

DRAFT: 7/15/14

ADOPTING ORDINANCE

ORD. OF __-__-2014

AN ORDINANCE ADOPTING AND ENACTING A NEW ARTICLE FOR THE CITY OF SAVANNAH, GEORGIA PERTAINING TO ALCOHOLIC BEVERAGES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; SUCH ARTICLE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED, by the Mayor and Alderman of the City of Savannah, Georgia:

SECTION 1: The Article entitled, "Article H. The Alcoholic Beverage Ordinance of 2014", published by Municipal Code Corporation, consisting of Sections 6-1201 through 6-1232, each inclusive is adopted.

SECTION 2: All provisions of the Savannah, Georgia, Code of Ordinances, Division II, Part 6, Chapter1, Article H enacted on or before _____, 2014, and not included in Article H. The Alcoholic Beverage Ordinance of 2014 and continued in force by reference therein, are repealed.

SECTION 3: The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4: This Ordinance shall become effective upon adoption.

ADOPTED AND APPROVED: _____, 2014

Article H. ALCOHOLIC BEVERAGES
Chapter 1 General Provisions

Sec. 6-1201. Title of Article.

This Article shall be known and may be cited as “The Alcoholic Beverage Ordinance of 2014.”

(Ord. of ___-___-2014, § 6-1201)

Sec. 6-1202. Privilege, Not a Right.

Nothing in this Article shall be construed as giving a person a right to sell or otherwise deal in alcoholic beverages. Manufacture, distribution and sale of alcoholic beverages are declared to be privileges in the City of Savannah, not rights.

(Ord. of ___-___-2014, § 6-1202)

Sec. 6-1203. Purpose; Intent.

This article is enacted for purposes of establishing reasonable and ascertainable standards for the regulation and control of alcoholic beverages in a manner designed to promote the health, safety and general welfare of the community, while giving effect to zoning and land use plans, preserving residential areas with reasonable consideration for their character and with the general intent of promoting desirable living conditions and sustaining the stability of neighborhoods and property values. Further, the Alcoholic Beverage Ordinance of 2014 is designed to permit the manufacture, distribution, dispensation and/or sale of alcoholic beverages by qualified persons within the corporate limits of the City of Savannah as permitted by Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, *et seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended; provided, however, that nothing contained in this Article shall be construed to permit any activity or conduct that is inconsistent with the provisions contained herein, or any other provisions of state or local law that may otherwise apply to a licensee.

(Ord. of ___-___-2014, § 6-1203)

Sec. 6-1204. Definitions; General Provisions.

These words and terms shall have the following meanings and, where applicable, be subject to the limitations set forth within such definitions, when used in this Article:

(a) “*Alcohol*” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

(b) “*Alcoholic beverage*” means and includes all alcohol, distilled spirits, beer, malt beverage, wine or fortified wine.

(c) “*Ancillary retail package store*” means a retail business establishment owned by an individual, partnership, corporation, association, or other business entity:

- (1) Engaged in the retail sale of malt beverages or wine in unbroken packages, not for consumption on the premises, except as authorized by Title 3 of the Official Code of Georgia Annotated, as amended; and
- (2) Which derives from such retail sale of malt beverages or wine in unbroken packages less than 75 percent of its total annual gross sales.
- (3) An ancillary retail package store is prohibited from distributing, dispensing or selling distilled spirits.

(d) “*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, containing not more than 14 percent alcohol by volume and including ale, porter, brown stout, lager beer, small beer, and strong beer. These terms do not include sake, known as Japanese rice wine.

(e) “*Bona fide private club*” means any nonprofit association organized under the laws of this state, which:

- (1) Has been in existence at least one year prior to the filing of its application for a license to be issued pursuant to this Title 3 of the Official Code of Georgia Annotated;
- (2) Has at least 75 regular dues-paying members; and
- (3) Owns, hires or leases a building space within a building for the reasonable use of its members, which building or space:

- (i) Has a suitable kitchen and dining room space and equipment;
- (ii) Is staffed with a sufficient number of employees for cooking, preparing and serving meals for its members and guests; and

(4) Has no member, officer, agent or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.

(f) “*Brewer*” means a manufacturer of malt beverages only.

(g) “*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, as amended, for retail consumption on the premises and solely in draft form. As used in this paragraph, the term “eating establishment” means an establishment which is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverages sales from the sale of prepared meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized by O.C.G.A. § 3-5-36, as amended, shall not be used when determining the total annual gross food and beverage sales.

(h) “*Brewery*” means a place where malt beverages are manufactured or brewed.

(i) “*City Council; Council*” means The Mayor and Alderman of the City of Savannah in council assembled, the legislative body of the City.

(j) “*City of Savannah*” or *City*” means The Mayor and Alderman of the City of Savannah, a municipal corporation of the State of Georgia: such definition to include all geographical area within the corporate limits of the City of Savannah, to include any and all areas annexed following adoption of this Article.

(k) “*Complimentary service*” means the *gratis* provision of malt beverages or wine to patrons of a business establishment, when such establishment does not otherwise constitute a manufacturer or wholesaler as defined in this Article, and the *gratis* provision of malt beverages or wine is incidental to the establishment’s business. A complimentary service licensee is prohibited from furnishing distilled spirits.

Complimentary service of wine shall be limited to individual pours of no greater than 2 fluid ounces. Complimentary service of malt beverages shall be limited to individual pours of no greater than 4 fluid ounces. No person may obtain a complimentary service license without first obtaining and possessing a valid retail dealer or retail package dealer license.

(l) “*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.

(m) “*Door person*” means a person designated by a late night entertainment establishment who is present at the establishment’s entrance at all times and who is responsible for monitoring the numbers of persons entering the business to: (1) ensure the establishment does not exceed its maximum occupant load; and (2) inspect photographic identification of patrons.

(n) “*Food caterer*” means any person who prepares food for consumption off premises and who possesses a valid tax certificate issued by the City of Savannah to do so.

(o) “*Fortified wine*” means any alcoholic beverage containing more than 21 percent alcohol by volume made from fruits, berries or grapes, either by natural fermentation or by natural fermentation with brandy added. “Fortified wine” includes, but is not limited to, brandy.

(p) “*Home brewer*” means a head of household who is permitted to produce not more than 50 gallons of malt beverages in any one calendar year to be consumed within his or her own household without any requirement to be licensed for such purpose. No malt beverage produced by a home brewer may be sold or offered for sale.

(q) “*Late night entertainment establishment*” means any retail dealer licensee that is open to the general public after midnight, when such licensee continues to sell or dispense alcoholic beverages after midnight.

(r) “*Late night sales*” means the sale or dispensation of alcoholic beverages by retail dealers after 12:00 a.m. Late night sales or dispensation may occur only upon the receipt of a late night sales license by a qualified retail dealer.

(s) “*Licensed alcoholic beverage caterer*” means any retail package dealer or retail dealer who has been licensed pursuant to Title 3 contained in the Official Code of Georgia, O.C.G.A. § 3-1-1, *et seq.*, as amended, and who has been licensed by the City of Savannah to sell or dispense alcoholic beverages off premises.

(t) “*Licensee*” means the individual to whom a license is issued or, in the case of a partnership or corporation, all partners, officers and directors of any such entity.

(u) “*Manager*” means a natural person, over the age of 21, who has responsibility for day-to-day management of the operations, including sale of alcoholic beverages, at the location to be licensed or supervision of management of the operations, including sale of alcoholic beverages, at the location to be licensed and who is a full-time employee of the corporation, partnership, proprietor or other ownership entity. Such person shall actively operate the licensee’s business on a day-to-day basis and be a resident of Chatham County.

(v) “*Manufacturer*” means any maker, producer or bottler of an alcoholic beverage, excluding a home brewer. The term also means:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits (“distiller”);
- (2) In the case of any malt beverages, any brewer; and
- (3) In the case of wine, any vintner.

(w) “*Occupant load*” means the maximum number of people allowed in an establishment pursuant to the Life Safety Code or any other fire prevention based-code, as may, from time-to-time, be amended and adopted by City Council.

(x) “*Package*” means a bottle, can, growler, keg, barrel or other consumer container in its original, sealed state.

(y) “*Person*” means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, receiver, fiduciary or other group or combination.

(z) “*Premises*” includes all the space or area owned, leased and/or controlled by a licensee and used for the purpose of operating under the license, including but not

limited to all rooms wherein alcoholic beverages are sold, furnished, served or consumed, except when such room is located in a hotel, motel, inn or similar facility. Premises may include adjoining patios, decks, porches or sidewalk cafes. A floor plan for each licensed premises must be submitted with each application for a license under this Article.

(aa) “*Retailer*” or “*retail dealer*” means any person who sells alcoholic beverages for consumption on the premises at retail only to consumers and not for resale.

(bb) “*Retail package store*” means a retail business establishment owned by an individual, partnership, corporation, association, or other business entity:

- (1) Primarily engaged in the retail sale of distilled spirits, malt beverages and wine in unbroken packages, not for consumption on the premises, except as authorized by Title 3 of the Official Code of Georgia Annotated, as amended; and
- (2) Which derives from such retail sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages and wine.

(cc) “*Security person*” means a natural person who monitors the entrance and other areas of a late night entertainment establishment for purposes of, among others, monitoring compliance with the licensee’s occupancy load, identifying underage persons, identifying noticeably intoxicated persons, enforcing the rules and regulations of the business and otherwise providing security for the licensee and its patrons.

(dd) “*Security supervisor*” means the security person who is responsible for supervising and overseeing security personnel.

(ee) “*Tasting*”, see, Section 6-1217 (malt beverages), Section 6-1219 (distilled spirits), Section 6-1221 (wine).

(ff) “*Voluntary occupant load*” means the maximum number of people allowed in a late night entertainment establishment, if requested by the owner of the licensee and identified on the then-applicable late night sales license displayed on the premises. The voluntary occupant load constitutes a number less than the maximum occupant

load and which may be used to determine the number of security personnel required on the premises after midnight.

(gg) “*Wholesaler*” or “*wholesale dealer*” means any person who distributes for profit alcoholic beverages to other wholesale dealers, to retail dealers, or to retail consumption dealers;

(hh) “*Wine*” means any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, meads, 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 herein.

(Ord. of ___-___-2014, § 6-1204)

Chapter 2. Alcoholic Beverage Licensing

Sec. 6-1205. License Required.

(a) No malt beverage, wine, distilled spirits or any other alcoholic beverage may be sold, dispensed or manufactured in the City except upon obtaining a license issued pursuant to the terms of this Article by the office of the Revenue Director for the City of Savannah.

(b) The requirements of this Article shall be in addition to any other requirements for business certificates under this Code and if other provisions of this Code conflict with this Article, then this Article shall control.

(c) Licenses which may issue under this Article, including any combination of the following; provided, such combination is not otherwise prohibited by applicable law, including but not limited to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, *et seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended:

LICENSE CLASS	APPLICANT CLASSIFICATION	DISTILLED SPIRITS	MALT BEVERAGE	WINE
A	Bona fide social club	1	2	3
B	Licensed Alcohol Caterer	1	2	3
C	Manufacturer (Brewer = C2)	1	2	3
D	Retail Dealer (on premises consumption)	1	2	3
E	Retail Package Dealer (off premises consumption)	1 (D1 and E1 are incompatible uses)	2 (D2 and E2 are incompatible uses)	3
F	Ancillary Retail Package Dealer	X (ineligible use)	2	3
G	Wholesaler	1	2	3
H	Complimentary service	X (ineligible use)	2	3
I	Sunday sales	1	2	3
J	Home brew event	X (ineligible use)	2	X (ineligible use)
K	Late Night Sales (Retail dealer (on premises))	1	2	3

(Ord. of __-__-2014, § 6-1205)

Sec. 6-1206. Application for License; Applicant; Contents of Application.

(a) *Application for license.* It shall be unlawful to manufacture, distribute, sell, dispense or offer to sell any distilled spirits, malt beverage or wine without first applying for and obtaining a license therefor from the City of Savannah acting through the office of the Revenue Director. A separate license shall be required for each establishment consistent with the provisions of Section 6-1205. No license may be transferred without the approval of the City of Savannah, acting through the office of the Revenue Director, upon proper application being made.

(b) *The applicant.* An applicant for a license to manufacture, distribute, dispense or sell alcoholic beverages within the corporate limits of the City of Savannah shall be a citizen or resident alien of the United States. Each person applying for a

license under this Article shall designate a manager in compliance with the requirements set forth herein at Sec. 6-1204(t).

(c) *Contents of application; contents to be furnished under oath.* An application containing information as specified by the Revenue Director shall be completed and filed with the office of the Revenue Director by each applicant for a license to conduct any business involving the manufacture, distribution, dispensation or sale of any distilled spirits, malt beverage or wine, and by each applicant for a transfer or renewal of an existing license, on forms provided by the office of the Revenue Director. The contents of such form shall include intended license class/applicant classification code, date of filing, business location, information concerning the applicant and his/her background and all other related information as may be deemed necessary by the office of the Revenue Director. Upon the submission of such application, the applicant shall remit to the office of the Revenue Director a license fee, which shall be based upon the particular class or classes of license sought by the applicant. Such application shall be given under oath and in the presence of an attesting officer, duly authorized by law to administer oaths.

(d) *Posting of licenses, occupant load certificate, etc., required.* Any person licensed to manufacture, distribute, dispense or sell alcoholic beverages within the City of Savannah shall post together or as otherwise directed by a City official in a conspicuous place in clear public view:

- (1) The alcoholic beverage license issued for the premises by the City of Savannah, including Sunday and late night sales permit, if any;
- (2) All other licenses/business tax certificates required for the premises;
- (3) An alcoholic beverage license for the premises issued by the State of Georgia;
- (4) An Occupant Load Certificate issued by Savannah Fire and Emergency Services showing the maximum number of persons who may occupy the premises at any one time, including, when applicable, the voluntary occupant load; and
- (5) Any certificate of inspection and approval as may be required by the Chatham County Health Department.

Sec. 6-1207. Alcoholic Beverage License Determinations.

(a) Decisions pertaining to the issuance, transfer, suspension, denial or revocation, in the first instance, may be rendered by the office of the Revenue Director, which determination shall occur in conjunction with input received from representatives of the offices of the City Manager, Legal Department, Savannah-Chatham Metropolitan Police Department, Savannah Fire & Emergency Services and any other City of Savannah bureau that may possess information relative to the particular applicant/licensee and fitness to possess any alcoholic beverage license.

(1) *Grounds for denial, suspension or revocation.* An alcoholic beverage license may be denied, suspended, revoked or refused for renewal purposes for one or more of the following reasons:

(A) The violation by the applicant, licensee or licensee's employees of any state or federal law or regulation or any provision of this Code or other municipal ordinance, at any time adopted, relating to the sale, use, possession or distribution of drugs or alcoholic beverages while on or about the licensed premises;

(B) The failure of the applicant or licensee to pay required fees and taxes;

(C) The failure of the applicant or licensee to provide required valid information, documents and the like;

(D) The submission of false or misleading information, or the omission of required information, in the application or attached documents;

(E) Residency of the manager outside of Chatham County, Georgia;

(F) A prior conviction or plea of nolo contendere of the owner, applicant or designated manager of any felony during the ten years immediately prior to the filing of the application or a prior conviction or plea of nolo contendere of the applicant or designated manager of two or more misdemeanors or any state or of the United States or any municipal ordinance, except traffic violations, within the two years immediately prior to the filing of the application;

(G) The failure of the licensee or its employees promptly to report to the police department any violation of law or this Article, including any breach of the peace or altercation occurring in or adjacent to the licensee's premises;

(H) The operation of the licensee's business in such a manner as to constitute a threat to public safety, welfare or health or in such a manner as to constitute a public nuisance or the operation of a licensed business where violation of federal, state or local laws frequently or regularly occur;

(I) The revocation or suspension by the State of Georgia of any state license to sell any alcoholic beverage shall result in the automatic revocation of the license issued under this Article without any action by the City, including any bureau or employee thereof;

(J) All licenses issued under this Article shall be subject to Title 3 of the Official Code of Georgia Annotated, O.C.G.A. § 3-3-1, *et seq.*, as amended, and Title 560, Subtitle 560-2 of the Administrative Code of Georgia, Ga. Comp. R. & Regs. § 560-2-1-.01, *et seq.*, as amended, and violation of those statutes and regulations shall constitute violations of this Code;

(K) No license may be issued under this Article to any premises not meeting the requirements of all state, county and city laws, ordinances and regulations which apply to said premises, including, but not limited to building, zoning fire and sanitation codes;

(L) The office of the Revenue Director, in conjunction with input received from representatives of the offices of the City Manager, Legal Department, Savannah-Chatham Metropolitan Police Department, Savannah Fire & Emergency Services and any other City of Savannah bureau that may possess information relative to the particular applicant/licensee and fitness to possess any alcoholic beverage license, in determining whether or not to grant, renew, transfer or issue a license, may, in the interest of public safety and welfare, and in addition to all other provisions of this Article, consider the following:

(i) The applicant or designated manager's reputation, character, trade and business associations, or past business ventures;

(ii) If the applicant is a previous holder of a license to sell alcoholic beverages, or the designated manager previously managed a licensed

establishment, whether the applicant, designated manager or other person associated with the business has violated any law, regulation or ordinance relating such business;

(iii) If the owner, the applicant, the designated manager or any other person associated with the business has conducted previous business activities, the manner in which the previous business activities were conducted with regard to considerations of public safety, fire safety and compliance with the Fire Code;

(iv) If the applicant is a previous holder of a license to dispense or sell alcoholic beverages, the manner in which the applicant conducted the prior business especially as to the necessity of unusual police observation or inspection in order to prevent the violation of any law, regulation or ordinance;

(v) The location for which the license is sought, as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values;

(vi) The number of licenses already granted for similar businesses in the trading area of the place for which the license is sought;

(vii) If the applicant is a person whose license issued under the police powers of any governing authority was previously suspended or revoked;

(viii) The denial of an application or the revocation of a license which was based on the qualifications of the proposed location;

(ix) Evidence that a substantial number of incidents requiring police intervention have occurred within an area reasonably attributable to the premises during the 12 months immediately preceding the date of the application;

(x) The applicant or licensee is not compliant with all matters bearing upon the conduct of any business ventures within the City, including, but not limited to, permitting, taxes, licenses and fees; or

(xi) Evidence that the type and number of schools, religious institutions, libraries, public recreation areas or other circumstances in the vicinity of the premises cause minors to frequent the immediate area, even though there is compliance with the minimum distances as provided by state law.

(2) *Notice and hearing; due process.* No alcoholic beverage license may be revoked, suspended, subject to refusal of renewal or transfer prohibited without notice and an opportunity for a hearing as provided herein:

(A) Such hearing shall only occur following written notice to and advising the applicant or the license holder of the grounds therefor; the date, time and place of the hearing; and advising the applicant of the opportunity to appear, to present evidence, and be represented by counsel; and

(B) Notwithstanding the foregoing, the City Manager, whether personally or by designee, may temporarily suspend any license provided for in this Article for any reasons stated in this Section pending a hearing and action by the City Council.

(3) *Appeal Procedure.* Appeals from any adverse determination by the office of the Revenue Director may be taken by the applicant to the City Council of Savannah. Such appeal shall be filed, under oath, with the Clerk of Council no later than 30 days after the date of notification of the decision appealed. Upon receipt of an appeal, the Clerk of Council shall include on the agenda of a regularly scheduled meeting of the Savannah City Council, no less than two weeks nor more than four weeks thereafter, a hearing on such appeal; which:

(A) May occur only following written notice to and advising the applicant or the license holder of the grounds therefor; the date, time and place of the hearing; and advising the applicant of the opportunity to appear, to present evidence, and be represented by counsel; and

(B) May, in the discretion of City Council, include comments and the submission of evidence by persons whom may be affected by or have an interest in the outcome of the proceedings.

(4) *Resolution of Appeal.* Following a hearing as provided for in this section, City Council shall issue its determination, which shall be provided to the appellant and may only be based on any one or combination of the considerations listed in Section 6-1207(a)(1)(A) - 6-1207(a)(1)(L)(xi).

Sec. 6-1208. Advertisement of License Application; Erection of Sign.

After application is made for a license to manufacture, distribute, dispense or sell alcoholic beverages with the office of the Revenue Director, the applicant shall pay the fee in force at such time for the cost of obtaining a sign, which shall be placed on the premises for which the applicant is requesting the issuance of a license. The sign shall have a minimum size of 28 square inches, with both language preprinted on it and information inserted pertinent to the license for which application has been made. The sign shall specify the nature of the license being requested, that the application applies to the premises on which it is posted and any other information specified by the Revenue Director. The sign shall be posted on the premises in a conspicuous place which is observable by pedestrian and vehicle traffic passing such location for at least fourteen days and shall not be removed until the applicant receives a license to manufacture, distribute, dispense or sell alcoholic beverages within the corporate limits of the City of Savannah.

(Ord. of ___-___-2014, § 6-1208)

Chapter 3. Conditions of Operation Pursuant to Alcoholic Beverage License.

Sec. 6-1209 License Conditions and Restrictions.

(a) No person may either in his own right or an associate of or through any company or agency own at any time more than two retail package licenses.

(b) It shall be unlawful for any person to sell, offer for sale or keep for sale in a place of business any alcoholic beverage when such person or establishment has not been licensed to manufacture, distribute or sell under this Article.

(Ord. of ___-___-2013, § 6-1209)

Sec. 6-1210. Open to Inspection.

(a) Any licensee shall at all times, during the period allowable by law for operation of the business, be open to inspection by any officer of the Savannah-Chatham Metropolitan Police Department, Savannah Fire and Emergency Services, licensing inspector of the City or any designee of the office of the Director of Revenue or City Manager.

(b) Every person possessing an alcoholic beverage license shall keep, during business hours, the ingress doors of the premises unlocked.

(Ord. of ___-___-2014, § 6-1210)

Sec. 6-1211. Hours of Operation; Sunday Sales.

(a) *Hours of sale and operation for retail dealers.* No licensee subject to this provision shall sell or dispense any alcoholic beverages between the hours of 2:55 a.m. Sunday and 7:00 a.m. Monday and between the hours of 3:00 a.m. and 7:00 a.m. on other days. All establishments licensed for on-premises consumption shall close no later than 2:55 a.m. on Sunday and shall not open before 7:00 a.m. on Monday and shall be closed between the hours of 3:00 a.m. and 7:00 a.m. on all other days; provided, however, that when New Year's Eve falls on Sunday, then such establishments licensed hereunder for on-premises consumption may open and begin dispensing alcoholic beverages at 12:01 a.m. on January 1st and shall cease dispensing alcoholic beverages and close at 3:30 a.m. on January 1st. No licensee may sell alcohol on election days, as defined by O.C.G.A. § 3-3-20, as amended, within 250 feet of any polling place or the outer edge of any building within which such polling place is established.

(b) *Hours of sale for retail package dealers.* No licensee subject to this provision shall sell alcoholic beverages at any time on Thanksgiving Day or Christmas Day. Package licensees of distilled spirits shall not sell distilled spirits except between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday and between the hours of 12:30 p.m. and 11:30 p.m. on Sundays. Sale of malt beverages and wine by the package is prohibited between the hours of 11:45 p.m. Saturday and 12:30 p.m. Sunday and between the hours of 11:30 p.m. Sunday and 8:00 a.m. Monday.

(c) A retail dealer licensee may serve alcoholic beverages, consistent with the scope of his existing licenses between the hours of 12:30 p.m. Sunday and 2:00 a.m. Monday provided the licensee or applicant complies with the following provisions, which shall be provided to the office of the Revenue Director by certification under oath by a deadline to be specified by the Revenue Director:

- (1) In the case of a current licensee, operation of an establishment where at least 50% of the total annual gross sales are derived from the sale of prepared meals or food during the previous calendar year;

- (2) In the case of an applicant, then the applicant must intend and expect to derive at least 50% of its total annual gross sales from the sale or prepared meals or food;
- (3) Possesses or has applied for a business license to operate a restaurant; and
- (4) Prepared meals or food will be served on the premises during the hours of 12:30 p.m. Sunday and 2:00 a.m. Monday.

(Ord. of ___-___-2014, § 6-1211)

Sec. 6-1212. Sale Outside Licensed Premises.

It shall be unlawful for any person to sell alcoholic beverages on the streets, sidewalks or other areas outside the premises, except for temporary events specifically licensed for outside sales under provisions of the annual revenue ordinance. Persons with licenses to sell alcoholic beverages for on-premises consumption may serve such beverages only within the confines of the licensed building structure or otherwise approved by the Revenue Director in collaboration with the Building Inspector; provided, however, that any person with such license that has an outside patio area on private property or on privately leased public property that is actually and permanently attached to the main building may serve alcoholic beverages in the patio area. No bar, whether permanent or temporary, may be set up in such outside patio area.

(Ord. of ___-___-2014, § 6-1212)

Sec. 6-1213. Dispensing Alcohol to or by Persons in Motor Vehicles.

(a) It shall be unlawful for any person to dispense, furnish, or permit to be furnished any alcoholic beverage to any person situated within a motor vehicle, when such vehicle is parked or otherwise occupies space on any city street, alley, lane, parking lot or other roadway, except to make a delivery for subsequent consumption.

(b) It shall be unlawful for any person situated within a motor vehicle, when such vehicle is parked or otherwise occupies space on any city street, alley, lane, parking lot or other roadway to dispense, furnish, or permit to be furnished any alcoholic beverage to any person.

(Ord. of ___-___-2014, § 6-1213)

Sec. 6-1214. Consumption of Alcohol on City Streets.

(a) Except for the area specified in subsection (b) herein, it shall be unlawful for any person to possess an alcoholic beverage in an open container, either on their person, in a motor vehicle or otherwise on the streets, sidewalks, parks, squares or other public places within the City of Savannah.

(b) Within the area of the City bounded on the north by the city limits, on the west by the centerline of the Talmadge Memorial Bridge extended south on West Boundary Street to Gaston Street to the intersection of Gaston Street and Whitaker Street and then from the centerline east of Whitaker Street until Park Avenue on the south, extended east to the centerline of Drayton Street to the south of Gaston Street extended east to the railroad track, and on the east by a line extending north along the centerline of the railroad track to the Savannah River east of the Marriott Hotel, then across the Savannah River to include all portions of Hutchinson Island that are within the city, the following regulations apply:

- (1) Any person licensed to dispense alcoholic beverages for on-premises consumption may sell one alcoholic beverage in a paper or plastic cup for removal from the premises; provided, however, that the alcoholic beverage is not placed in a can, bottle or other glass container and, further provided, that the licensee may dispense no more than one alcoholic beverage, and no person shall remove more than one alcoholic beverage from the premises;
- (2) Any alcoholic beverage dispensed pursuant to this section shall not exceed 16 fluid ounces in size and no person shall possess an alcoholic beverage in excess of 16 fluid ounces on the streets, sidewalks, parks, squares or other public places within the area described in this section;
- (3) Unless specifically provided otherwise by ordinance, the regulations provided by this section shall be in full force and effect during the Saint Patrick's Day Festival and any other festival.

(Ord. of ___-___-2014, § 6-1214)

Sec. 6-1215. Employee Regulations for Licensees Selling Alcoholic Beverages for On Premises Consumption.

Every licensee that distributes or sells alcoholic beverages for on-premises consumption shall require all persons employed as managers, servers, bartenders, doormen, or any other employee, agent or subcontractor with the responsibility for handling, serving, mixing or dispensing alcoholic beverages to complete a *Training for Intervention ProcedureS™* alcohol course (see, www.tipsalcohol.com), and maintain on the premises evidence of current, valid TIPS certification for each employee encompassed within this Section. To each certification shall be attached a copy of government-issued photo identification for the subject employee. The certification/photo identification package shall be readily accessible to any manager or supervisory level employee and available for inspection upon the request of a Savannah-Chatham Metropolitan Police Department officer, City Revenue Deputy Marshal or other City code enforcement officers.

(Ord. of ___-___-2014, § 6-1215)

Chapter 4. Specific Provisions Related to Malt Beverages.

Sec. 6-1216. Brewer License Authorized.

Brewer's licenses are authorized in the City; provided, however, that no individual shall be permitted to run or operate a brewery without first obtaining a proper brewer's license (Class C2) from the City in the manner provided in this Article, and each holder of a brewer's license shall comply with the provisions of this Article and all applicable state statutes, including the rules and regulations promulgated by the Department of Revenue. A licensed brewery shall not engage in retail package or retail dealer sales, directly or indirectly, of alcoholic beverages at any time unless specifically exempt by regulation or Title 3 of the Official Code of Georgia, § 3-1-1, *et seq.*, as amended.

(Ord. of ___-___-2014, § 6-1216)

Sec. 6-1217. Tastings.

Upon securing permits from both the State Revenue Commissioner and the City of Savannah, a brewer may conduct educational and promotional brewery tours which may include free tasting on the premises by members of the public of tax paid varieties of malt beverages brewed by such brewer.

(Ord. of ___-___-2014, § 6-1217)

Sec. 6-1218. Home Brew Special Event Permits.

(a) *“Home brew special event”* means an organized event that consists of a contest, tasting, judging or other similar such competitive event that is not open to the general public that occurs at locations which do not constitute premises under this Article and where malt beverages that have been manufactured in a private residence are consumed by participants in and judges of such events.

(b) Malt beverages brewed in a person’s private residence may be removed from such residence, in a quantity not to exceed 25 gallons and otherwise provided such removal complies with the provisions of O.C.G.A. § 3-5-4, as amended, for purposes of home brew special events.

(c) Prior to conducting a home brew special event, the sponsor shall apply for and obtain a home brew special event permit on a form provided by the office of the Revenue Director, which permit shall cost \$50.00.

(d) Home brew special events shall not be open to the general public and shall be limited to the event participants and/or designated judges.

(Ord. of ___-___-2014, § 6-1218)

Chapter 5. Specific Provisions Related to Distilled Beverages

Sec. 6-1219. Distillery Tours

(a) As used in this Section, the term:

(1) *“Free tastings”* means the provision of complimentary samples of distilled spirits to the public for consumption on the premises of a distiller.

(2) *“Sample”* means one-half of one ounce of distilled spirits.

(b) No distiller conducting free tastings under this Section shall provide, directly or indirectly, more than one sample to a person in one calendar day. Free tastings shall be held in a designated tasting area on the premises of the distiller, and all open bottles shall be visible at all times.

(Ord. of ___-___-2014, § 6-1219)

Chapter 6. Specific Provisions Related to Wine

Sec. 6-1220. Home Production of Wine

(a) A head of household may produce 200 gallons of wine in any one calendar year to be consumed within his own household without any requirement to be licensed for such purpose.

(b) For purposes of this Section, a single individual who is not a dependent of another for purposes of Georgia income taxation shall be considered a head of a household.

(Ord. of __-__-2014, § 6-1220)

Sec. 6-1221. Tastings.

A manufacturer of wine may provide samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine may be given free of charge or for a fee.

(Ord. of __-__-2014, § 6-1221)

Chapter 7. Specific Provisions Related to Authorized Catered Event Functions.

Sec. 6-1222. Licensed Alcoholic Beverage Caterers

Licensed alcoholic beverage caterers may operate in the City of Savannah only pursuant to a license issued by the Revenue Director and pursuant to the terms and conditions specified in this Chapter.

(Ord. of __-__-2014, § 6-1222)

Sec. 6-1223. Eligibility for Alcoholic Beverage Caterer License; Application and Fee.

(a) Any current retail dealer licensee may apply for an off-premises license, to the extent of the holder's on-premises consumption alcoholic beverage license in effect at the time of application, to act as a licensed alcoholic beverage caterer whereby such licensee is permitted to sell or dispense alcoholic beverages, consistent with its on-

premises consumption license, by the drink in connection with authorized catered functions of a limited duration, which shall be set forth in the licensing application.

(b) Any current retail package dealer licensee may apply for an-off premises license, to the extent of the holder's off-premises consumption alcoholic beverage license in effect at the time of application, to act as a licensed alcoholic beverage caterer whereby such licensee is permitted to sell or dispense alcoholic beverages, consistent with its off-premises consumption license, by the drink in connection with authorized catered functions of a limited duration, which shall be set forth in the licensing application.

(c) The application for each such authorized catered function license shall be made upon a form provided by the Revenue Director, identifying the name of the caterer, the date, address and time of the event and the licensed alcoholic beverage caterer's license number. The application shall be submitted with payment of a license fee as set forth in the annual revenue ordinance.

(Ord. of ___-__-2014, § 6-1223)

Sec. 6-1224. Additional Conditions; Restrictions.

(a) Upon issuance, the original alcoholic beverage caterer license shall be maintained in the vehicle transporting the alcoholic beverages to the authorized catered function at all times and available for inspection throughout the duration of such function.

(b) It is unlawful for a licensed alcoholic beverage caterer to sell, distribute or otherwise dispense any alcoholic beverages in a manner that is inconsistent with its permit.

(c) No person under the age of 21 shall be employed by a licensed alcoholic beverage caterer who, in the course of such employment, might dispense, serve, sell or handle alcoholic beverages.

(Ord. of ___-__-2014, § 6-1224)

Chapter 8. Minors

Sec. 6-1225. Unlawful Sale, Purchase and Possession of Alcoholic Beverages by Minors.

(a) In addition to the prohibitions set forth at O.C.G.A. §§ 3-3-23, 3-3-23.1 and 3-3-24, as amended, which are hereby incorporated by reference herein, no person under the age of 21 may enter or attempt to remain upon the premises of any person possessing a license to manufacture, distribute or sell alcoholic beverages:

- (1) Where less than 50% of the licensee's annual gross revenue is derived from the sale of food products; or
- (2) Where a cover charge is imposed and collected by the licensee as a condition of gaining entry to the establishment and such fee does not entitle the patron to a seat, whether by general admission or a particular designation; or
- (3) Beyond 10:00 p.m., unless accompanied by a parent or legal guardian, and further provided that no less than 50% of the establishment's annual gross revenue is derived from the service of prepared meals and such establishment offers its full, unlimited menu after 10:00 p.m.; or
- (4) Where the maximum occupancy of such establishment is devoted to more than 35% of open space. For purposes of this Article, open space, standing room and percentage of an area cleared to accommodate standing patrons shall be approved only by an authorized city official; or
- (5) Where by name, common usage, knowledge and/or understanding the establishment constitutes a bar, nightclub, lounge or similar such business, typically falling under NAICS series # 72410, which designations are contained in the Annual Revenue Ordinance, Article Y, Section 33, as amended. Indicia of such use include, but are not limited to:
 - (A) A limited menu or no food service, particularly after 12:00 a.m.;
 - (B) More than 50% of the premises is standing room only;

- (C) The establishment derives more than 50% of its annual gross revenue from the sale of alcoholic beverages;
- (D) Where a cover charge is imposed and collected by the licensee as a condition of gaining entry to the establishment and such fee does not entitle the patron to a seat, whether by general admission or a particular designation;
- (E) The establishment utilizes the services of security forces and/or door personnel;
- (F) The establishment is open after midnight;
- (G) Where the maximum occupancy of such establishment is devoted to more than 35% of open space. For purposes of this Article, open space, standing room and percentage of an area cleared to accommodate standing patrons shall be approved only by an authorized city official;
- (H) The establishment provides a full-service bar, which is the primary location from which patrons directly obtain alcoholic beverages.

(Ord. of __-__-2014, § 6-1226)

Chapter 9. Provisions Relating to Late Night Operations

Sec. 6-1227. Findings.

Successful communities are those that provide desirable atmospheres for living, working and recreating. To foster strong neighborhoods and a healthy economy, it is vital that a balance between these sometimes competing interests be achieved and maintained. Viable, well-managed nightlife activities are crucial elements to the success of the City, as they provide needed recreational opportunities to visitors and residents alike. The hospitality industry is of particular importance to the City's tourist economy, and it is imperative that this industry be conducted in a manner that fosters safe, inviting entertainment so that the City remains attractive to first-time and returning visitors. In recent years, the number of establishments that offer on-premises

consumption of alcoholic beverages in the early morning hours has increased. These establishments, often in close proximity to one another, provide natural places for gathering and frivolity. Due to their hours of operation, the entertainment they provide and their numbers of patrons coming and going, these establishments often generate noise, litter, traffic and other deleterious effects which disturb the peace, quietude and good order of the community and impose unnecessary burdens on public safety officers. City Council finds it in the interests of public safety and good order in the community that reasonable measures be enacted to require that establishments open after midnight and which allow for the on-premises consumption of alcoholic beverages, outside the confines of a structure that offers accommodations, demonstrate a willingness and ability to responsibly conduct their business and monitor the activities of their patrons.

(Ord. of ___-___-2014, § 6-1227)

Sec. 6-1228. Public Safety Plan.

(a) Each late night entertainment establishment shall prepare a written public safety plan, which includes the following information:

- (1) Identification of the days and hours of operation;
- (2) Specific measures and procedures to address crowd management, both within and outside the premises;
- (3) Identification of any parking areas either owned or controlled by the licensee;
- (4) Means of controlling access to the premises and parking areas;
- (5) Security staffing;
- (6) Specific measures and procedures to combat underage consumption of alcoholic beverages;
- (7) Specific measures and procedures to combat the risk of fire; and
- (8) Discussion of matters related to managing emergencies, including fire, evacuation tactics, assignment of specific emergency management duties to

particular personnel, coordination with public safety officers and emergency medical matters.

(b) Licensees to whom this chapter applies shall, for each licensed premises, furnish a public safety plan to the Chief of the Savannah-Chatham Metropolitan Police Department concurrent with submission of an application for a late night sales license. Any material changes in information to a public safety plan shall be submitted to the Chief within thirty days of any such change.

(c) A licensee's public safety plan must be approved by the Chief of police prior to the issuance of a late night sales license.

(d) All security personnel shall review and have a firm working knowledge of the public safety plan pertaining to the applicable premises.

(Ord. of ___-__-2014, § 6-1228)

Sec. 6-1229. Security staffing.

(a) Late night entertainment establishment personnel shall be responsible for operating the establishment in a safe and orderly manner. Between the hours of 12:00 a.m. and closing, the number and type of security personnel on duty at all times shall be determined by the licensee's occupant load (hereinafter "OL") or voluntary occupant load (hereinafter "VOL") and designated on the application for a late night sales license as follows:

(1) less than 49 OL/VOL: one door person and one security person. The security person may also serve as the licensee's manager who shall be permitted to concurrently handle front-of-the-house duties.

(2) 50-100 OL/VOL: one door person and one security person. The security person may also serve as the licensee's manager, so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(3) 101 - 200 OL/VOL: one door person and two security persons, one of which may be a manager so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(4) 201-300 OL/VOL: one door person and three security persons, one of which may be a manager so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(5) 301-400 OL/VOL: one door person and four security persons including a security supervisor who may be counted among the four security persons. Further, apart from the security supervisor, one of the other three security persons may be a manager so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(6) 401-500 OL/VOL: one door person and five security persons, including a security supervisor who may be counted among the five security persons. Further, apart from the security supervisor, one of the other four security persons may be a manager so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(7) 501-600 OL/VOL: one door person and six security persons, including a security supervisor who may be counted among the six security persons. Further, apart from the security supervisor, one of the other five security persons may be a manager so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(8) 601-700 OL/VOL: one door person and seven security persons, including a security supervisor who may be counted among the seven security persons. Further, apart from the security supervisor, one of the other six security persons may be a manager so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(9) 701-800 OL/VOL: one door person and eight security persons, including two security supervisors who may be counted among the eight security persons. Further, apart from the security supervisors, one of the other six security persons may be a manager so long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(10) above 801 OL/VOL: one door person and one security person for every one hundred persons as allowed by the licensee's occupant load or voluntary occupant load, if applicable, and one security supervisor for every four security persons. Security supervisors may also be counted as security persons. Further, apart from security supervisors, another of the remaining security persons may be a manager so

long as said manager has no other duties that could reasonably be found to limit his or her ability to function as a security person.

(b) For purposes of this subsection (a)(1), the late night entertainment establishment may designate as a door person or a security person or persons someone employed in another capacity by the licensee whose job responsibilities for the business in such capacity end before midnight.

(Ord. of ___-___-2014, § 6-1229)

Sec. 6-1230. Operational Regulations.

(a) It shall be the responsibility of late night entertainment establishment personnel to employ crowd management techniques to assure that patrons are adequately disbursed throughout the establishment in compliance with the occupant load of the specific area or areas of the establishment occupied after midnight.

(b) It shall be the responsibility of late night entertainment establishment personnel to see that the occupant load is not exceeded.

(c) It shall be the responsibility of late night entertainment establishment personnel to maintain a line of persons adjacent to the outside of the licensed premises so they are not blocking the sidewalk, street, public ways or entrances to other establishments.

(d) It shall be the responsibility of late night entertainment establishment personnel to routinely monitor all on-site and off-site areas associated with the licensed premises to prevent such areas from becoming outdoor gathering places. It shall be the responsibility of late night entertainment establishment personnel to clear all on and off-site areas associated with the licensed premises within thirty minutes of closing.

(e) All security personnel shall be readily and uniformly identifiable by such means as a badge or other form of identification to assist patrons and public safety officers.

(f) It shall be the responsibility of late night entertainment establishment personnel to assist persons in entering and leaving the late night entertainment establishment in an orderly manner. In the event any person is disorderly or otherwise is engaged in illegal conduct, the late night entertainment personnel shall contact law enforcement.

(g) The provisions of this subsection shall only be applicable between the hours of 12:00 a.m. and 3:00 a.m. on Saturday and Sunday, the holidays of Memorial Day and Labor Day, and between the hours of 12:00 a.m. and 3:00 a.m. on the day following New Year's Eve, Fourth of July, Halloween and designated Saint Patrick's Day festival dates and when special concerts or promotions take place at the late night entertainment establishment.

(h) An establishment operating under a voluntary occupant load may allow occupancy after midnight up to the occupant load of the establishment on the holidays of Memorial Day and Labor Day, and between the hours of 12:00 a.m. and 3:00 a.m. on the day following New Year's Eve, the Fourth of July, Halloween and designated St. Patrick's Day festival dates, provided the security personnel required by the establishment's occupant load per section 6-1229 are maintained on the premises, regardless of whether the number of people allowed by the maximum occupant load is then present.

(Ord. of ___-___-2014, § 6-1230)

Chapter 10. Taxes and Penalties for Violations.

Sec. 6-1231. Alcoholic Beverage Excise Tax

(a) Each wholesale dealer selling, shipping or delivering distilled spirits, malt beverages or wine to any retail dealer, retail package dealer or ancillary retail package dealer in the City, whether delivered to the retail dealer's place of business or elsewhere for resale in the City, shall, as a condition of being licensed to conduct such activity:

- (1) Keep true and correct records of all sales, shipments or deliveries of alcoholic beverages to each retail dealer, retail package dealer or ancillary retail package dealer in the City; such records shall be preserved for a period of one year and shall be made available on request for inspection by any duly authorized representative of the City;
- (2) Collect from each such retail dealer, retail package dealer or ancillary retail package dealer in the City and add on each invoice at the time of delivery of distilled spirits, malt beverages or wine the amount of tax due under the annual revenue ordinance and hold the same in trust for the City until such amount is remitted to the City as provided herein; and

- (3) As provided in the annual revenue ordinance, on or before the 20th day of each calendar month, make the returns provided in this section. Upon failure of a wholesaler to make a return and remit the tax to the City by the due date, the City shall notify such wholesaler in writing and, if the returns are not made and the taxes remitted within five days from the date of such notice, the City may revoke the wholesaler's alcoholic beverage license. On such failure to assess the amount of taxes due from retail dealers, retail package dealers or ancillary retail package dealer who have purchased from such wholesaler, the City may determine the tax amount due from the best information available and shall proceed to collect the taxes as provided by ordinance for the collection of delinquent license taxes.

(b) It shall be unlawful for any person to sell at retail within the City any alcoholic beverages on which the taxes provided for in the annual revenue ordinance have not been paid to the wholesaler. It shall also be unlawful for any wholesaler or other person to deliver any alcoholic beverages to any retail dealer, retail package dealer or ancillary retail package dealer in the City without first collecting the taxes as provided in this Article.

(c) It shall be unlawful for any person engaged in the sale of alcoholic beverages as a retail dealer, retail package dealer or ancillary retail package dealer to have in his possession any alcoholic beverage unless the tax required by the City has been paid to the wholesaler delivering or causing the beverages to be delivered to the retail dealer, retail package dealer or ancillary retail package dealer. Whenever any alcoholic beverages are found in the possession of a retail dealer, retail package dealer or ancillary retail package dealer, where records of the payment of the tax do not appear upon the records of the wholesaler, it will be presumed that the tax has not been paid; and the burden shall be upon the retail dealer or retail package dealer to prove such fact. Any alcoholic beverages found in the possession of any retail establishment in the City for which the specified tax has not been paid shall be subject to confiscation by the City and shall be sold by the City Marshal and the receipts thereof paid into the city treasury.

(Ord. of ___-___-2014, § 6-1231)

Sec. 6-1232. Penalties.

(a) A violation of any state statute, regulation or city ordinance regulating a person licensed there-under and committed by the licensee or any person employed thereby shall be punished by a fine against the licensee, license suspension or revocation, following adequate warning, notice and failure by the licensee or person employed thereby to correct the infraction within a reasonable time, as follows:

- (1) First offense: Minimum fine of \$1,000.00.
- (2) Second offense: If within 12 months of the first, \$2,000.00.
- (3) Third offense: If within 18 months of the first, minimum fine of \$2,500.00.
- (4) Any offense after the third: If within 24 months of the first, issuance of notice to appear to show cause why license should not be revoked.

(b) A licensee shall be notified in writing of the time, date, place and nature of the violation and the time and date when the licensee shall be afforded a hearing with an opportunity to present evidence and cross-examine opposing witnesses. Proof of a criminal conviction for the violation shall not be required. The burden of proof shall be by a preponderance of the evidence.

(c) When a license has been revoked, no further license shall issue under this Article to the former licensee for a period of 24 months from the date of revocation.

(d) Any person who violates this Article or any other state law, regulation or local ordinance may also be subject to citation and subpoena to the Recorders Court of Chatham County and to judicial penalties resulting therefrom.