeal shall be filed with the city clerk within five days after the date of denial.
- (e) A special event permit may be immediately revoked by the city manager for a violation of this chapter, which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

### **Sec. 3-72. Permits for special events without sales.**

Notwithstanding sections of this chapter, the city manager is authorized to issue permits for the consumption of, but not the sale of, alcoholic beverages in the city for special events, in the manner set forth below:

- (1) Upon the filing of an application and payment of a filing fee of \$25.00 and a permit fee of \$50.00 per day, up to a maximum of \$2,000.00 and after investigation by the city

clerk, the city manager may issue a permit to an individual or organization for the consumption of alcoholic beverages during a special event under the following conditions.

- a. If the event is to be held in a park, such person must first obtain the approval of the government.
  - b. The permit will allow sale of alcoholic beverages beyond the premises described in the annual license only in the area specifically described in the application and only during the special event named.
  - c. Food must be served during any period of time that alcoholic beverages are served.
  - d. Each special event shall last a maximum of seven consecutive days, and no more than two special event permits shall be issued to any applicant in any calendar year.
- (2) The application for a special event permit shall set forth the following information:
- a. The name, address and telephone number of the person seeking to conduct the special event;
  - b. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of this organization;
  - c. The name, address and telephone number of the person who will be the special event chairman of the event and who will be responsible for its conduct;
  - d. The date when the special event is to be conducted, and whether the special event will extend over a series of days;
  - e. The hours when the special event will start and terminate;
  - f. The estimated number of people who will attend the event;
  - g. If the special event is to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file with the city clerk a written authorization from the person proposing to hold the special event, authorizing the applicant to apply for the permit on the applicant's behalf;
  - h. A reasonably detailed description of the event, together with all location of which alcohol will be consumed; and
  - i. Any additional information which the city manager shall find reasonably necessary to a fair determination as to whether a permit should be issued.
- (3) The city manager shall issue a permit as provided for in this section when, from a consideration of the application and from such other information as may be obtained, the city manager finds that:
- a. The conduct of the special event will not substantially interrupt the safe and orderly conduct of other patrons of the public places in which it will be held.
  - b. The special event will not divert or disrupt police protection.
  - c. The conduct of the special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
  - d. The applicant for permit have not violated the terms of any previous special event permit granted to them or any terms of this chapter and have not caused undue traffic congestion and police problems under any previous special event permit.
  - e. The city manager shall either issue or deny the permit within 15 days from the filing of the application.

- (4) Any person aggrieved shall have the right to appeal the denial of a special events permit to the mayor and council. The appeal shall be filed with the city clerk within five days after the date of denial.
- (5) A special event permit may be immediately revoked by the city manager for a violation of this chapter, which results in an emergency situation in which continued operation of the premises by the licensee endangers the health, welfare or safety of the public.

### **Sec. 3-73. City sponsored events.**

- (a) Whenever the city council shall determine that the public interest would be served by such action, the council may designate by resolution that the provisions of this ordinance shall not apply to city sponsored events at such place, at such time and in such manner as specifically designated by resolution.
- (b) In the event that the city council does enact a resolution excepting a specific event from the provisions of this ordinance, the following provisions shall control in that instance:
  - (1) *Two-drink on street limit.* Any establishment licensed to dispense beer or wine only (and not distilled spirits) in a paper or plastic cup, or other container other than a can, bottle, or glass, away from or for removal from the premises; however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time away from or for removal from the premises, and no person shall possess or remove at one time more than two such alcoholic beverages from the licensed premises. A single one-half carafe container shall be considered to be two such alcoholic beverages, may exceed this limit during the performance of their duties, if allowed by the resolution.
  - (2) *Size limited to 16 ounces for single beverage or one-half carafe for wine.* No container in which beer or wine is dispensed pursuant to this section shall exceed 16 fluid ounces in size for a single drink; provided, however, that wine may be dispensed in a one-half carafe container not exceeding 20 fluid ounces in size. No person shall hold in his or her possession on the streets and sidewalks, in parks and squares, or in other public places within the defined area any open alcoholic beverage container which exceeds the restrictions contained in this section.
  - (3) *Drinking from can, bottle, or glass prohibited.* It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private. The paper or plastic cup or container in which the alcoholic beverages must be served pursuant to this section at city sponsored events shall be only cups or containers provided by the city, no other cup or container shall be used.

Sections 3-74 through 3-80 - RESERVED

## **ARTICLE VII – PACKAGE SALES**

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**Sec. 3-81. Maximum number of distilled spirits package retail licenses permitted.**

- (a) After issuance of the initial licenses as provided as existing licenses under this ordinance and subject to subsections (b) through (e) below, the city will not accept any additional applications for the retail sale of distilled spirits by the package, and no additional licenses for the retail sale of distilled spirits by the package shall be issued.
- (b) If at any time and for whatever reason, the number of active licenses for the retail sale of distilled spirits by the package falls below two, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to two. If applications are accepted, they shall be processed, reviewed and approved or denied in the order in which they are filed with the city clerk.
- (c) The provisions of subsection (b) notwithstanding, additional licenses may be issued once the population of the city meets or exceeds 15,000. In this regard, one additional license shall be issued for each 5,000-person increase in population over 10,000. In determining population, the city shall utilize the most recent population figures published by the U.S. Census Bureau.
- (d) If the total number of permitted licenses has increased pursuant to subsection (c) above, and if at any time and for whatever reason thereafter, the number of active licenses for the retail sale of distilled spirits by the package falls below the number then permitted, then the city shall accept applications for and issue such additional licenses for the retail sale of distilled spirits by the package so as to bring the total number of active licenses for the retail sale of distilled spirits by the package to the total number then permitted.
- (e) The provisions of subsections (a) through (d) above and the provisions regarding transfer of license notwithstanding, any person who has been issued a license for the retail sale of distilled spirits by the package may transfer such a license in conjunction with the sale of the license holder's business, provided that the transferee meets all of the requirements for new license applicants as set forth in this chapter.
- (f) All holders of licenses for the retail sale of distilled spirits must, within 90 days after the issuance of the license, or within 90 days after completion of the building as allowed herein, open for business the establishment referred to in the license and begin the sale of the product or products authorized by the license. Failure to open the establishment and begin the sale of products within the 90-day period shall serve as automatic forfeiture and cancellation of the license and no refund of license fees shall be made to the license holder.

**Sec. 3-82. Location and operation regulations for distilled spirit package sales.**

- (a) *Location of distilled spirits package stores.* No retail establishment selling distilled spirits by the package shall be located where prohibited by state law. No retail establishment selling distilled spirits by the package shall be located within 1,000 yards of an existing retail establishment selling distilled spirits by the package. No retail establishment selling



distilled spirits by the package shall be located within 100 feet of a residentially zoned parcel.

- (b) *Measurement of distance.* All measurements to determine distances required shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
- (1) In a straight line from the front door of the structure from which alcoholic beverages are sold or offered for sale;
  - (2) To the front door of the building of a church, government-owned treatment center or a retail package store; or
  - (3) To the nearest property line of the real property being used for school or educational purposes; and
  - (4) From the nearest wall enclosing the structure from which alcoholic beverages are sold or offered for sale to the nearest point of any residential property line.
- (c) *Building requirements.* No retail dealer license for the sale of distilled spirits by the package shall be issued to any applicant whose building where the business will be conducted: (a) is not a "free standing" building (i.e., is part of a larger building or structure), and (b) does not include a showroom with a minimum of 2,500 square feet of floor space and an additional storage area of at least 500 square feet of floor space. The applicant/licensee shall be the owner of the real estate lot where the building is located. Buildings used for the sale of distilled spirits by the package shall have only one entrance into the building for customers and the entrance shall be clearly visible from a public street. Deliveries to the premises shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins and compactors shall be screened from ground view. The premises upon which distilled spirits are sold by the package shall be maintained in safe and sanitary conditions and shall be lighted with shielded lighting to illuminate the exterior building and the surrounding curtilage. Any licensed premises for the sale of distilled spirits shall provide fully operational security cameras on the exterior and interior of the building which captures all activities within the establishment and outside the establishment.
- (d) *Merchandise restrictions.* No retailer of distilled spirits by the package shall sell, offer for sale, display, or keep in stock for sale or furnish at its licensed premises where distilled spirits are offered for sale by the package, any other products or services except the following:
- (1) Wines, if the retailer holds a valid and current license to sell wine at that place of business;
  - (2) Malt beverages, if the retailer holds a valid and current license to sell malt beverages at that place of business;
  - (3) Cigarettes, cigars, chewing tobacco, alternative nicotine products, or vapor products, snuff, if properly licensed to do so, cigarette papers, lighters and matches, chewing gum, breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications, and over-the-counter birth control devices;

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- (4) Beverages containing no alcohol and which are commonly used to dilute distilled spirits;
  - (5) Packaged ice, ice chests, and "koozies" (individual can and bottle coolers). The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is also in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled "Food from Approved Source," and the packaging complies with Georgia Department of Agriculture Rule 40-7-1-.26, entitled "Labeling;"
  - (6) Paper, Styrofoam, or plastic cups, gift bags, which are limited in size to accommodate one 750 ml size bottle of wine or distilled spirits, and contain only products approved for sale or display by this regulation.
  - (7) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such retailer is also an authorized retailer of the Georgia Lottery Corporation;
  - (8) Bar supplies, limited to:
    - a. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers, and wares made of glass, plastic, metal or ceramic materials, or
    - b. Cocktail olives, onions, cherries, lemons, limes, and sugars or salts produced and marketed specifically for the preparation of alcohol beverage drinks, or
    - c. Alcoholic beverage drink recipe booklets, bar guides, and consumer-oriented alcoholic beverage publications;
  - (9) Products co-packaged with alcoholic beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of alcoholic beverage product; and
  - (10) Automated teller machine service for customer use.
- (e) *Failure to operate for six consecutive months.* Any holder of a license for the retail sale of distilled spirits who shall begin the operation of the business and sale of the product or products as authorized in the license but who shall for a period of six consecutive months thereafter cease to operate the business and sale of the product or products authorized in such license, shall upon completion of the six month period automatically forfeit his or her license, which license shall, by virtue of such failure to operate be canceled without the necessity of any further action of the mayor and council.
  - (f) *Exterior advertisement of brand and price prohibited.* No sign of any kind, painted or electric, advertising any price of alcoholic beverages shall be permitted on the exterior, or in the window, of any licensed premises. No placard or sign of any kind which is visible from the exterior of the licensed premises shall make reference to the price of any liquors or other alcoholic beverages sold therein; provided, however, that tags showing the prices of individual bottles or containers shall be affixed to each such bottle or container or to the edge of the shelf whereon such bottles or containers are located.
  - (g) *Sale at price less than cost.* No person licensed to sell distilled spirits by the package shall sell such beverages at a price less than the cost which such licensee pays for such distilled spirits. As used in this subsection, cost shall include the wholesale price plus the local
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excise tax imposed, as reflected in invoices which the commissioner of revenue may require to be maintained on said licensee's place of business.

- (h) *Gambling devices prohibited.* No retailer of distilled spirits by the package shall permit on his or her premises any gambling device or machine as the same are now or may hereafter be defined by the statutes or the judicial decisions of the state or the United States of America, or any gambling, betting, or the operation of games of chance or any scheme or device involving the hazarding of money, or any other thing of value in or upon the licensed premises, or any portion thereof, or in any room adjoining the same which is connected or which is leased or controlled by the licensee. This provision shall not prohibit the sale of lottery tickets pursuant to the Georgia Lottery for Education Act.
- (i) *Financial transaction prohibited.* For profit financial transactions such as check cashing services provided for a fee, money order sales, loans and pawns are prohibited.

**Sec. 3-83. Regulations for issuance of initial licenses for retail sales of distilled spirits by the package.**

- (a) This section shall apply only to the application for and issuance of the initial licenses for retail sales of distilled spirits by the package to be issued in the city (herein referred to as the "initial licenses"). Except as modified in this section, all applications for initial licenses must comply with all applicable requirements of this chapter. Once the initial licenses are issued, this section shall be of no further force or effect.
- (b) Applicants for the initial licenses who currently hold a valid license from the city for the retail sale of beer and wine by the package shall be considered for the issuance of an initial license before any initial license may be granted to an applicant who does not currently hold a valid license from the city for the retail sale of beer and wine by the package.
- (c) Applicants for the initial licenses must either: (1) currently have a building ready for use as the licensed premises as described in this chapter, or (2) have a building ready for use as the licensed premises as described in this chapter within 274 days of the issuance of the license provided however that if the applicant fails to have a building ready within said 274 days, the license shall be automatically and immediately revoked and the city council may, by resolution, establish a time period for accepting new applications for any remaining initial license then available, subject to the terms of this chapter.
- (d) Applications for the initial licenses must be fully complete to be accepted for filing and must be filed with the city clerk from 9:00 am on May 29, 2023 until 4:00pm on June 2, 2023. Issuance of the initial licenses shall then be reviewed by the city and issued as provided in subsection (e) no later than June 30, 2023. Initial licenses shall be effective upon issuance and shall expire at 11:59 pm December 31, 2023.
- (e) Applications which are complete and which have a building ready for use as set forth in subsection (c) above shall be given priority for issuance of the initial licenses.

Sections 3-84 through 3-90 - RESERVED

## ARTICLE VIII – VIOLATIONS

### Sec. 3-91. Prohibited conduct generally.

- (a) No holder of a license for wholesale or retail alcoholic beverage sales in the city nor any agent or employee of the licensee shall do any of the following upon the licensed premises; and violation hereof shall be grounds for suspension or revocation of the license.
  - (1) Knowingly furnish or cause to be furnished or permit any other person in his employ to serve or furnish alcoholic beverages to a minor.
  - (2) Knowingly sell alcoholic beverages to any person while such person is in an intoxicated condition.
  - (3) Allow any minor to be in, frequent, or loiter on or within the licensed premises unless such minor is accompanied by a parent or legal guardian or unless such minor is an employee as allowed by this code.
  - (4) Permit any disturbance of the peace or obscenity or any lewd, immoral or improper entertainment, conduct or practice on the licensed premises.
  - (5) Sell or offer for sale alcoholic beverages by use of vending machines.
  - (6) Sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind of alcoholic beverages, the sale, possession or consumption of which is not authorized under the license.
  - (7) Receive or cause to be delivered at the licensed premises any alcoholic beverages by any means other than by a conveyance owned and operated by a wholesale dealer with a permit and license from the city to make such deliveries.
  - (8) Permit or allow the consumption of alcoholic beverages purchased elsewhere on the licensed premises.
  - (9) Make or allow to be made any false statement on any application, reapplication, or other documents required to be furnished by federal, state or local law, regulations or ordinances.
  - (10) Violate, either personally or through an agent or employee, any federal, state or local law, regulation or ordinance, except traffic violations. The determination of whether any such violation has occurred shall be made by the city council and a formal accusation, indictment, charge or conviction by a governmental agency for such offense shall not be necessary in order to suspend or revoke the license.
  - (11) Make deliveries of any alcoholic beverage beyond the boundaries of the premises covered by the license.
  - (12) Store any alcoholic beverages anywhere other than the premises for which the license is issued.
  - (13) Reserved.

- (14) The failure of the license holder or his/her employee to report promptly to the city police any violation of law or of this chapter, breach of the peace, disturbance or altercation resulting in violence, occurring on the premises, including, but not limited to parking lots and parking areas.
- (15) The failure of the license holder to adequately supervise and monitor the conduct of employees, patrons and others on the premises, including, but not limited to, parking lots and parking areas, in order to protect the safety and well-being of the general public and of those utilizing the premises.
- (16) No retail licensee of distilled spirits by the package shall employ any person under the age of 21 or any person in any capacity whatsoever who has been convicted in this or any state or by the United States or any other country of soliciting for prostitution, keeping a disorderly place, illegally dealing in narcotics, sex offenses or any charge relating to unlawful manufacture or sale of intoxicating liquors or other crime involving moral turpitude. It shall be the duty of the licensee to maintain a list of all current employees which shall include their full name, home address and phone which shall be subject to inspection by the chief of police.
- (b) Any alleged violation of this chapter shall be reported by any person to the city manager who shall have the power, in his/her discretion to suspend the license for a period not to exceed ten days pending a hearing before the city council on the question of whether or not the license shall be revoked for cause or suspended, pursuant to this code.
- (c) The city police chief or his/her designated shall have the authority to close any location holding an alcoholic beverage license for a period not in excess of 24 hours in the event there shall occur on the premises any violation of law or of this chapter, breach of the peace, disturbance or altercation resulting in violence, or other occurrence which is contrary to the public health, welfare, safety or morals, when in the judgment of the police such action is necessary to protect the public health, welfare, safety or morals of the community.
- (d) The city council or city manager shall have the right to suspend any alcoholic beverage license pending the hearing provided for in this code where in the judgment of the council, such action is necessary to protect the public health, safety, welfare, or morals.
- (e) Any suspension as provided herein shall be in writing, with the reasons therefore stated and shall be delivered to a license holder or the person in charge of the place of business if the license holder cannot be located.

**Sec. 3-92. Penalties for violation of chapter; application irregularities.**

- (a) Any person who acquires a license, or a renewal thereof, in violation of this chapter by any misrepresentation or fraudulent statement, or who, after acquiring a license, is found to have violated any of the provisions of this chapter and shall be found guilty of any such offense, upon conviction thereof, shall be punished as provided in section 1-12 of the City Code. Each day's continuance of a violation shall be considered a separate offense.
- (b) Any untrue or misleading information contained in, or material omission left out of an original, renewal or transfer application for a license under this chapter shall be cause for



the denial thereof; and if any license has been granted under these circumstances, such license may be revoked.

- (c) Revocation of a license for violation of this article shall be for a minimum of six months and a maximum of 24 months, the period to be determined at the discretion of the municipal judge. A total of three separate and unrelated violations shall constitute grounds for permanent revocation.
- (d) Any person violating any of the provisions of this chapter shall, on conviction therefore in the municipal court of the city, be punished as provided the City Code, or be subject to revocation of his license, or both, at the discretion of the municipal court judge. Such penalties may be levied against each separate offense of this article.

### **Sec. 3-93. Conflict of financial interests.**

It shall be unlawful for any person to hold a retail alcoholic beverage license who also has any direct financial interest in any wholesale alcoholic beverage license. It shall be unlawful for the holder of any retail license to accept or receive financial aid or assistance from the holder of any manufacturer's or wholesaler's license.

### **Sec. 3-94. Purchase, attempted purchase; consumption, possession by minors.**

- (a) It shall be unlawful for any minor to purchase or attempt to purchase, drink or possess any alcoholic beverage in the city.
- (b) No person shall knowingly and intentionally act as an agent to purchase or acquire any alcoholic beverages for or on behalf of a minor, or otherwise procure for or furnish to a minor any alcoholic beverage, except for medical purposes upon the written prescription of a duly licensed physician under the laws of the state.
- (c) It shall be unlawful for any minor to falsely represent his or her age in any manner whatsoever in violation of this article or other applicable laws.

Sections 3-95 through 3-99 – RESERVED

**ORDINANCE NO. 23-04-01**

**STATE OF GEORGIA  
COUNTY OF CHATHAM  
CITY OF PORT WENTWORTH**

**AN ORDINANCE TO AMEND THE ALCHOL ORDINANCE  
OF THE CITY OF PORT WENTWORTH CODE OF ORDINANCES**

**WHEREAS**, it is necessary from time to time to modify the City's ordinances; and

**WHEREAS** the Mayor and City Council is tasked with the authority to adopt and provide for such ordinances, resolutions, rules, and regulations which it deems necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, and well-being of the inhabitants of the City; and

**WHEREAS**, the City of Port Wentworth is granted the power by ordinance to license and regulate alcoholic beverages within its territory; and

**WHEREAS**, the City of Port Wentworth desires to update its Alcohol Ordinance to bring it into line with updated state code and regulations, and to modernize same; and

**NOW, THEREFORE**, that while in regular session THE MAYOR AND COUNCIL OF THE CITY OF PORT WENTWORTH HEREBY ORDAIN as follows:

The Code of Ordinance, Chapter 3, Alcoholic Beverages, is amended as follows:

- I. The entirety of Chapter 3, Alcoholic Beverages is repealed, and replaced as noted herein.
- II. A new Chapter 3, Alcoholic Beverages is replaced with the attached Chapter 3, Alcoholic Beverages to this Ordinance.

Attachment: COPW - Ord - Alch Ord (2820 : Alcohol Ordinance Re-Write)

III. All laws and parts of laws in conflict with this Act are hereby repealed.

IV. This Ordinance shall become effective immediately upon its passage and adoption.

**SO ORDAINED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Approved:

\_\_\_\_\_  
Gary Norton, Mayor

Attest:

\_\_\_\_\_  
Zahnay Smoak, City Clerk

First reading: \_\_\_\_\_ (date)

Second reading: \_\_\_\_\_ (date)

Attachment: COPW - Ord - Alch Ord (2820 : Alcohol Ordinance Re-Write)



**City Council**  
7224 GA Highway 21  
Port Wentworth, GA 31407

**SUBMITTED**

Meeting: 04/27/23 07:00 PM  
Department: All  
Category: Resolution  
Prepared By: Zahnay Smoak  
Department Head: Brian Harvey

14.B

**AGENDA ITEM (ID # 2821)**

DOC ID: 2821

## Industrial Moratorium Extension

**Issue/Item:** Industrial properties may not be adequately addressed by the current City zoning ordinances and therefore the city has an ongoing industrial moratorium.

**Background:** In the December 2022 regular City Council meeting a 4 month extension of the industrial moratorium was passed. During this time the city and its partner Horizon Planning Group finished all public meetings. We have a working draft that legal has been reviewing and making edits.

**Facts and Findings:** The staff needs another month to complete the edits and the ordinance will require two readings, so it is recommended to extend for 2 months.

**Funding:** N/A

**Recommendation:** Approve 2-month extension.

### **ATTACHMENTS:**

- 23.04.27 - PW - Industrial Moratorium, Rezoning(DOCX)

**RESOLUTION No. R-23-04-01**

**STATE OF GEORGIA  
COUNTY OF CHATHAM  
CITY OF PORT WENTWORTH**

**RESOLUTION OF THE CITY OF PORT WENTWORTH**

**A RESOLUTION EXTENDING A MORATORIUM ON THE RE-ZONING OF ANY PROPERTY TO AN INDUSTRIAL ZONING CLASSIFICATION OR DISTRICT WHILE THE CITY CONSIDERS CHANGES TO ITS ZONING ORDINANCES; TO REPEAL CONFLICTING RESOLUTIONS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN ADOPTION DATE AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, recent development trends in the City of Port Wentworth suggest that current trends for industrial use may not be adequately addressed by the current City zoning ordinances;

**WHEREAS**, the Mayor and Council of Port Wentworth is vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the City;

**WHEREAS**, Georgia law recognizes that local governments may impose moratoria on zoning decisions, building permits, and other development approvals where exigent circumstances warrant the same;

**WHEREAS**, Georgia courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis;

**WHEREAS**, to justify a moratorium, it must appear first, that the interests of the public generally, as distinguished from those of a particular class, require such interference, and second, that the means are reasonably necessary for the accomplishment of the purpose, and not unduly oppressive upon individuals;

**WHEREAS**, the Mayor and Council has found that the interests of the public necessitate the enactment of a moratorium for health, safety, morals, and general welfare purposes by means which are reasonable and not unduly oppressive;

**WHEREAS**, the Mayor and Council has, as a part of planning, zoning, and growth management, been in review of its zoning ordinances, and has been studying, with concern, the City's best estimates and projections of the anticipated industrial development within Port Wentworth;

**WHEREAS**, the Mayor and Council deems it important to prudently and deliberately develop its zoning ordinances in a manner which integrates the above-mentioned concerns and therefore considers a moratorium a proper exercise of its police powers;



**WHEREAS**, the Mayor and Council considers it paramount that land use regulation continues in the most orderly and predictable fashion with the least amount of disturbance to landowners and to the citizens of the City;

**WHEREAS**, the Mayor and Council has always had a strong interest in growth management so as to promote the traditional police power goals of health, safety, morals, aesthetics, and the general welfare of the community and, in particular, the lessening of traffic on City roads, security of the public from crime and other dangers, promotion of health and general welfare of its citizens, protection of the aesthetic qualities of the City including access to air and light, and facilitation of the adequate provision of transportation and other public requirements;

**WHEREAS**, it is the belief of the Mayor and City Council: that the concept of "public welfare" is broad and inclusive; that the values it represents are spiritual as well as physical, aesthetic as well as monetary; and that it is within the power of the Mayor and Council to determine that a community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled;

**WHEREAS**, it is also the opinion of the Mayor and Council that "general welfare" includes the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City;

**WHEREAS**, the Mayor and Council is, and has been, interested in developing a cohesive and coherent policy regarding certain uses in the City, and has intended to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole;

**WHEREAS**, the Mayor and City Council is evaluating possible revisions to the City's zoning ordinances with respect to the regulation of industrial development so as to address current development trends; and

**WHEREAS**, the Mayor and City Council enacted the initial moratorium at the June 23, 2022 City Council meeting, with such moratorium having a six (6) month term;

**WHEREAS**, since the June 23, 2022 City Council meeting, the City has undertaken and engaged to rewrite the City's Zoning Ordinance, as well as the City's Comprehensive Plan and Map in accordance therewith;

**WHEREAS**, the City and its partners have diligently worked on rewriting the City's Zoning Ordinance, with plans for its completion on or before the end of June 2023;

**WHEREAS**, the Mayor and City Council desires to complete the process of drafting, considering, and enacting the new Zoning Ordinance while at the same time providing for the

smallest disruption of normal zoning and rezoning duties within the City;

**WHEREAS**, the Mayor and City Council believes it is in the best interest of the citizens of the City to extend the moratorium on the application and issuance of industrial rezonings until the review is completed.

**NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF PORT WENTWORTH, GEORGIA**, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

1. It is hereby determined that the City's zoning ordinances require review as they relate to industrial development; that substantial detriment and irreparable harm may result if further regulation of industrial development is needed and not implemented; that such review requires that there be a cessation of limited duration of all re-zonings to industrial; and that it is necessary and in the public's interest to delay, for a reasonable and finite period of time, the acceptance or processing of any applications for the rezoning of any property to an industrial classification or district to ensure that the design, development, and location of industrial uses are consistent with the long-term planning objectives of the City.
2. There is hereby extended a moratorium on the acceptance and processing by City staff of rezoning applications for the re-zoning of any property within the City to an industrial classification or district under the current zoning ordinances of the City.
3. The duration of this moratorium shall be until the City adopts amendments to its zoning ordinances to address the above-mentioned concerns, abandons this effort by vote of the Mayor and Council, or until 5:00pm on June 23, 2023, whichever date is earliest.
4. This moratorium shall have no effect upon completed applications for industrial rezoning which have been accepted for processing by the City's staff prior to the effective date of this Resolution, or the initial moratorium resolution; nor shall the moratorium have an effect on rezoning occurring before such effective date.
5. This moratorium shall have no effect upon rezoning occurring before the effective date of this Resolution.
6. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or

otherwise unenforceable by the valid judgement or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional, or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

7. All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

8. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

9. The proper officers and agents of the City are hereby authorized to take any and all further actions as may be required in connection with this Resolution.

10. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the Mayor and Council of Port Wentworth, Georgia,  
this the 27th day of April, 2023.

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GARY NORTON, Mayor

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ZAHNAY SMOAK, Clerk of Council