

July 30, 2025

AN ORDINANCE

**AN ORDINANCE TO AMEND THE CODE OF DEKALB COUNTY, GEORGIA,
CHAPTER 4, ARTICLE III, PERTAINING TO RETAILERS OF ALCOHOLIC
BEVERAGES AND FOR OTHER PURPOSES.**

WHEREAS, the Governing Authority of DeKalb County is tasked with the protection of the County's public health, safety, and general welfare; and

WHEREAS, O.C.G.A. § 3-3-21(a) establishes state-wide default minimum distance requirements for the retail sale of various types of alcoholic beverages, for either on-site or off-site consumption, from churches, schools, school grounds, college campuses and other educational facilities; and

WHEREAS, O.C.G.A. § 3-3-21(b)(3) authorizes counties to license retailers for the sale of alcoholic beverages for on-site consumption only, where the county imposes its own distance requirements from churches, schools and college campuses; and

WHEREAS, the Governing Authority of DeKalb County finds that, as it pertains to the MR-2 (Medium Density Residential - 2) zoning district, the existing distance requirements between retail establishments selling alcoholic beverages for on-site consumption only is unreasonably restrictive in discouraging commercial uses desired by the surrounding community; and

WHEREAS, DeKalb County desires to encourage desirable commercial uses while preserving the County's public health, safety and general welfare with regulations not stricter than necessary to accomplish said mission.

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority DeKalb County, Georgia, and it is hereby ordained by the authority of same, that Chapter 4, Article III of the Code of DeKalb County, Georgia, is amended to read as follows:

LEGEND

Text = Existing/unchanged text

Text = Relocated existing text

Text = Proposed new text

Text = Proposed deleted text

PART I. ENACTMENT

ARTICLE II. – LICENSING AND TAXATION OF RETAIL SALES

Sec. 4-26. – Inspection of premises.

The police department, **code compliance**, and/or the **development planning and sustainability** department, ~~and/or the finance department~~ may inspect establishments licensed under the alcoholic beverage ordinances of the county during the establishment's hours of operation. Such inspections shall be made for the purpose of verifying compliance with the requirements of this chapter and state law.

Sec. 4-28. – Collection of delinquent sums.

If any person fails to pay the sum due under this article, the **finance business license unit** shall issue an execution against the person so delinquent and such person's property for the amount of the delinquent fee or tax.

Sec. 4-29.- Audits

If the ~~finance department~~ **business license unit** deems it necessary to conduct an audit of the records and books of a licensee under the provisions of this article, it shall so notify the licensee of the date, time, and place of the audit.

Sec. 4-49. – Application

- (a) All persons or entities desiring to sell alcoholic beverages shall make application on the form prescribed by the ~~finance department~~ **business license unit**.
- (b) The application shall include but not be limited to the following:
 - (8) Such other information as may be required by the ~~finance department~~ **business license unit** and/or the police department. If the manager changes, the applicant must furnish the ~~finance department~~ **business license unit** and the police department with the name and address of the new manager and other information as is requested within ten (10) days of such change.

(c) All applications for a package liquor license, both original and renewals, must be accompanied by a full and complete statement relative to any and all interest in retail liquor stores. This shall include names and addresses of all persons possessing a legal ownership in the subject establishment, together with any interest that each person or that any family member of each person has in any other retail liquor store located in the county or any other place; the ownership of the land and building where such retail business is operated; the amount of rental paid for the land and building, the manner in which such rental is determined, and to whom and at what intervals the rental is paid; the names and addresses, by affidavit from the owner, lessor or sublessor of the land and building, of all persons having any whole, partial, beneficial or other legal interest in and to the land and building on and in which the retail liquor store is located; and any other information called for by the ~~finance department~~ business license unit to ensure compliance with the provisions of this division. Any change in relationship herein declared must be filed when made with the ~~finance department~~ business license unit and failure to so file within a period of ten (10) days after this change is made shall be grounds for the county to cancel the license.

(d) All applicants shall furnish all data, information and records requested of them by the ~~finance department~~ business license unit or the police department and failure to furnish this data, information and records within thirty (30) days from the date of the request shall automatically dismiss, with prejudice, the application. By filing an application, applicants agree to produce for oral interrogation any person requested by the ~~finance department~~ business license unit or the police department and considered as being important in the ascertainment of the facts relative to the license. The failure to produce the person within thirty (30) days after being requested shall result in the automatic dismissal, with prejudice, of the application. An application shall not be considered complete until the applicant has furnished all data, information and records requested of them by the ~~finance department~~ business license unit or the police department.

(g) The ~~finance department~~ business license unit shall provide written notice to any applicant whose application is denied under the provisions of this chapter within thirty (30) days of filing a properly completed application. Such written notification shall set forth in reasonable detail the reasons for such denial and shall advise the applicant of the right to appeal to the alcohol beverage review board under the provisions of this division within fifteen (15) days from date of notice.

Sec. 4-50.- Persons eligible

(j) The ~~finance department~~ business license unit may decline to issue a license when any person having any interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this article for the licensee.

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(k) The inability of the ~~finance department~~ business license unit or the police department to verify any statement or information required to be disclosed or to be able to adequately conduct a full investigation of an applicant or a place of business due to foreign background, ties or interest or for any reason beyond the ~~finance department~~ business license unit or the police department's control shall be, in addition to all other grounds, cause for dismissal of any license, with prejudice and if any license has been granted shall be cause for revocation of the license.

Sec. 4-52. – Expiration; renewal

- (a) All licenses granted under this division shall expire on December 31st of each year. A licensee who desires to renew the license shall file application, with the requisite fee heretofore provided, with the ~~finance department~~ business license unit on the form provided for renewal of the license for the ensuing year. All applications for renewal will be reviewed by the ~~finance department~~ business license unit. Licensees do not have a right to automatic renewal and must be in compliance with all rules and regulations for the granting of licenses. Applications for renewal must be filed before November 30th of each year; otherwise penalties and interest will be assessed. ~~No renewal license shall be granted after December 31, but such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held.~~
- (d) Failure to fully complete the renewal application, as required by the ~~finance department~~ business license unit will delay the renewal. The failure to furnish complete information within thirty (30) days after being requested shall result in automatic denial of the renewal.

Sec. 4-53. – Transferability.

- (b) In case of the death of the licensee, the establishment shall be allowed to continue to sell alcoholic beverages for a period of thirty (30) days from the date of death, or until expiration of the license, or until approval of a new license, whichever occurs first, provided however that the ~~finance department~~ business license unit must be notified of the licensee's death within ten (10) days of the death or the license shall automatically terminate on the eleventh day following the death of the licensee.
- (c) If a license is surrendered, or a licensee severs the association with the licensed establishment, the establishment may continue to sell alcoholic beverages for a period of thirty (30) days from the date of surrender, or from the date determined to be the date of severance, provided however that the ~~finance department~~ business license unit must be notified of the change within ten (10) days of the severance or the license shall automatically terminate on the eleventh day following the date of the severance. Upon issuance of a new license, the authorization to sell under the previous license shall be revoked by operation of law. No additional license fees shall be required during the period for which the original license was issued.

Sec. 4-54. – Display

The county alcoholic beverage license shall at all times be kept plainly exposed to view at the place of business of the licensee. The ~~finance-director~~ business license unit ~~or designee~~ shall ensure that all licenses for on-premises consumption of alcoholic beverages show:

- (1) Any special land use permit conditions imposed by the board of commissioners for the establishment,
- (2) The allowed hours of operation for the location and
- (3) Written notice to the licensee that the license with the hours of operation must be posted in a public and conspicuous place within the licensee's establishment.

Sec. 4-55. – Suspension or revocation.

- (a) A license issued pursuant to the provisions of this division shall be suspended or revoked by the ~~finance-department~~ business license unit if the licensee furnishes fraudulent or untruthful information in the original, renewal or transfer application for a license or omits information required in the original, renewal or transfer application for a license and for failure to pay all fees, taxes or other charges imposed under the provisions of this chapter.
- (b) Whenever the state revokes any permit or license to sell alcoholic beverages, the county license shall thereupon be automatically revoked. The police department, upon notice of such revocation from the ~~finance-department~~ business license unit, shall take the necessary steps to see that signs are removed and that all alcoholic beverage sales cease.
- (c) Any licensed establishment that is found to be in violation of [section 4-104](#) shall be subject to immediate license revocation in addition to all other penalties.
- (d) The ~~finance-department~~ business license unit shall revoke the Sunday sales license of any licensee where the establishment has been found in violation of the Sunday sales ordinance.
- (e) The ~~finance-department~~ business license unit shall revoke the license of any licensee where the licensee has sold alcoholic beverages at a time other than the time permitted by the license.
- (f) The ~~finance-department~~ business license unit shall revoke the license of any licensee whose license has been suspended three (3) or more times in any consecutive twenty-four-month period.
- (g) The ~~finance-department~~ business license unit shall revoke the license for any premises where alcoholic beverages have been sold or distributed during a period of suspension.
- (h) The ~~finance-department~~ business license unit may suspend or revoke the license of any establishment which does not meet the licensing qualifications set forth in this division at any time such knowledge becomes known to it.
- (i) An act or omission of a licensee, majority stockholder, general or managing partner, or employee of the licensee or licensed establishment which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation of the license in accordance with the provisions of this division when evidence is submitted to the ~~finance-department~~ business license unit that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues. In the case of a violation by an employee, the licensee may submit evidence to the ~~finance-department~~ business license

unit that the acts of the employee were not known to or under reasonable circumstances should not have been known to the licensee, were not condoned by the licensee, and that the licensee has established practices or procedures to prevent the violation from occurring, and that the licensee has not failed to properly train or supervise employees to prevent the violation from occurring.

(j) Subject to the provisions of this chapter, a violation of [sections 4-106](#) or [4-108](#) by a licensee, majority stockholder, general or managing partner or employee of the licensee or licensed establishment shall result in the following action by the ~~finance department~~ business license unit:

(1) The first violation shall result in license suspension for a period of not less than two (2) days, which shall be scheduled to include a Friday and Saturday.

(2) The second violation within a consecutive twenty-four (24) month period shall result in license suspension for a period of not less than ten (10) days which shall be scheduled to begin on a Friday.

(3) The third violation within a consecutive twenty-four (24) month period shall result in license revocation.

(k) The ~~finance department~~ business license unit shall revoke the license of any licensee where the establishment has been declared a public nuisance or has created a danger to public safety as determined by the police department.

Sec. 4-56. – Alcoholic beverage review board.

(a) The alcoholic beverage review board shall be composed of the ~~deputy public works director~~ of planning and sustainability, director of code compliance administration, ~~for development, the deputy director for finance, the chief of police, the director of the department of fire chief and rescue services, and the health director, or their designees.~~ The deputy director for finance or his designee, shall not sit as a member of the alcohol beverage review board when the hearing relates to a license or permit issued by the finance department. The chief of police or his designee shall not sit as a member of the alcohol beverage review board when the hearing relates to a permit issued by the police department.

(b) There is established an alcoholic beverage review board which shall have the following duties:

(1) To hear appeals from decisions of the ~~finance department~~ business license unit denying the issuance or renewal of any license pertaining to the sale of alcoholic beverages in the county;

(2) To hear appeals from the decisions of the ~~finance department~~ business license unit revoking or suspending any license pertaining to the sale of alcoholic beverages in the county;

(3) To hear appeals from the decisions of the police department denying the issuance of permits pertaining to employment in a licensed establishment;

(4) To hear appeals from the decisions of the police department revoking or suspending an employee permit to an employee of a licensed establishment.

Sec. 4-60. – Fee deposit, ~~and~~ investigative, ~~and~~ administrative, ~~and~~ alcohol license costs.

- (a) Each application for a license to sell distilled spirits for consumption on the premises shall be accompanied by a certified check for the full amount of the license fee, together with a ~~separate cashier's~~ check or ~~cash money order~~ in the amount established by the board of commissioners, a copy of which is on file in the office of the clerk of the board of commissioners, to defray investigative and administrative costs. If the application is denied and the license refused, or if the applicant is denied a state license, the deposit representing the license fee shall be refunded, but the sum paid for investigation (\$50) and administrative costs (\$75) shall be retained.

Sec. 4-74. – Liability for tax; authority to collect.

Every licensee or the licensee's agent shall collect the tax herein imposed from purchasers of alcoholic beverages by the drink sold within the licensee's licensed premises. Such licensee or agent shall furnish such information as may be requested by the ~~finance department~~ business license unit to facilitate the collection of the tax.

Sec. 4-75. – Determinations, returns and payments.

- (a) *Due date of taxes.* All ~~excise~~ taxes collected by any licensee or agent under this division shall be due and payable to the ~~finance department~~ business license unit monthly on or before the twentieth day of every month next succeeding each respective monthly period.
- (b) *Return; limit of filing; persons required to file; execution.* On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed with the ~~finance department~~ business license unit in such form as the ~~finance department~~ business license unit may prescribe by every licensee or agent liable for the payment of tax.
- (c) *Contents of return.* All returns shall show the gross receipts from the sale of alcoholic beverages by the drink, amount of tax collected or authorized due for the related period, and such other information as may be required by the ~~finance department~~ business license unit.
- (d) *Delivery of return and readmittance.* The person required to file the return shall deliver the return, together with the remittance of the net amount of tax due to the ~~finance department~~ business license unit.

Sec. 4-76. - Deficiency determinations.

- (a) *Recomputation of tax.* If the ~~finance department~~ business license unit is not satisfied with the return or returns of the tax or the amount of the tax to be paid to the ~~finance department~~ business license unit by any person, it may compute and determine the amount required to be paid upon the basis of any information within its possession or that may come into its possession. One (1) or more than one (1) deficiency determination may be made of the amount due for one (1) or more than one (1) monthly period.
- (c) *Offsetting of overpayments.* In making a determination, the ~~finance department~~ business license unit may offset overpayments, for another period, against penalties, and against the interest on underpayments. The interest on overpayments shall be computed in the manner set forth in section 4-77, subsection (c).
- (f) *Notice of determination.* The ~~finance department~~ business license unit shall give to the licensee written notice of the determination. The notice may be served personally, ~~or~~ by mail, ~~or by email~~; if by mail ~~or email~~, such service ~~shall be pursuant to O.C.G.A. § 9-11-4 and~~ shall be addressed to the licensee at the licensee's physical address ~~or email address~~ as it appears in the records of the county. In case of service by mail of any notice required by this division, the service is complete at the time of deposit in the United States Post Office.

Sec. 4-77. – Determination if no return made.

- (a) *Estimate of gross receipts.* If any licensee fails to make a return, the ~~finance department~~ business license unit 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 the county which are subject to the tax. The estimate shall be made for the period or periods in respect to which the licensee failed to make the return and shall be based upon any information which is in or may come into the possession of the ~~finance department~~ business license unit. Upon the basis of this estimate, the ~~finance department~~ business license unit shall compute and determine the amount required to be paid the county, adding to the sum thus determined a penalty equal to ten (10) percent thereof. One (1) or more determinations may be made for one (1) or for more than one (1) period.
- (b) *Manner of computation; offsets; interest.* In making a determination, the ~~finance department~~ business license unit may offset overpayments for a period or penalties against penalties and/or interest on underpayments. The interest on underpayments shall be computed in the manner set forth in subsection (c) of this section.
- (e) *Notice; manner of service.* Promptly after making a determination, the ~~finance department~~ business license unit shall give to the person written notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Sec. 4-79. - Collection of tax; security deposit; refunds.

- (a) The ~~finance department~~ business license unit, whenever deemed necessary to ensure compliance with this division, may require any person subject hereto to deposit such security as the department may determine. The amount of the security shall be fixed by the department, shall be the greater of twice the person's estimated average liability for the period for which the return was filed, determined in such a manner as the department

deems proper, or ten thousand dollars (\$10,000.00). The amount of the security may be increased by the department subject to the limitations herein provided. ~~The department may sell the security at public auction, with the approval of the board of commissioners, if it becomes necessary to do so in order to recover any tax or any amount required to be collected, interest or penalty due.~~ Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at the person's address as it appears in the records of the department. Upon any sale, any surplus above the amounts due shall be returned to the person who deposited the security.

- (b) If any person is delinquent in the payment of the amount required to be paid, or if a determination has been made against the person which remains unpaid, the ~~finance department~~ business license unit may, not later than three (3) years after the payment became delinquent, give notice thereof by registered mail to all persons in the county having in their possession or under their control any credits or other personal property belonging to the delinquent, or owing any debts to the delinquent. After receiving the notice, the persons so notified shall neither transfer nor make any other disposition of the credits, other personal property or debts in their possession or under their control at the time they receive the notice until the ~~finance department~~ business license unit consents to a transfer or disposition or until twenty (20) days elapse after the receipt of the notice. All persons ~~so~~ notified shall within five (5) days after receipt of the notice advise the ~~finance department~~ business license unit of all these credits, other personal property, or debts in their possession, under their control or owing by them.
- (c) At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable and at any time within three (3) years after the delinquency of any tax or any amount of tax required to be collected, the ~~finance department~~ business license unit may bring an action in the courts of this state, or any other state, or of the United States in the name of the county to collect the amount delinquent together with penalties and interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.
- (d) If any operator liable for any amount under this division sells out the business or quits the business, the successors or assigns shall withhold sufficient of the purchase price to cover the tax liability until the former owner produces a receipt from the ~~finance department~~ business license unit showing that same has been paid or a certificate stating that no amount is due.
- (e) If the purchaser of a business fails to withhold the purchase price as required, the purchaser becomes personally liable for the payment of the amount required to be withheld to the extent of the purchase price, valued in money. Within thirty (30) days after receiving a written request from the purchaser for a certificate, the ~~finance department~~ business license unit shall either issue the certificate or mail notice to the purchaser at the purchaser's address as it appears on the records of the ~~finance department~~ business license unit of the amount that must be paid as a 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 out the business or at the time that the determination against the operator becomes final, whichever event occurs later.
- (f) Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously or illegally collected or received by the county under this division, it may be offset as provided in [section 4-76](#), subsection (c), or it may be refunded, provided

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a verified claim in writing therefor, stating the specific ground upon which the claim is founded, is filed with the ~~finance department~~ business license unit within three (3) years from the date of payment. The claim may be audited and shall be made on forms provided by the ~~finance department~~ business license unit. If the claim is approved by the ~~finance department~~ business license unit and the board of commissioners, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to this person, or such person's administrators or executors.

Sec. 4-80 – Administration.

- (a) The ~~finance department~~ business license unit shall administer and enforce the provisions of this division.
- (b) The ~~finance department~~ business license unit may make and publish reasonable rules and regulations not inconsistent with this division or other laws of the county and the state, or the constitution of this state or the United States for the administration and enforcement of the provisions of this division and the collection of taxes hereunder.
- (c) Every licensee for the sale of alcoholic beverages by the drink in this county to a person shall keep such records, receipts, invoices and other pertinent papers in such form as the ~~finance department~~ business license unit may require.
- (d) The ~~finance department~~ business license unit may examine the books, papers, records, financial reports, equipment and other facilities of any licensee liable for the tax, in order to verify the accuracy of any return made, or if no return is made by the licensee, to ascertain and determine the amount required to be paid.
- (e) In administration of the provisions of this division, the ~~finance department~~ business license unit may require the filing of reports by any person or class of persons having possession or custody of information relating to sales of alcoholic beverages which are subject to the tax. The reports shall be filed with the ~~finance department~~ business license unit when required by the department and shall set forth the price charged for each sale, the date of each sale and such other information as the department may require.
- (f) The ~~finance department~~ business license unit shall not make known in any manner the business affairs, operations or information obtained by an audit of books, papers, records, financial reports, equipment and other facilities of any licensee or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person not having such administrative duty under this division, except in the case of judicial proceedings or other proceedings necessary to collect the tax hereby levied and assessed. Successors, receivers, trustees, executors, administrators, and assignees, if directly interested, may be given information as to the items included in the measure and amount of unpaid tax or amounts of tax required to be collected, interest and penalties.

ARTICLE III. – OPERATIONAL RULES FOR RETAILERS

Sec. 4-101.1. – Location restrictions.

(h) The distance restrictions contained in subsection (b) do not apply to a restaurant as that term is defined in chapter 27 of this Code, if the following conditions are satisfied:

- (1) The restaurant must be located on property bearing the zoning district classification ~~pedestrian community 1 (“PC-1”)~~ mixed use low density (“MU-1”), ~~pedestrian community 2 (“PC-2”)~~, ~~pedestrian community 3 (“PC-3”)~~ mixed use very high density (“MU-5”), ~~office-commercial-residential (“OCR”)~~ mixed use high density (“MU-4”), or medium density residential-2 (“MR-2”), as those terms are defined in chapter 27 of this Code; or

Sec. 4-103. - Advertising

~~(a) Each licensee for the retail sale of liquors hereunder, except consumption on the premises establishments, shall have printed on a front window or entrance of the licensed premises the name of the licensed establishment together with the inscription "DeKalb County Retail License No. _____" in uniform letters not less than four (4) nor more than eight (8) inches in height.~~

Sec. 4-104. – Prohibited types of entertainment, attire and conduct.

~~(As adopted by the DeKalb County Board of Commissioners on April 30, 1998, this section shall not apply to licenses in effect on April 30, 1998 until those licensees apply for renewal for 2000.)~~

(3) The holding, promotion, sponsoring, or allowance of any contest, promotion, special night, event, or any other activity where patrons of the licensed establishment in paragraphs (1) and (2) above; provided however, that nothing contained in this section shall apply to a traditional or mainstream performance establishment which derives less than twenty (20) percent of its gross annual income from the sale of alcoholic beverages.

Gross annual income from the sale of alcoholic beverages for the purposes of this section shall be based on the gross income from the sale of alcoholic beverages for the twelve-month period immediately preceding the licensed year for which an alcohol license is to be issued. In the event the establishment has not been licensed to sell alcoholic beverages for a twelve-month period immediately preceding the year for which an alcohol license is sought, gross annual income shall be based on the average monthly gross income for the preceding months during which the establishment had an alcoholic beverage license. In the event that an applicant is a new establishment, it shall complete a form and an affidavit furnished by the ~~finance department~~ business license unit showing projected anticipated gross income and anticipated gross income from the sale of alcoholic beverages. A temporary license for no more than three

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(3) months shall be issued by the finance department for such establishments if such establishments otherwise qualify for a license under the provisions of this chapter. At the expiration of the temporary license period, said establishment must demonstrate gross income of less than twenty (20) percent in the preceding three (3) months from the sale of alcoholic beverages. In the event that such business establishes the gross income from the sale of alcoholic beverages as required under this section and otherwise meets all qualifications for a license a new temporary license will be issued for the remainder of the calendar year.

The ~~finance department~~ business license unit may, at any time, require that a licensed mainstream performance establishment obtain an audit prepared by a certified public accountant at the licensee's expense, to ensure compliance. If an audit reveals incorrect, incomplete, or misleading information was submitted, then the permit issued pursuant to this section shall be automatically revoked by the ~~finance department~~ business license unit.

Sec. 4-108. – Happy hour promotions.

- (a) It is the intent of this section to prohibit activities typically associated with promotions referred to as "happy hour."
- (b) In this section "customarily charged" means the price regularly charged for such alcoholic beverage during the same calendar week.
- (c) No licensee under this chapter or employee or agent of a licensee shall engage in any of the following practices in connection with the sale or other disposition of alcoholic beverages for consumption on the premises:
 - (1) The giving away of any alcoholic beverage in conjunction with the sale of any other alcoholic beverage.
 - (2) The sale of two (2) or more alcoholic beverages for a single price, including ~~the sale of all such beverages a customer can or desires to drink at a single price.~~ promotions where a customer is allowed to consume an unlimited number of alcoholic beverages for one set price.
 - (3) Selling, offering to sell, or delivering to any person or persons any alcoholic beverage at a price less than one-half the price customarily charged for such beverage.
 - (4) Requiring or allowing the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage has been consumed, by any one (1) person.
 - (5) Increasing the volume of alcoholic beverage contained in a drink without proportionately increasing the price customarily charged for such beverage.
 - (6) Selling, offering to sell, or delivering to any person or persons, any alcoholic beverage made with more than three (3) ounces of distilled spirits.
 - (7) Selling, offering to sell, or delivering to any person, any beer or wine in a container of more than twelve (12) ounces or its metric equivalent.
 - (8) Nothing contained herein shall be construed to prohibit reducing the price of a drink or drinks by up to one-half the price customarily charged.

Sec. 4-109. – Locations where sales by the drink permitted; entrance to establishment

No distilled spirits may be sold by the drink for consumption on the premises where sold except in restaurants ~~eating establishments~~ regularly serving prepared food, with a full-service kitchen prepared to serve food every hour they are open. When ~~a full-service restaurant~~ located in hotels, motels ~~and~~ high-rise offices and apartment buildings, every entrance to the establishment shall be from a public lobby, hallway, mall or other publicly used interior portion of the primary use structure.

Sec. 4-127. – Employees.

The following provisions apply to all establishments holding a license for consumption of beer, wine, and distilled spirits on the premises:

- (5) All permits issued through administrative error or through an error in completion of a background investigation can be terminated by the police department or the ~~finance department~~ business license unit.

Sec. 4-128. – Sunday sales.

- (b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the ~~finance department~~ business license unit. The ~~finance department~~ may, at anytime, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the ~~finance department~~ business license unit. No later than March 31st of the license year, licensee shall submit a report on monthly sales (i.e. excise taxes) by category for the prior calendar year.
- (e) Establishments which qualify for a Sunday sales license are authorized to apply for a temporary Sunday sales permit if they desire to open for special events or holidays. The temporary permit shall be valid for the day/time of event only. ~~one (1) calendar month and partial months shall be counted as a full month.~~ Licensees must apply thirty (30) days in advance of the issuance date.

Sec. 4-129. – Open area and patio sales.

No consumption and/or sale of distilled spirits shall be allowed in open areas and patios unless first permitted and approved by the ~~finance department~~ business license unit. The department shall prepare such appropriate regulations as to ensure the safe and orderly operation of these establishments, including but not limited to regulations pertaining to maximum capacity, ingress and egress.

Sec 4-146. Types of retail establishments

~~(a) No beer or wine shall be sold for consumption on the premises where sold except in eating establishments having a full-service kitchen prepared to serve food every hour they are open. These establishments must be located in zoning districts which permit restaurants and drive-in restaurants as conforming uses or where these eating establishments are incidental to a hotel or motel.~~

~~(b) A golf course within a planned development, as authorized by the 1970 zoning ordinance, as amended, a stadium facility during the playing of professional athletic competitions, and a licensed or leased athletic complex within a park owned by DeKalb County, may be issued a beer and wine consumption on the premises license without meeting the full-service kitchen requirement. No license may be issued for use at a park or stadium at which the consumption of alcohol is not permitted under sections 19-30(c) or 4-101.1 of this Code.~~

A retail establishment is defined as a business that sell goods and services directly to consumers for use. A retail establishment can be located in an activity center that is a character area designated by the comprehensive plan as a regional center, town center, or neighborhood center. Characteristics include direct-to consumer sales; physical or digital; variety of formats (vending machines and pop-up shops). Retail uses include Convenience Stores, Grocery Stores, Specialty Food Stores, Shopping Center.

(a) Beer and wine can only be sold for drinking on-site if the establishment:

Is an eating establishment with a full-service kitchen that serves food during all business hours and is located in zones where restaurants are allowed or part of a hotel/motel (where restaurants are typically found as secondary uses).

(b) Exceptions

Certain establishments can obtain a license without having a full-service kitchen:

- Golf courses within approved planned developments,
- Stadiums during professional sports events, and
- Athletic complexes in county-owned parks (if licensed or leased).

However, no alcohol license can be issued for any park or stadium where alcohol is prohibited by other parts of the code (Sections 19-30(c) or 4-101.1).

Sec. 4-147. – Hours of sale and operation

(d) Sales ~~are~~ and deliveries during all other hours are prohibited. There shall be no consumption on the premises after prohibited hours have been in effect for one-half (½) hour. All licensed establishments must likewise close their premises to the public and clear their premises of patrons within one-half (½) hour after the time set by this chapter for discontinuance of the sale of alcoholic beverages on the premises and shall not reopen their premises to the public until 9:00 a.m. or thereafter.

Sec. 4-148. – Employees

(5) All permits issued through administrative error or through an error in completion of a background investigation may be terminated by the ~~finance department~~ business license unit or the police department.

Sec. 4-149. – Sunday sales.

(b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the ~~finance department~~ business license unit. The ~~finance department~~ business license unit may, at anytime, require that the licensee obtain an audit prepared by a certified public accountant, at the licensee's expense, to ensure compliance. If an audit reveals that incorrect, incomplete or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the ~~finance department~~ business license unit. No later than March 31st of the license year, licensee shall submit a report on monthly sales by category for the prior calendar year.

(c) All annual permit renewals shall be filed with the ~~finance department~~ business license unit not later than November 30 of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

Sec. 4-150. – Open area and patio sales.

No consumption and/or sale of beer and wine shall be allowed in open areas and patios unless first permitted and approved by the ~~finance department~~ business license unit. The department shall prepare such appropriate regulations as to ensure the safe and orderly operation of these establishments, including, but not limited to, regulations pertaining to maximum capacity, ingress, and egress.

Sec. 4-164. – Sunday sales.

(b) Applicants for a Sunday sales permit shall complete a form and affidavit furnished by the ~~finance department~~ business license unit. An audit may be required at any time to ensure compliance. If an audit reveals that incorrect, incomplete, or misleading information was submitted on and/or with the Sunday sales form and/or affidavit, then, the permit shall be automatically revoked by the ~~finance department~~ business license unit.

(c) All annual permit renewals shall be filed with the ~~finance department not~~ business license unit no later than November 30th of the year preceding the license year for which the permit is to be issued. All renewals are subject to audit prior to being renewed to ensure compliance with this chapter.

Sec. 4-165. – Open area and patio sales.

No consumption and/or sale of distilled spirits or beer or wine shall be allowed in open areas and patios of private clubs unless first permitted and approved by the ~~finance department~~ business license unit. The department shall prepare such appropriate regulations as to ensure the safe and orderly operation of these establishments, including, but not limited to, regulations pertaining to maximum capacity, ingress, and egress.

Sec. 4-193. – Hours of sale.

Retailers shall not engage in the sale of spirituous liquors except between the hours of 8:00 a.m. and 12:00 p.m. on Monday through Saturday. The hours within which this business may be carried on shall be determined by the standard time in force at the time of the sale thereof. No retail sales of distilled spirits shall be permitted on Sundays. Package stores are allowed to sell on Sundays from 11:00am to 11:30pm.

Sec. 4-194. – Employees

(5) All permits issued through administrative error or through an error in completion of a background investigation can be terminated by the police department or the ~~finance department~~ business license unit.

Sec. 4-214. – Wine tastings.

Upon filing an application and payment of a filing fee and a permit fee and after investigation by the police department and review by the ~~finance department~~ business license unit, the ~~finance department~~ business license unit may issue a permit to a licensed retail package wine dealer or licensed wine wholesaler to hold a wine tasting. The permit shall allow the applicant to provide samples of wine to the public for consumption at a location which meets legal requirements for on-premises consumption, under the following conditions:

(1) The applicant for a wine tasting must hold a valid current wine license in the state.

ARTICLE IV. – WHOLESALERS

Sec. 4-231. – Generally.

(a) Any person desiring to sell, at wholesale, any alcoholic beverage in unincorporated areas of the county shall make application to the ~~finance department~~ business license unit and obtain a license to do so, which application shall be in writing on the prescribed forms and pay a fee in the amount established by action of the board of commissioners, a copy of which is on file in the office of the clerk of the board of commissioners.

Sec. 4-232. – Excise tax imposed; bond required

(b) The excise tax shall be collected by all wholesale dealers selling alcoholic beverages to persons holding retail licenses and shall be paid by the wholesale dealers to the ~~finance department~~ business license unit by the ~~tenth~~ twentieth (20th) of each month, based upon the units of alcohol sold during the previous month. The wholesale dealer shall keep true and correct records of all sales and shipments. The monthly remittance shall be accompanied by a sworn statement showing, but not limited to, the type and volume sold to each retail licensee on a form or in a format as approved by the ~~finance department~~ business license unit.

(c) Each wholesale dealer, prior to commencement of business operation in the county, shall post a performance bond with the ~~finance department~~ business license unit equal to one and one-half (1½) times the estimated highest monthly payment made in a calendar year of the excise tax based on sales collected by the wholesale dealer from the retailers to secure the payments for the tax imposed herein. These bonds shall be secured by cash which shall bear no interest, or a surety bond executed by a surety company licensed to do business in this state and approved by the ~~finance department~~ business license unit.

ARTICLE V. – BOTTLE CLUBS

Sec. 4-251 – Types of establishments

~~"Bring your own bottle" establishments or "brown bag" establishments are establishments regularly serving prepared foods, with a full service kitchen, prepared to serve food every hour they are open and which can seat two hundred (200) or more persons. Such clubs cannot hold a license to sell and may not sell or serve any alcoholic beverages. Such clubs must be in a zoning district that allows a restaurant as a conforming use.~~

“Bring Your Own Bottle” (BYOB) or “brown bag” establishments are venues that regularly serve prepared food, operate a full-service kitchen during all hours of operation, and have a maximum seating capacity of 200 patrons. Such establishments are not permitted to hold a license to sell alcohol and may not sell or serve any alcoholic beverages. They must also be located in a zoning district where restaurants are allowed as a conforming use.

Sec. 4-252. – Permits.

It shall be unlawful to operate an establishment governed under the provisions of this article without first obtaining a license from the ~~finance department~~ business license unit and paying such fees and taxes as may be required by the ordinances, rules and regulations of the county. A bottle club shall be subject to all general licensing and regulations as well as the licensing and regulations for consumption on the premises establishments.

PART II. EFFECTIVE DATE

This ordinance shall become effective upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2025.

MICHELLE LONG SPEARS
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

July 30, 2025

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2025.

LORRAINE COCHRAN-JOHNSON
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

JULIANA A. NJOKU
Director of Planning and Sustainability
DeKalb County, Georgia

WILLIAM J. LINKOUS
County Attorney
DeKalb County, Georgia