

**COOK COUNTY, GEORGIA
RESOLUTION**

**[Resolution of the Board of Commissioners of Cook County,
Georgia adopting an Alcohol Beverage Ordinance
Providing for the Issuance of Licenses for the sale of Malt
Beverages, Wine and Distilled Spirits]**

WHEREAS, the Board of Commissioners of Cook County is authorized to adopt ordinances or resolutions for the governing and policing of the County for the purpose of protecting and preserving the health, safety and welfare of its citizens;

WHEREAS, there exist currently resolutions controlling and regulating the sale of malt beverages and wine [wholesale and retail, for off-premise and on-premise consumption];

WHEREAS, on March 6, 2006 the Board of Commissioners by resolution authorized a referendum placing before the voters of Cook County the question of whether Cook County shall be authorized to issue licenses for the sale of distilled spirits **by the drink for on premise consumption**;

WHEREAS, the referenced referendum was held on July 18, 2006 and the voters of Cook County approved the issuance of such licenses to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption **only on the premises**; and

WHEREAS, the Commission has determined it to be in the best interest of the County to update and consolidate its resolutions regulating the sale of malt beverages and wine with an ordinance regulating distilled spirits.

NOW THEREFORE IT IS HEREBY RESOLVED by the Board of Commissioners of Cook County, Georgia that the resolutions and ordinances of Cook County be and it is hereby amended so as to strike Resolution of Cook County for the Regulation of the Sale of Wine and Malt Beverages in its entirety and substitute in lieu thereof the attached ordinance including purposes stated and articles set forth therein;

IT IS FURTHER RESOLVED that all resolutions regulating the sale of malt beverages and wine [except the ordinance hereby adopted] are repealed as is any provision of other County resolutions or ordinances inconsistent with the provisions of the Alcoholic Beverage Ordinance hereby adopted; and

IT IS FURTHER RESOLVED that the ordinance hereby adopted shall become effective immediately.

Adopted at a meeting of the Board of Commissioners of Cook County, Georgia, held on January 19, 2007.

**BOARD OF COMMISSIONERS
OF COOK COUNTY, GEORGIA**

/s/ Sam Raulerson, Chairman

/s/ Don William, Vice Chairman

/s/ Johnny Spearman, Commissioner

/s/ Michael Dinnerman, Commissioner

/s/ Jeff Lane

Attest: /s/ Vicki S. Parrish, County Clerk

[SEAL]

COOK COUNTY ALCOHOLIC BEVERAGES ORDINANCE

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COOK COUNTY

ORDINANCE

Alcoholic Beverages

To amend the Code of Ordinances of the Cook County, so as to completely revise and consolidate the resolution on malt beverages and wine and to add an ordinance regulating distilled spirits; to provide that the Code of Ordinances as such relates to alcoholic beverages is consistent with the laws of the State of Georgia; to provide for penalties for violations of the Code of Ordinances relating to alcoholic beverages; to provide for related matters; to repeal conflicting ordinances; and for other purposes.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY, GEORGIA THAT: The Code of Ordinances of Cook County, Georgia is amended by striking the resolution relating to alcoholic beverages in its entirety and substituting in lieu thereof the following ordinance and articles contained therein:

PURPOSES

(a) The purposes of this Ordinance shall include, without being limited to; the following:

- (1) Compliance with and effectuation of the general state law;
- (2) Prevention and control of the sale of alcoholic beverages by unfit persons;
- (3) Insuring that any licenses issued for the consumption of alcoholic beverages are issued only as defined and set forth in this Ordinance;
- (4) The protection of schools, homes, institutions; and churches, parks and other institutions; and
- (5) Protection of the public health, safety and welfare.
- (6) To the maximum extent possible under state and federal law, the business of selling alcoholic beverages shall under this Ordinance be considered a privilege to be afforded in conformity with the foregoing and other public policies of the County, rather than a right.

ARTICLE I. General

Sec. 6-1. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means and includes all alcohol, distilled spirits, beer, malt beverages, wine or fortified wine.

Brown Bagging means the bringing of alcoholic beverages into restaurants or other business establishments or public places for the purpose of drinking such alcoholic beverages at any such establishment.

County shall mean Cook County, Georgia.

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

Fixed salary means the amount of compensation paid to any member, officer, agent or employee of a private club as may be fixed for him by its members at a prior annual meeting or by the governing body out of the general revenue of the club and shall not include any commission on any profits from the sale of alcoholic beverages. For the purposes of this definition, tips or gratuities which are added to bills of members and their guests under club regulations shall not be considered as profits from the sale of alcoholic beverages.

Food Caterer means any person who prepares food for consumption off the premises.

Fortified wines 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. The term "fortified wine" includes, but is not limited to, brandy.

Grocery store means a business which holds a grocery store retail business registration license issued by the County, and which:

(1) Is engaged primarily in the retail sale of food and beverage items by the package designed for non-premises consumption; and

(2) Maintains at no time a retail inventory of alcoholic beverages which is more than 30 percent, valued at its retail sales price, of the total retail inventory of merchandise of such business, valued at its retail sales price and **maintains at all times a minimum of \$5,000 worth of inventory other than alcoholic beverages, excluding gasoline and tobacco**

products.

Legal age means the age established by O.C.G.A.. § 3-3-23, as amended from time to time, as the age below which alcoholic beverages may not lawfully be sold to, furnished to, purchased by or possessed by a person.

License means the authorization granted by the County to engage in the sale of specified alcoholic beverages upon the premises so licensed for a calendar year or the remaining portion of a calendar year.

Licensed alcoholic beverage caterer means any retail dealer who has been licensed pursuant to Article VI of this Chapter.

Licensee means a person holding a license issued pursuant the terms of this chapter.

Lounge means a separate room connected with a part of and adjacent to the premises of a restaurant or its adjacent lobby or reception area, with all booths, stools, and tables located therein being open to view only from within the lounge, with a seating capacity of at least 20 persons, and with all access and all exits to and from the lounge opening into such restaurant or the lobby or reception area adjoining restaurant except for emergency exits or exits used solely as service doors.

Malt beverages means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt hops or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer and strong beer provided that the term “malt beverage” does not include sake, also known as Japanese rice wine.

Manager means the individual who supervises the regular operations of a business, who is actually and actively in charge of the day to day operation of the business licensed under this Chapter, and who is physically present on site at such business.

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

Premises means the space or area owned, leased, or controlled by the license and used by the licensee for the purpose of operating under the license and shall include that area circumscribed by the property lines of the property for which an alcoholic beverage license is issued by the County; except that in the case of hotels and motels, the term “premises” shall include only that portion of the property where alcoholic beverages are sold, delivered, or served.

Private club means a nonprofit organization which is organized under state law which meets each of the following requirements:

- (1) Has either a tax exempt status under section 501 of the United States Internal Revenue Code or operates pursuant to a charter from a state or national parent

organization which has such tax exempt status;

(2) Has been in existence at least one year prior to the filing of its application for an alcoholic beverage license to be issued pursuant to this chapter;

(3) Has at least 50 members paying dues on a regular periodic basis;

(4) Is organized and operated exclusively for the pleasure and recreation of its members and their guests or for other nonprofit purposes;

(5) Has facilities which are available for use only, by the membership thereof and their guests and not by the general public;

(6) Owns, rents or leases a building or space within a building for facilities for the use of its members and their guests;

(7) Maintains kitchen and dining room space, equipment and items necessary to appropriately provide food service of full course meals for its members and their guests;

(8) Is staffed with a sufficient number of employees for the preparation and service of meals for its members and their guests;

(9) Has no member, officer, agent or employee directly or indirectly receiving, in the form of salary or other compensation, any profits, beyond a fixed salary, from the sale of alcoholic beverages to the club or to its members or their guests; and

(10) Has such licenses as are required for the operation thereof.

Restaurant means a business kept, used, maintained, advertised and held out to the public as a place where meals are actually and regularly prepared and served for a period of at least five hours per day on at least three (3) days per week with the exception of (i) holidays, (ii) vacations not exceeding two weeks duration, and (iii) periods of redecorating not exceeding 30 calendar days duration except to the extent extended by the Board of Commissioners in its discretion upon request therefore; and which meets all of the following requirements:

(1) Meets all health and sanitation requirements for food service establishments required under applicable federal, state and local laws, codes, ordinances, rules and regulations;

(2) Maintains upon the premises thereof in operative condition cooking and kitchen facilities and equipment appropriate to accommodate the preparation of meals for ~~30~~ 50 food service customers at one time;

(3) Maintains upon the premises thereof seating facilities, at booths or tables designed for food service, sufficient for at least 50 food service customers at one time, with a net useable floor area within the dining area of 15 square feet per person not including seating provided by counters and stools, with booths and tables for purposes hereof being large enough to adequately accommodate at least two place settings of cutlery and dishes;

(4) Maintains at all times such additional facilities, equipment and items as well as employees as shall be necessary for the cooking, preparation and service of meals for consumption at tables or booths located upon the premises for at least 50 food service customers at one time;

(5) Is at all times during the hours of operation thereof prepared to serve full course meals with substantial entrees from a substantial variety of culinary choices, or substantial substitutes therefore, chosen by food service customers from a printed menu available to all food service customers at prices which are competitive with other restaurants in the community whether or not such other restaurants engage in the sale of alcoholic beverages; and

(6) Derives at least 50 percent of its total gross food and beverage sales from the sale of full course meals prepared, served and consumed upon the premises thereof.

Retail sale means the sale or offer of sale of any alcoholic beverage to any member of the public.

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, champagnes, and combination 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 unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in this section.

(b) As used in this Ordinance, the singular and the plural shall each include the other, the masculine and feminine shall each include the other, and any verb tense may include any other verb tense.

(c) As used in this Ordinance, the term "may" is permissive and the term "shall" is mandatory.

Sec. 6-2. Activities are privileges.

The manufacture, distribution, sale and possession of alcoholic beverages within the County are privileges and not rights with any privilege with respect thereto granted pursuant to this chapter to the holder of any alcoholic beverage license being held and

enjoyed only for so long as the holder of such license issued pursuant to this chapter shall fully and completely comply with all provisions of this chapter.

Sec. 6-3. Compliance required.

No person shall:

- (1) Distribute, sell, or offer to sell, either at retail or wholesale, any alcoholic beverage in the County except to the extent permitted pursuant to a current alcoholic beverage license issued by the County;
- (2) Distribute, handle, possess, sell, or offer to sell any alcoholic beverage in the County in violation of any provisions of this chapter or any provision of any law or regulation of the state relative to any alcoholic beverage;
- (3) Distribute, handle, possess, sell or offer to sell any alcoholic beverage in the County except in compliance with the provisions of this chapter.

Sec. 6-4. Sales permitted.

The sale of malt beverages, wines and distilled spirits, subject to the provisions of this chapter, as amended from time to time, are permitted in the County.

Sec. 6-5. Consumption in public places.

Except for events sanctioned by the Board of Commissioners or to the extent otherwise specifically permitted, no person shall consume any alcoholic beverage while such person is located in or upon any public street, road, alley, lane or sidewalk of the County or upon the premises of any building owned or leased by the County.

Sec. 6-6. Open containers.

Except for events sanctioned by the Board of Commissioners or to the extent otherwise specifically permitted, no person shall have in such person's possession any package which contains an alcoholic beverage which has been opened or the seal of which has been broken while such person is located in or upon any public street, road, alley, lane, or sidewalk of the County or upon the premises of any building owned or leased by the County.

Sec. 6-7. False and misleading statements.

No person shall make, cause to be made, or present to the County any application for issuance, application for renewal, report, or other notification with respect to any alcoholic beverage license issued or sought to be issued or renewed by the County or any

tax on alcoholic beverages due to the County which contains as of the date made or presented, any untrue or misleading statement or representation.

Sec. 6-8. Knowledge of chapter.

The holder of any alcoholic beverage license as well as all employees, agents and servants of any business in which such alcoholic beverage license is utilized shall be conclusively presumed, for purposes of this chapter, to have at all times complete and full knowledge of all provisions of this chapter.

Sec. 6-9. Notification to state revenue department of violations.

Upon determination of the existence of circumstances which are required pursuant to the provisions of O.C.G.A. § 3-3-21 to be reported to the state department of revenue, the Cook County Clerk shall promptly report the existence of such circumstances to the state department of revenue.

Sec. 6-10. Criminal conviction not required.

Any proceeding or action which may be taken by the County with respect to the suspension or revocation of any alcoholic beverage license or the grant, denial or renewal of any such license shall be and are administrative in nature with respect to the privileges of the holder of such license and the right of such holder to continue to engage in the sale of alcoholic beverages in accordance with the provision of this chapter. No conviction, dismissal, acquittal, plea or other disposition with respect to any criminal violation involving the sale, distribution or possession of alcoholic beverages or any other alleged criminal conduct shall be necessary for any action by the County pursuant to the provisions of this chapter relative to any such license.

Sec. 6-11. Violation and penalties.

(a) It shall be unlawful for any person to violate any provisions of this chapter.

(b) The following guidelines for the disposition of alcoholic beverage license violations are hereby adopted. It is emphasized that these are guidelines only and can be altered based upon the facts of any individual case. The guidelines for disposition of alcoholic beverage license violations are as follows:

- (1) First offense within past two years: 30 days license suspension and \$150.00 reinstatement fee;
- (2) Second offense within past two years: 90 days license suspension and \$250.00 reinstatement fee;
- (3) Second offense within past 12 months: Revocation;

(4) Third offense within past two years: Revocation.

Sec. 6-12 through 6-30 reserved.

ARTICLE II.

Minimum Age

Sec. 6-31. Consumption by persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the County nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized, permit or allow any person who has not attained legal age to consume any alcoholic beverage upon the premises licensed.

Sec. 6-32. Possession by persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the County nor any agent, servant, or employee of any business in which any such license is utilized, shall in connection with the operations of the business in which such license is utilized, except as otherwise specifically provided in this chapter, permit or allow any person who has not attained legal age to possess any alcoholic beverage upon the premises licensed.

Sec. 6-33. Furnishing to persons not of legal age.

No person who is the holder of any alcoholic beverage license issued by the County nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized sell, provide, give, furnish or distribute any alcoholic beverage to any person who has not attained legal age, except for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in this state. Notwithstanding the foregoing, no person shall be in violation of the provisions hereof in the event that (i) such person has been furnished with identification showing that the person who is being furnished with alcoholic beverages has attained legal age and (ii) under the surrounding circumstances the person so furnished such identification could reasonably conclude that the person furnishing such identification had attained legal age. For purposes of this section, the term "identification" means any document issued by a governmental agency containing a description of the person such as the person's photograph or other written description of and providing the person's date of birth, and shall include, without being limited to, a passport, a military identification card or a driver's license.

Sec. 6-34. Acquiring for persons not of legal age.

No person, who is the holder of any alcoholic beverage license issued by the County nor any agent, servant or employee of the business in which any such license is utilized, shall in connection with the operation of the business in which such license is utilized purchase

or acquire any alcoholic beverage for or on behalf of any person who has not attained legal age, or otherwise procure for or furnish to any person who has not attained legal age any alcoholic beverage, except for medical purpose upon the prescription of a physician duly licensed under the laws of the state.

Sec. 6-35. Employment of persons not 18 years of age.

No holder of an alcoholic beverage license nor any agent, servant or employee of any business in which such license is utilized shall permit or allow any person who has not attained 18 years of age to be employed by any business operated upon premises for which an alcoholic beverage license is issued by the County for the sale, distribution or acceptance of orders for alcoholic beverages, provided however: (a) that the provisions hereof shall not apply to nor prohibit persons who have not attained 18 years of age who are employed by a grocery store, as such term is defined in this chapter, from engaging in the sale, distribution, and handling of alcoholic beverages at such premises in connection with their employment; and that the provisions of this subsection shall not apply to nor prohibit the employment of persons who have not attained 18 years of age in "connection with the operation upon such premises as a restaurant, provided that persons who have not attained 18 years of age shall not engage in the sale or service of, or acceptance of orders for, alcoholic beverages in connection with the operation of such restaurant.

Sec. 6-36. Failure to check identification.

No person who is the holder of any alcoholic beverage license issued by the County nor any agent, servant or employee of the business in which any such license is utilized shall in connection with the operation of such business fail to require or check the identification of the person to whom any alcoholic beverage is sold or furnished prior to the sale, furnishing or distribution of any alcoholic beverage to any person who has not attained legal age, except for medical purposes pursuant to a prescription of a physician duly authorized to practice medicine in the state. No person shall be in violation of the provisions hereof in the event that (i) such person has been furnished with identification showing that the person who is being furnished with alcoholic beverages has attained legal age and (ii) under the surrounding circumstances the person so furnished such identification could reasonably conclude that the person furnishing such identification had attained legal age. For purposes of this action, the term "identification" means any document issued by a governmental agency containing a description of the person such as the person's photograph or other written description and providing the person's date of birth, and shall include, without being limited to, a passport, a military identification card, or a driver's license.

Secs. 6-37 through 6-60 reserved.

ARTICLE III.

Licenses

Sec. 6-61. License required for sales.

No person shall sell or offer to sell any alcoholic beverages which are permitted to be sold in the County pursuant to the provisions of this chapter unless such sale is made pursuant to the authority of a current alcoholic beverage license issued by the County pursuant to the provisions of this chapter.

Sec. 6-62. Classification of licenses.

Alcoholic beverage licenses authorized to be issued by the County and required pursuant to the provisions of this chapter for the sale of alcoholic beverages are classified as follows:

- (1) Wholesale malt beverage license;
- (2) Retail malt beverage package license;
- (3) Retail malt beverage consumption license;
- (4) Wholesale wine license;
- (5) Retail wine package license;
- (6) Retail wine consumption license; and
- (7) Retail distilled spirits consumption license.

Sec. 6-63. Activities authorized pursuant to licenses.

The holder of an alcoholic beverage license issued by the County, as well as the employees of such holder, shall be authorized subject to the provisions of this chapter, the laws of the state relative thereto and the rules, regulations and requirements of the state department of revenue to engage in the following respective activities but none other than those which are specifically authorized with respect to each such license:

- (1) Wholesale malt beverage license: wholesale sale only of malt beverage in original unbroken and sealed containers to the holders of effective retail malt beverage licenses issued by the state department of revenue for the purpose of resale only;
- (2) Retail malt beverage package license: retail sale only of malt beverages in original unbroken and sealed containers to consumers for take out only and not for consumption upon the licensed premises;

(3) Retail malt beverage consumption license: retail sale only of malt beverages to consumers for consumption only upon the licensed premises;

(4) Wholesale wine license: wholesale sale only of wine in original unbroken and sealed containers to the holders of current retail wine licenses issued by the state department of revenue for the purpose of resale only;

(5) Retail wine package license: retail sale only of wine in original unbroken and sealed containers to consumers for take out only and not for consumption upon the licensed premises;

(6) Retail wine consumption license: retail sale only of wine to consumers for consumption only upon the licensed premises; and

(7) Retail distilled spirits consumption license: retail sale only of distilled spirits to consumers for consumption only upon the licensed premises.

Sec. 6-64. *Qualifications for license.*

No alcoholic beverage license required by the provisions of this chapter shall be issued to any person or for any location unless and until it has been successfully demonstrated to the satisfaction of the Board of Commissioners that:

(1) Such person or the person who shall actually and actively be in charge and management of the day to day operation of the business in which such license shall be utilized is **a citizen of the United States of America;**

(2) Such person by reason of such person's business experience, financial standing, moral character, mental capacity, physical capacity, trade associations, record of arrest, and reputation in communities in which he has lived is, in the opinion of the Board of Commissioners, likely to operate the business in which the license will be utilized in conformity with federal, state and local laws, ordinances, rules, regulations, and requirements, including particularly the provisions of this chapter and the laws, rules and regulations of the state and the United States relative to the manufacture, sale, and distribution of alcoholic beverages. In making such determination, the Board of Commissioners shall, in addition to other provisions of this section, consider all information that would be considered by the Board of Commissioners if this person was being denied a renewal license pursuant to the requirements of section 6-82 or, if this person was having his license suspended or revoked pursuant to the requirements of section 6-86; provided further that **no license shall be issued to or for:**

a. Any person whose business in which the license will be utilized is conducted by a manager or agent **unless such manager or agent possesses and meets all of the qualifications required hereunder for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license;**

b. A partnership unless all partners, members and managers of such partnership, as well as the manager of the business in which the license will be utilized, possess and meet all of the qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license for any reason other than non-residence in the county, **provided that the manager of the business in which the license will, be utilized must meet such residence requirements;**

c. A corporation, limited liability company or other entity unless all officers, directors, members, managers, and shareholders thereof who shall either directly or beneficially [as such word is defined and utilized in the Internal Revenue Code of the United States and regulations issued pursuant thereto] own more than a 20 percent interest in such entity, as well as the manager of the business in which the license will be utilized, possess and meet all of the qualifications for the holder of an alcoholic beverage license and would not be prohibited from being the holder of such a license for any reason other than non-residence in the county, **provided that the manager of the business in which the license will be utilized must meet such residence requirement;**

d. Any person who has been convicted, has entered a plea of nolo contendere or has forfeited a bond with respect to any felony within ten years prior to the filing of any such application or with respect to any misdemeanor within five years prior to the filing of any such application including particularly but not being limited to those offenses involving force or violence, prostitution, gambling, or tax law violations in the event that such conviction, plea or bond forfeiture tends to indicate, in the opinion of the Board of Commissioners, that the applicant may not maintain or operate the business in which the alcoholic beverage license sought by the applicant would be utilized in conformity with federal, state or local laws, rules and relations. The terms "felony" and "misdemeanor" as used in this subsection shall include the violation of any criminal law of the United States of America, the state, or any other state of the United States of America or the County; provided that the term "misdemeanor" shall not include those violations which are commonly referred to as "traffic violations." The term "conviction" as used in this subsection shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the Board of Commissioners, in its sole discretion, may decide to authorize the issuance of a license to a person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere to, or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, it has determined, in the sole discretion of the Board of Commissioners, that such action is in keeping with the ends of justice and the public interest and welfare;

e. Any person who has been convicted of, has entered a plea of nolo contendere to, or forfeited a bond to any charge of violation of any state, federal, or local law

involving the manufacture, sale, distribution, or possession of alcoholic beverages, contraband, or any "controlled substances" as such term is utilized under laws of the state, or any other substance, the control or possession of which is controlled or prohibited under laws of the state or the United States of America, or any other state of the United States or the County. The term "conviction" shall include an adjudication of guilt, plea of guilty, a plea of nolo contendere or the forfeiture of a bond by a person charged with a crime. Notwithstanding the foregoing, the Board of Commissioners, in its sole discretion, may decide to authorize the issuance of a license to a person who has in the past been convicted of, plead guilty to, entered a plea of nolo contendere or forfeited a bond on any crime when, after a thorough investigation of all the facts including parole or probation officer's reports, judge's recommendations, and any other evidence bearing on the character of the applicant, it has determined, in the sole discretion of the Board of Commissioners, that such action is in keeping with the ends of justice and the public interest and welfare;

f. Any person who as either the previous holder of any alcoholic beverage license issued by any authority, or as a party interested in any business in which any alcoholic beverage license issued by any authority was utilized, either conducted, or allowed the conduct of, the business with respect to which such license was issued in such a manner as to cause, in the opinion of the Board of Commissioners, greater than normal police activity, observation or inspection in order to prevent the violation of any law or regulation either relating to such license or the business associated therewith or in order to maintain public order;

g. Any location not suitable therefore, in the opinion of the Board of Commissioners, because of either traffic congestion or the general character of the neighborhood or by reason of the effect which the utilization of such license at such location would have upon adjacent and surrounding properties or upon adjacent neighborhoods;

h. Any location with respect to which any alcoholic beverage license issued by the County or by the state department of revenue was revoked within one year immediately prior to the date of the filing of an application for a license for such location;

i. Any person who has not attained the age of 21 years;

j. Any person who either held any alcoholic beverage license issued by any authority which was revoked by such authority within a one-year period immediately prior to the date of the filing of an application or was a party interested in any business in which any alcoholic beverage license issued by any authority was revoked by such authority within the one year period prior to the due date of filing of an application;

k. Any location that is within 300 feet, as measured in a straight line from the nearest point on the property which will be the location of the business in which

the alcoholic beverage license will be utilized to the nearest point on the property upon which is located a church, school, college, or alcohol or drug treatment center operated by any governmental agency, with the terms "school" and "college" as used in this subsection meaning those institutions which are both (i) operated either by a governmental or church entity and (ii) are engaged in courses of instruction which are commonly taught in public primary or secondary schools or colleges in the state;

l. Any location which the utilization of the licensee would cause or create any violation of the zoning ordinance of the County or of the building code or fire code of the County;

m. Any location at which an alcoholic beverage license has previously been suspended or revoked by either the County or the state department of revenue and where, in the opinion of the Board of Commissioners, there exists the likelihood that the utilization of such license at such location would cause or necessitate greater than normal police activity, observation or inspection in order to either prevent violation of laws and relations relating to such location or to maintain public order, due to the history of either (i) violations of the provisions of this chapter or of the laws, rules and regulations of the state relative to alcoholic beverages by the holder of the previous license at such location; or agents, servants or employees thereof or (ii) activities or conduct of patrons of the business in which such previous license was utilized at such location, all as compared to the locations of other licenses, or would cause or tend to cause, in the opinion of the County, council, greater than normal community problems or conflict as compared to the locations of other licenses;

n. Any location at which an alcoholic beverage license has previously been suspended or revoked by either the County or the state department of revenue and where, in the opinion of the Board of Commissioners, problems associated with the utilization of a prior alcoholic beverage license at such location were such that it would not be in the best interest of the public health, safety or welfare to grant any other alcoholic beverage license for such location;

o. Any person or any location with respect to which the granting or utilization of a license would constitute a violation of laws, rules or regulations of the state; or

p. Any person with respect to whom information is required under subsection 6-66(2), (3) or (4) who has not paid or satisfied any tax or other financial obligation due to the County which is not then the subject of appeal or litigation.

(3) In addition to the other qualifications set forth herein, an applicant for a retail distilled spirits license must meet all of the requirements of either the following subsection (a) [restaurant] or subsection (b) [private club] or caterers as defined in §6-175:

(a) No license will be issued unless the license applicant likewise operates a restaurant upon the proposed licensed premises and such restaurant:

- (i) sells food prepared, served and consumed on the premises;
 - (ii) such sales of food prepared, served and consumed on the premises constitutes at least fifty (50) percent of the gross income of all food and beverage sales on the premises. The term "gross income" shall not include tips or gratuities which may be added to the base food bill; and
 - (iii) has permanent seating capacity at tables and booths, not counting bar stools, for at least 50 persons with a net useable floor area within the dining area of 15 square feet per person ; and
 - (iv) meets all of the definitional requirements of "restaurant" set forth in Section 6-1 of this chapter.
- (b) No license will be issued unless the license applicant likewise operates a food service facility upon the proposed licensed premises which is a private club and such private club:
- (i) sells food prepared, served and consumed on the premises and such food sales constitute at least 50 percent of the gross income of all food and beverage sales on the premises. The term "gross income" shall not include tips or gratuities which may be added to the base food bill; and
 - (ii) meets all the definitional requirements of "private club" set forth in Section 6-1 of this chapter.

Sec. 6-65. Location Exemption.

Notwithstanding any other provision of this article, the location with respect to which an alcoholic beverage license has been issued by the County shall remain eligible for issuance of alcoholic beverage licenses by the County notwithstanding subsequent changes which would otherwise render the locations non-licensable under subsection 6-64(2)k and l. for so long as an alcoholic beverage license remains issued for such location by the County and further provided that in the event of the termination of any such license issued with respect to such location the location itself shall thereafter remain eligible for the issuance of alcoholic beverage licenses if within six months following such termination an alcoholic beverage license is issued by the County for such location.

Sec. 6-66. Applications.

Prior to the issuance of any alcoholic beverage license, the applicant therefore shall file with the Cook County Clerk a written application, in such form and substance as shall from time to time be determined by the County Administrator, together with separate certified checks payable to Cook County or cash for both the application fee provided for in this article and for the licensee fee provided for in this article. Applications for alcoholic beverage licenses shall be presented to the Cook County Clerk or designee,

shall be signed by the applicant if an individual, or by all partners if a partnership, or by a duly authorized agent if a corporation, shall be verified by oath or affidavit, shall contain the following statements and information and shall otherwise meet the following requirements:

(1) In the case of an individual applicant who will actually and actively be in charge and management of the day to day operation of the business in which the license applied for will be utilized, then the name, age, sex, height, weight, birth date, social security number, current residence address, business addresses, and all previous such addresses of the applicant within the last ten years;

(2) In the case of an individual applicant who will not actually and actively be in charge of management of the day to day operation of the business in which the licensee applied for will be utilized, then the name, age, sex, height, weight, birth date, social security number, current residence address, business addresses, and all previous such addresses within the last ten years of both the applicant and the person who will actively manage such business;

(3) In the case of a partnership, then the name, date and location of formation, federal tax identification number, current principal business address, and all prior business addresses within the past ten years of such partnership as well as the name, age, sex, height, weight, birth date, social security number, current business address, current residence address, and all prior such addresses within the past ten years of all partners, members and managers of such partnership and the manager or managers of the business in which the license applied for will be utilized;

(4) In the case of a corporation, limited liability company or entity other than an individual, partnership, corporation or LLC, then the name, date and location of incorporation or formation, federal tax identification number, current principal business address, name and address of registered agent in the state for service of process, and all prior business addresses within the last ten years of such corporation or entity as well as the name, age, sex, height, weight, social security number, current business address, current residence address, and all prior such addresses within the last ten years of all officers thereof, all directors thereof, and all shareholders thereof who own either directly or beneficially, [as such word is defined and utilized in the Internal Revenue Code of the United States and regulations issued pursuant thereto,] more than 20 percent of the outstanding shares of stock or interest thereof, and of the manager or managers of the business in which the license applied for will be utilized;

(5) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has made at any prior time any application to any governmental entity for any alcoholic beverage license of any nature and, if so, the circumstances thereof, including the disposition and current status thereof, all in sufficient detail to evaluate such application;

(6) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever held any

alcoholic beverage license issued by any governmental entity, the circumstances thereof, and the present status of such license all in sufficient detail to evaluate such application;

(7) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever held any alcoholic beverage license issued by any governmental entity which has been suspended or revoked and, if so, the circumstances thereof, all in sufficient detail to evaluate such application;

(8) A statement with respect to whether the applicant or any person with respect to whom information is required under subsection (2), (3) or (4) of this section has ever been convicted of, entered a plea or nolo contendere to, or forfeited a bond on, any crime other than traffic violations and, if so, the nature and circumstances thereof, all in sufficient detail to evaluate such application;

(9) A statement with respect to whether any person or entity other than the applicant and those persons with respect to whom information is required under subsection (2), (3) or (4) of this section is or will be either directly or indirectly interested in the profits or losses of the business in which the license applied for will be utilized and, if so, the circumstances thereof, all in sufficient detail to evaluate such application;

(10) The classification of license applied for;

(11) The location with respect to which the license will be utilized and the name and nature of the business in which the license will be utilized, all in sufficient detail to evaluate such application;

(12) A statement that both the applicant and all other persons with respect to whom information is required under subsection (2), (3) or (4) of this section are fully qualified in all respects under this chapter to be the holder of an alcoholic beverage license issued by the County and that all such persons are entitled to have the license requested issued in accordance with the provisions of this chapter;

(13) A statement that the location with respect to which the licensee is sought meets all conditions, qualifications and criteria established in this chapter for the location of a business utilizing the alcoholic beverage license applied for;

(14) Such other information and statements as shall from time to time be required by the County Administrator or the Board of Commissioners;

(15) A complete set of fingerprints administered by the Sheriff's department of the applicant and all persons with respect to whom information is required under subsection (2), (3) or (4) of this section;

(16) A head and shoulder photograph, such as is contained on a state driver's license,

taken within the past three years of the applicant and all persons with respect to whom information is required under subsection (2),(3) or (4) of this section; and

(17) Written consents of the applicant and all persons with respect to whom information is required under subsection (2), (3) or (4) of this section that the County has the continuing permission and authority of all such persons to monitor the public records of the County, the State and of the United States to ensure on--going compliance with the statements set forth in subsections (7) and (8) of this section. Any license granted upon an application that does not contain such written consent shall automatically expire at midnight on December 31 of the year in which issued. Such license cannot be renewed under the provisions of sections 6- 77 and 6-79. Rather, the County shall treat the request for renewal for such license as an application for a new license under section 6-66.

Sec. 6-67. Designation of agent.

All applicants for alcoholic beverage licenses made by a partnership, corporation or other entity shall name in the application one or more persons as the agent and representative for the partnership corporation or other entity to receive all communications, notices, service of process or other papers or documents on behalf of the corporation or partnership in connection with any matter arising out of or connected with the issuance, holding, suspension, revocation or other action with respect to any such license. The application shall give the mailing address of such person, or persons, with the mailing of any notice to any such person at the address so furnished being sufficient notice to the partnership corporation or other entity. If any such person shall cease to be the agent and representative of such partnership corporation or other entity, another person shall immediately be appointed by the license holder and written notice shall be given the County stating the name and address of such new agent and representative.

Sec. 6-68. Application fee.

The application for an alcoholic beverage license shall be accompanied by a certified check payable to Cook County or cash in an amount as set forth in the schedule of fees and charges on file in the office of the County Clerk as an application fee to cover the cost of processing the application and conducting necessary investigations, which fee shall be nonrefundable upon denial of the application and shall not apply toward any licensee fee or excise tax payable by the licensee if the application is granted.

Sec. 6-69. Investigation of application.

Upon receipt by the Cook County Clerk or designee of any application for an alcoholic beverage license, such application shall be forwarded to the Cook County Sheriff for investigation, who following such investigation, shall report his findings with respect thereto in writing and shall attach thereto the police record, if any, of every person named in the application.

Sec. 6-70. *Recommendation.*

The Cook County Clerk shall conduct an investigation and study with respect to an application for the issuance of an alcoholic beverage license as shall be deemed necessary and shall report the investigation and study to the County Administrator together with a recommendation, if any, as to what action should be taken with respect to the grant or denial of the application for such license and the County Administrator shall in turn conduct such additional investigation as shall be deemed necessary and report the investigation to the Board of Commissioners with a recommendation as to what action should be taken with respect to the grant or denial of the application for such license.

Sec. 6-71. *Grant or denial of application.*

(a) Following receipt by the Board of Commissioners of an application for an alcoholic beverage license together with the written report of the Cook County Sheriff and the written recommendations relative thereto, the Board of Commissioners shall either:

- (1) Grant such application and direct issuance of a license in connection therewith subject to compliance with the provisions of this chapter; or
- (2) Table action on such application until the next regularly scheduled meeting of the Commission.

If such application is tabled by the Board, the County Administrator shall cause a written notice to be issued to the applicant advising him:

- (i) that the Commission has tabled action on his application until the next scheduled meeting of the Board;
- (ii) that the applicant may, if he so desires, appear at the next regularly scheduled meeting of the Commission to be heard as to why his application should be approved; and
- (iii) of the recommendations of the Cook County Clerk, the Cook County Sheriff and the County Administrator relative to such application.

(b) The hearing provided for above [at the next regularly scheduled Commission meeting following the tabling of an application and provision of the notice anticipated under subparagraph (a) above] may be continued by announcement at the next regularly scheduled meeting of the Commission due to the lack of a quorum of the Board of Commissioners or request of the applicant or for good cause shown. At such hearing the applicant shall have the opportunity to show cause why the application should be granted and should not be denied and shall be entitled to the opportunity to present evidence, to present witnesses, to cross examine witnesses presenting evidence against granting of the application, to be represented by an attorney, and to have the proceedings transcribed or recorded at the applicant's expense, all in accordance with such rules and procedures as

may be adopted from time to time by the Board of Commissioners relative thereto.

(c) Following the conclusion of such hearing the Board of Commissioners shall, within 30 days of the date of such hearing, render its decision regarding the grant or denial, of such application.

(d) Upon the denial of such application, the County Administrator shall cause the applicant to be notified in writing within ten (10) days of such decision and the reasons therefore and shall cause to be returned to the applicant the licensee fee tendered in connection with the application but not the application fee which shall be nonrefundable.

(e) Upon the grant of such application the County Administrator shall promptly notify the applicant thereof and the Cook County Clerk shall promptly proceed to cause the license applied for to be issued.

Sec. 6-72. Issuance of license.

Upon the approval of the application for an alcoholic beverage license by the Board of Commissioners, the Cook County Clerk, or designee, shall cause to be issued to the applicant the license applied for with respect to the location listed in the application upon payment of all fees and charges required therefore and subject to the conditions and limitations imposed in this chapter relative thereto.

Sec. 6-73. Conditions and limitation of license.

The grant and issuance of an alcoholic beverage license to an applicant shall be conditioned upon:

(1) Payment of all fees, charges and taxes applicable thereto:

(2) Obtaining and maintenance of a license issued by the state department of revenue to the applicant for the location listed in the application for the same type activity which is authorized in the alcoholic beverage license issued by the County;

(3) Obtaining and maintaining a business license issued by the County with respect to the business in which such alcoholic beverage license is to be utilized;

(4) All statements, representations and information contained in the application for such license and all renewal and amended application relative thereto continuing to remain materially unchanged; and

(5) Compliance with all requirements and provisions of this chapter and all laws, rules and regulations of the state relative to the sale, distribution and possession of alcoholic beverages.

Sec. 6-74. License fees.

- (a) In addition to all other charges, taxes, and fees relative thereto, annual business registration license fees as set forth in the schedule of fees and charges on file in the office of the County Clerk are imposed and shall be paid prior to the issuance of or renewal of any alcoholic beverage license;
- (b) License fees for the sale of alcoholic beverages are due and payable immediately upon issuance thereof and immediately as of the date of renewal thereof;
- (c) Any license issued at any time during a year shall require payment in full of the total amount of the annual license fee therefore with there being **no prorating** whatsoever with respect to the issuance of any such license; and
- (d) All license fees payable under this section shall be paid either in lawful currency of the United States of America or by certified cashier's check payable to the County.

Sec. 6-75. Duration.

No alcoholic beverage license shall be issued for a period of time less than the remainder of such calendar year. In the event of the revocation, suspension, termination, lapse or surrender of a license before the expiration of a calendar year there shall be no refund therefore..

Sec. 6-76. Expiration.

All alcoholic beverage licenses shall expire at midnight on December 31 of the year in which issued with all applications for a renewal of the license for the ensuing year to be treated as applications for new licenses except to the extent otherwise provided in this chapter.

Sec. 6-77. Application for renewal

The holder of any alcoholic beverages license who desires to renew such license shall annually file with the Cook County Clerk, or designee, an application therefore in such form and content as shall be determined from time to time by the County Administrator on or before **12:00 noon on November 1** of the year preceding the year for which the application for renewal is made. Such application for renewal shall be accompanied by the applicable annual license fee for the ensuing year. Failure of any holder of any alcoholic beverage license to file such application for renewal by such time and to pay together therewith the required applicable annual license fee for the ensuing year shall render type license void, lapsed, and non-renewed effective as of the last minute of December 31 of that year; provided however, that for providential cause shown to the satisfaction of the County Administrator, the County Administrator may, in his sole discretion, extend the time for filing of such application for renewal and payment of such license fee for a period of time not later than January 31 of such ensuing year.

Sec. 6-78. *Lapse of license.*

(a) If the holder of any alcoholic beverage license fails to timely file an application for renewal or to pay such annual license fee, as the time therefore may be extended pursuant to this chapter, then such license shall automatically lapse.

(b) In such event, in order to obtain an alcoholic beverage license, such former licensee shall be required to file an application for another alcoholic beverage licenses in accordance with the provisions this chapter.

(c) In such event, pending receipt of other such alcoholic beverage license, such former licensee shall not be entitled to engage in the sale of the alcoholic beverages formerly authorized pursuant to such lapsed license and shall immediately cease and desist such sales.

Sec. 6-79. *Operation pending renewal.*

Upon the timely filing of an application for renewal of any alcoholic beverage license and the payment of the required license fee therefore pursuant to the provisions of section 6-77, the holder of such license shall be entitled to continue to engage in the activity authorized pursuant to the license issued for the previous year, subject to the provisions of this article, pending action on the application for renewal of such license.

Sec. 6-80. *Review of application for renewal*

All applications for renewal of alcoholic beverage licenses shall be reviewed by the County Clerk and Cook County Sheriff and/or their designees prior to the December regular meeting of the Board of Commissioners and the County Clerk shall submit a written recommendation to the Board *or* Commissioners with respect to the renewal or non-renewal of each such alcoholic beverage license. Recommendations for renewal may be in summary form and may be collective; however, any recommendation for non-renewal shall be made individually and shall specify the reasons for recommendation for non-renewal.

Sec. 6-81. *Grant or denial of renewal.*

(a) The Board of Commissioners shall with respect to each application for renewal either (i) grant such application for renewal or (ii) table action on such application until the next regularly scheduled meeting of the Commission.

(b) if an application for renewal is tabled the County Administrator shall give such notices and proceed in the manner provided for applications tabled by the Commission under Sec. 6-71 of this ordinance.

Sec. 6-82. *Grounds for denial of application for renewal*

The Board of Commissioners shall be entitled to deny renewal of any alcoholic beverage license upon a finding by the Board of Commissioners, following the hearing prescribed in connection therewith, of the existence in the opinion of the Board of Commissioners, of any of the following:

(1) Any violation of the alcoholic beverage license by the holder or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license of any of the following:

- a. Any federal or state law, rule or regulation relative to the manufacture, distribution, sale or possession of alcoholic beverages;
- b. Any provision, condition, requirement or limitation contained in this chapter;
- c. Any criminal law which is classified as a felony; or
- d. Any criminal law involving moral turpitude;

(2) Any violation of the alcoholic beverage license by the holder or any employee, agent, or servant of the holder of such license or the business in which such license is utilized, in connection with the maintenance or operation of any business in which an alcoholic beverage license issued by the County is utilized, of any of the following:

- a. Any federal or state law, rule or regulation relative to the manufacture, sale, distribution or possession of alcoholic beverages;
- b. Any provision, condition, requirement, or limitation contained in this chapter;
- c. Any other ordinance of County ordinance; or
- d. Any ordinance, rule, regulation or law of any governmental entity otherwise regulating the business in which such alcoholic beverage license is utilized;

(3) The initial application for issuance of such alcoholic beverage license, any application for renewal thereof or any amended application relative thereto contained, as of the time made, materially false or misleading statements or information or was otherwise misrepresentative or misleading;

(4) Failure of the applicant for renewal, or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license, to meet, as of the time of the application for renewal, the requirements established in this chapter for the initial issuance of such license;

(5) Suspension or revocation during the period of time that the alcoholic beverage license issued by the County has been issued for such location by the state department of revenue of any alcoholic beverage license issued for the location of the business in which alcoholic beverage license issued by the County is utilized;

(6) Failure of the holder of the license or any employee or agent of the business in which such license is utilized to promptly report to the Sheriff's department of the County:

- a. Any violation of this chapter;
- b. Any other violation of law;
- d. Any violation of any other County ordinance; or
- e.. Any breach of the peace, disturbance or alteration which occurs upon the premises of the business in which such alcoholic beverage license is utilized.

(7) Repeated failure of the holder of the license or the employees, agent and servants of the business in which such license is utilized to promptly control and prevent upon the premises of such business any of the following activities or conduct:

- a. Fighting.
- b. Disorderly conduct;
- c. Utilization of controlled substances;
- d. Gambling;
- e. Indecent conduct; or
- f. Excessive noise.

(8) Failure of the holder of the license or any other person required under this chapter in connection with such license to meet the qualifications required for the issuance of such license to promptly pay and satisfy all taxes and other financial obligations due to the County which are not the subject of appeal or litigation.

(9) With, respect to a retail distilled spirits consumption license, failure to derive at least 50 percent of its gross food and beverage sales, excluding tips and gratuities, from the sale of food prepared, served and consumed upon the licensed premises thereof or pursuant to a caterer's license.

Sec. 6-83. Transfer of licenses.

(a) All alcoholic beverage licenses issued by the County shall be personal to the person to whom issued and are applicable only to the location for which application therefore is

made and accordingly no license shall be transferable to any person or entity or to any other location.

(b) Notwithstanding the provisions of subsection (a) of this section, in the event of the death of any person holding a license, or any interest therein, then upon application and approval by the County Administrator subject to the terms of this section, an alcoholic beverage license may be utilized by the administrator, executor or personal representative of such deceased person, or by the heirs at law of the deceased person, in the event that such administrator, executor, personal representative or heirs meet all of the qualifications contained in this chapter for the issuance of such alcoholic beverage license, with the license of such deceased person to be so utilized by the administrator, executor, personal representative, or heirs of such, deceased person only for the time necessary to complete administration of the estate of such deceased person, but in no event **longer than six months from the date of the death** of such deceased person, with such license to lapse upon the earlier of such six-month period, completion of such administration, or December 31 of the year in which death shall occur.

(c) Notwithstanding the provisions of subsection (a) of this section, in the event that the person to whom an alcoholic beverage license is issued certifies under oath in writing to the County Administrator that the business served by such alcoholic beverage license is **relocating** to another physical location within the County, the County Administrator may, upon **payment to the County of an application amendment fee**, provide for an amended license specific to the new location if such new location meets all of the requirements of this chapter. In no event shall any holder of an alcoholic beverage license operate under that license at more than one location at any time.

(d) Notwithstanding any other provision of this chapter, any change in the ownership interests of a partnership or corporation which holds any alcoholic beverage license, as reflected in the initial application for such license, shall cause the immediately cessation of sales of any alcoholic beverages and no sales of alcoholic beverages shall be made until such change in the ownership interests is approved by the Board of Commissioners based upon the qualification, of all persons then interested therein in accordance with the provisions hereof or until the issuance of another, license to such partnership corporation or other entity upon a new application therefore; provided, however, that this provision shall not apply in a situation in which one or more individuals who have existing interest in the entity which holds the license cease to have such interest and the remaining ownership interest in such entity remains unchallenged except as to the division of the remaining interest therein.

Sec. 6-84. *Emergency suspension.*

Notwithstanding any other provision of this chapter:

(1) The Cook County Sheriff shall be authorized, upon concurrence with respect thereto by the County Administrator, to suspend the right of the holder of any alcoholic beverage license to sell or otherwise distribute any alcoholic beverage, and to close the business in

which such license is utilized, for such period of time as shall be determined to be necessary, but in no event in excess of 24 hours duration, in the event of:

- a. Any national, state or local emergency;
- b. Any riotous or violent circumstances either with respect to such location only or the community generally; or
- c. Any circumstances which require such action in order to prevent conditions which are contrary to public health, welfare or safety.

(2) The Board of Commissioners may; in its sole discretion, and either with or without notice or hearing, suspend the right of the holder of any alcoholic beverage license to sell or otherwise distribute any alcoholic beverage for such period of time as it may deem necessary, **but in no event excess of 30 days duration**, in the event of:

- a. Any national, state or local emergency;
- b. Any riotous or violent circumstances either with respect to such location only or the community generally; or
- c. Any circumstances which require such action in order to prevent conditions which are contrary to public health, welfare or safety; provided, however, that in **no event shall such period of suspension exceed ten days** duration without an opportunity to be heard being afforded to the holder of such license in connection with the continuance thereafter of such emergency suspension, with notice thereof and such hearing hereon being the same as provided in section 6.85 for suspension of alcoholic beverage licenses generally.

Sec. 6-85. Suspension or revocation of license.

(a) Upon a preliminary determination by the County Administrator that a ground or grounds exist for the suspension or revocation of an alcoholic beverage license pursuant to the provisions of this chapter, then the County Administrator shall cause a written notice to be issued to the holder of such license advising such holder that the possible suspension or revocation of such license will be considered at the next regularly scheduled meeting of the Board of Commissioners and the holder is entitled to appear and participate in the same manner provided for applicants for the issuance of a license under Section 6-71 of this ordinance. Thereafter the procedure for suspension or revocation of such license shall proceed according to the guidelines set forth in Section 6-71.

Sec. 6-86. Grounds for suspension or revocation.

The Board of Commissioners shall be entitled, in its sole discretion, to either suspend or revoke any alcoholic beverage license upon a finding by the Board of Commissioners,

following the hearing prescribed in connection therewith, of the existence of any of the grounds for denial of an application for renewal set forth in Section 6-82 of this ordinance.

Sec. 6-87. *Termination.*

All rights and privileges of the holder of an alcoholic beverage license issued by the County shall terminate upon the first to occur of the following:

- (1) Death of the holder of such license, except to the extent on any right to continue to utilize such license as provided in subsection 6-83(b);
- (2) Dissolution of a partnership corporation or other entity which are holders of such license; or
- (3) The filing of any voluntary bankruptcy proceedings under the bankruptcy code by the holder of such license or the failure of the holder of such license to, within 60 days of the date of filing thereof, obtain dismissal of any involuntary proceeding filed under the bankruptcy code against the holder of such license.

Secs. 6-85 through 6-120 reserved.

**ARTICLE IV.
Operational Regulations**

Sec. 6-121. *Hours during which sales prohibited.*

The sale of any alcoholic beverage by the holder of any alcoholic beverage license or by any employee of any business in which such license is utilized is prohibited during the following periods of time:

- (1) From 11:59 p.m., prevailing time, on Saturday until 8:00 a.m., prevailing time on Monday; and,
- (2) From 12:01 a.m., prevailing time, on Tuesday, Wednesday, Thursday, Friday and Saturday until 8:00 a. m., prevailing time, in that same day.

Sec. 6-122. *Hours during which other activities prohibited.*

Neither any holder of any alcoholic beverage license nor any employee of any business in which such license is utilized shall allow or permit any alcoholic beverage to be handled in any manner upon the premises of the business in which such license is utilized or any alcoholic beverage to be located upon any table, counter, or other such customer service area upon such premises, either in the form of the original container therefore or otherwise, from one hour after the last time permitted to sell an alcoholic beverage asset forth in section 6- 121 until such time as alcoholic beverages may again be sold as set forth in section 6-121.

Sec. 6-123. Sales on election day.

The retail sale of alcoholic beverages shall be permitted and is authorized during polling hours of any local, state or federal election; provided that the foregoing shall not authorize the sale of any alcoholic beverage within 250 feet of any polling place during the period of time that polls are open for voting.

Sec. 6-124. Advertising.

No holder of any alcoholic beverage license shall allow or permit any advertising to be placed or run in any media or by any other means with respect to the availability of alcoholic beverages at the location licensed except to the extent permitted by state law and rules and regulations relative thereto.

Sec. 6-125. Consumption prohibited upon premises of package licensee.

No holder of a license only for the package sales of any alcoholic beverage nor any employee, agent or servant of any business in which only a license for package sales is utilized shall knowingly allow or permit the breaking of any package containing any alcoholic beverage upon the premises where sold, or intentionally allow or permit the consumption of any of the contents of any package containing any alcoholic beverage upon the premises where sold.

Sec. 6-126. Sales prohibited beyond premises.

No holder of any alcoholic beverage license or any employee, agent or servant of any business in which any alcoholic beverage license is utilized shall sell or distribute any alcoholic beverage at any location other than within the interior of the building located upon premises so licensed in which such sales are authorized.

Sec. 6-127. Furnishing alcoholic beverages to intoxicated person.

Notwithstanding any other provisions of this chapter, no person who is the holder of any alcoholic beverage license issued by the County nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall sell, give, provide, distribute, or furnish any alcoholic beverage to any person who is then in an obvious state of intoxication.

Sec. 6-128. Assisting other in violations.

No person who is the holder of any alcoholic beverage license issued by the County nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall promote, encourage, or assist any other person in conducting or engaging in any activity or action which is in violation of any provision of this chapter.

Sec. 6-129. *Misrepresentation of beverages.*

No person who is the holder of any alcoholic beverage license issued by the County, nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall add to or otherwise adulterate the contents of a package or refill any empty package, or in any other manner misrepresent the quantity, quality or brand name of any alcoholic beverage.

Sec. 6-130. *Specific rules for consumption on premises.*

Rules applicable to all alcoholic beverages:

(a) No person who is the holder of any alcoholic beverage license issued by the County or any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall sell or distribute alcoholic beverages for consumption upon the premises under any of the following circumstances:

- (1) Serve multiple servings for a single price or offer all a person can drink for a set price;
- (2) Make a single price the basis for a required purchase of two or more servings;
- (3) Sell or furnish alcoholic beverages at reduced prices based upon redemption or surrender of coupons, receipts, or other devices authorizing the serving of alcoholic beverages drinks on a subsequent day.;
- (4) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased or before the first such beverage is consumed; or
- (5) Allow or permit any unconsumed alcoholic beverage sold for consumption on the premises to be removed from the licensed premises.

Rules applicable to malt beverages and wine:

(b) In addition to the rules set forth in subsection (a) of this section, these rules shall likewise apply to the on premises consumption of malt beverages and wine:

- (1) Sell or furnish any malt beverages or wine prior to 4:00 p.m. or after 8:00 p.m. at a price less than the normal retail price of the business in which the associated alcoholic beverage license is utilized with, for purposes of this section, the term "normal retail price" being the price charged during the majority or the other business hours of such business for that particular alcoholic beverage during the preceding seven-day period of time;
- (2) Selling or furnishing malt beverages or wine between the hours of 4:00 p.m.

and 8:00 p.m. for less than one-half of the normal retail price as defined in this section;

(3) Nothing contained in this section shall be construed to prohibit the dispensing of malt beverages in pitchers or in jumbo sizes which are available at all times that the business in which the alcoholic beverages license is utilized is open for business at the usual, customary or established retail price therefore.

Rules applicable to distilled spirits:

(c) In addition to the rules set forth in subsection (a) of this section, these rules shall likewise apply to the on premises consumption of distilled spirits:

(1) Sell or furnish distilled spirits at less than "normal retail price" at any time. "Normal retail price" is the price charged for any particular or specific distilled spirit beverage during the preceding seven-day period of time;

(2) Offer free or reduced price servings of distilled spirits at any time;

(3) Sponsor, conduct, allow or permit contests or promotions which have as their primary purpose the increasing of the consumption of distilled spirits on the premises; or,

(4) Sell or furnish distilled spirits at any time that the restaurant or private club to which such license is attached is closed.

Sec. 6-131. *Operation only by licensee or designated manager.*

Notwithstanding any other provisions of this chapter, no holder of any alcoholic beverage license issued by the County shall permit or allow any business in which such license is utilized to be managed or operated for any period of time longer than 15 days by any person except to the extent otherwise specifically provided in this chapter who is not listed upon the initial application for such license, upon the most recent application for renewal thereof, on an amended application relative thereto which has been approved by the Board of Commissioners, or upon a then pending and unacted upon amended application relative thereto.

Sec. 6-132. *Display of license.*

The holder of every alcoholic beverage license issued by the County shall post and prominently display in a conspicuous place upon the premises licensed all alcoholic beverages licenses by the County and by the state department of revenue.

Sec. 6-133. *Posting of laws regulating sales.*

The holder of every alcoholic beverage license issued by the County shall post and

prominently display in a conspicuous place upon the premises licensed all notices required by state law relative to the sale of alcoholic beverages as well as such other notice or notices relative to the sale of alcoholic beverages pursuant to license issued by the County as shall from time to time be prescribed by the County Administrator of such form, size and content as shall be prescribed by the County Administrator.

Sec. 6-134. *Signage restrictions.*

Any holder of any alcoholic beverage license issued by the County pursuant to this chapter shall comply in all respects with any County ordinance regulating signage.

Sec. 6-135. *Obstruction of view of interior of premises and lighting of premises.*

(a) For the safety of law enforcement personnel and other public officials, every business in which an alcoholic beverage license is utilized shall provide a door, window or other opening through which the interior of the premises licensed for the sale of alcoholic beverages shall be visible from the exterior. Neither the holder of any alcoholic beverage license nor any agent, servant or employee of any business in which such alcoholic beverage license is utilized shall obstruct, block, or obscure the view through any door, window or other opening of the interior of the premises licensed for the sale of alcoholic beverages.

(b) Both the exterior and interior of all premises licensed by the County for the package sale of alcoholic beverages shall be so arranged as to afford an unobstructed view from the outside thereof of the interior portion of the premises which is utilized for the sale of alcoholic beverages.

(c) The exterior of all premises licensed by the County for the sale of alcoholic beverages shall at all times be illuminated with sufficient light intensity so as to allow a complete view of all portions of the exterior thereof.

(d) The exterior of all premises licensed by the County for the sale of alcoholic beverages shall at all times be illuminated with sufficient light intensity so as to allow a complete view of the interior of such premise which is utilized for the sale of alcoholic beverages by a person standing on the inside of the entrance of such premises.

Sec. 6-136. *Restrictions on compensation.*

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any such alcoholic beverage license is utilized shall permit or allow any agent, servant or employee of such business who is not the owner of an interest in such business to either directly or indirectly, receive or obtain in any manner any salary or other compensation of any nature whatsoever which is based solely upon the volume of alcoholic beverages sold upon such premises either by or as a result of the efforts of such agent, servant or employee individually or of such business generally or which is

based solely upon the profit derived by such business from the sale of any alcoholic beverages.

Sec. 6-137. Restrictions on premises rental fees.

It shall be unlawful for an alcoholic beverage license holder to enter into any agreement whereby the rental paid for the licensed premises is based in whole or in part upon the volume of alcoholic beverages sold upon such premises or based in whole or in part upon the profit derived by such business utilizing the alcoholic beverage license.

Sec. 6-138. Restrictions upon activities of employees.

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall permit or allow any agent, servant or employee of such business or license holder upon the premise licensed during any period of time that such agent, servant or employee is acting for the benefit of or on behalf of such business or license or is otherwise in the employ of such business or licensee to:

- (1) Dance with any customer or patron of such business;
- (2) Dance upon any bar, counter or table; and
- (3) Consume any alcoholic beverage purchased by a customer or patron of such business.

Sec. 6-139. Access of police officers and public officials.

No holder of any alcoholic beverage license nor any agent, servant or employee of any business in which any alcoholic beverage license is utilized shall at any time deny or prevent access to the licensed premises, or any portion thereof, to any state or federal or local law enforcement officer or to any local, state or federal building, zoning or fire inspector or official in connection with the conduct of such officer's, inspector's or official's duties or obstruct any such officer, inspector or official in connection with the conduct of any investigation by any such officer, inspector or official with respect to the licensed premises or any activity or conduct upon the licensed premises involving alcoholic beverages.

Sec. 6-140. No brown bagging allowed.

(a) No person holding an alcoholic beverage license for the retail sale of beer, wine or distilled spirits by the drink for on premises consumption, shall allow or permit brown bagging on such licensed premises; and

(b) No brown bagging shall be permitted in any restaurant or private club regardless of whether such location holds an alcoholic beverage license.

Secs. 6-141 through 6-160 reserved.

ARTICLE V.

Catering

Sec. 6-161. Sale off premises for catering purposes.

(a) *Licensed alcoholic beverage caterer.* An alcoholic beverages licensee may become licensed alcoholic beverage caterer by meeting all of the following four requirements:

1. Complying with all provisions of Chapter 1 of Title 3 of the Official Code of Georgia Annotation. [Sales Off Premises for Catered Functions]; and by
2. Applying for an off premises catering license on the form prescribed by the County; and by
3. Paying an annual fee to the County for such a license, with such fee being shown upon a schedule of fees maintained in the office of the Cook County Clerk; and by
4. Obtaining an Event Permit, as hereinafter defined and provided, for each and every such authorized catered function to which such alcoholic beverage caterer license shall be applicable. A licensed alcoholic beverage caterer is eligible to sell or furnish only those types of alcoholic beverages as he can sell or furnish pursuant to his underlying alcoholic beverage license.

(b) An Event Permit, issued by the County Clerk or his designee, is required before an otherwise licensed alcoholic beverage caterer can sell or furnish alcoholic beverages. In order to obtain an Event Permit, the licensed alcoholic beverage caterer shall be required to provide to the County the following information:

1. Name of caterer;
2. Date of event;
3. Time (hours of event);
4. Location (address) of event;
5. Host or sponsor of event;
6. Estimated Number of Attendees;
7. Whether fee or sale of alcoholic beverages at event;

8. Whether facility is private or public;
 9. Whether location is within 300 feet of a church or school building;
 10. A plat or sketch shall be submitted showing the service area where alcoholic beverages will be served indicating whether said area is within the building or in an open area;
 11. An event fee in an amount shown upon a schedule of fees maintained in the office of the Cook County Clerk shall be submitted along with the application;
 12. Comply with the reporting provisions of O.C.G.A. §3-11-3; and
 13. Provide security and parking enforcement plans and personnel as required by the County.
- (c) An event permit may be refused by the County Administrator or a designee for anyone of the following reasons:
1. Inadequate parking or enforcement personnel at the facility designated;
 2. Criminal record of host or caterer permit holder;
 3. Previous complaints on location or of applicant; or
 4. Previous damage to facility by applicant or permit holder.
- (d) The County reserves the right to define and/or restrict the service area for serving of alcoholic beverages.
- (e) The County shall control the dispensing of alcohol in all of its facilities by requiring the use of a licensed alcoholic beverage caterer if alcohol is furnished at any such facility.
- (f) Violation.
1. It shall be unlawful for any food caterer or person to distribute or sell distilled spirits, malt beverages or wine without a license issued pursuant to this section.
 2. It shall be unlawful for any licensed alcoholic beverage caterer licensed under this section to distribute or sell distilled spirits, malt beverages or wine except in connection with an authorized catered function for which an Event Permit has been obtained.

Secs. 6-162 through 6-174 reserved.

ARTICLE VI.
Excise Taxes

Sec. 6-175. *Excise tax imposed.*

There is hereby levied and imposed upon each holder of a wholesale alcoholic beverage license selling alcoholic beverages within the County a specific excise tax in addition to all other fees, taxes and charges relative thereto upon the sale of alcoholic beverages within the County as follows:

- (1) Per case of 24 seven-ounce containers \$0.70
- (2) Per case of 24 eight-ounce containers 0.80
- (3) Per case of 24 12-ounce containers1.20
- (4) Per case of 24 14-ounce containers1.40
- (5) Per case of 24 16-ounce containers1.60
- (6) Per case of 36 8-ounce containers1.20
- (7) Per case of 12 32-ounce containers 1.60
- (8) Per case of 48 seven-ounce containers 1.40
- (9) For each one-half barrel (1.5 ½ gallons) of tap or draft beer6.00
- (10) A proportionate tax at the rate of \$6.00 per one-half barrel (1..5 1/2 gallons) of tap or draft beer on all fractional parts of half-barrels
- (11) A proportionate tax per 12 ounces for all malt beverages not sold in barrels or other bulk container on all fractional parts of 12-ounce sizes not specified above, at the rate of.
... 0.05
- (12) With respect to wines:
 - a. Per one liter (33.8 ounce) containers.....0.22
 - b. Per three-quarter liter (25.4 ounce) containers 0.16
 - c. Per one-half liter (16.4 ounce) containers0.11
 - d. Per three-eighth liter (12.7 ounce) containers 0.08
 - e. Per 5.35 liter containers0.05

f. A proportionate tax per liter for all fractional parts of liters not specified above, at the rate of0.22

Sec. 6-176. *Monthly reports and payment.*

Each holder of a wholesale alcoholic beverage license shall file a monthly report by the tenth day of each calendar month itemizing for the preceding calendar month the exact quantities of all alcoholic beverages, by nature and by size and type of container, sold within the County and at such time shall remit to the County the amount of excise tax due to the County in accordance with the provisions of this chapter.

Sec. 6-177. *Examination of books and records.*

The books and records of all wholesalers selling or delivering these beverages and all retailers thereof in the County shall be subject to inspection and audit by the agents of the County to ensure compliance herewith. It shall be unlawful for any person to deny to an authorized agent of the County reasonable access to its books and records and shall be the duty of each person to keep accurate records of payments and collections of the case tax and remittances.

Sec. 6-178. *Penalties.*

(a) The failure to make a timely report and remittance required shall render a wholesaler liable for a penalty equal to twenty-five (25) percent of the total due during the first thirty-day period following the date the report and remittance were due and a further penalty of fifty (50) percent of the amount of this remittance for each successive thirty-day period or any portion thereof during which the report and the remittance were not filed.

(b) The filing of a false or fraudulent report shall render the wholesale dealer making the report liable to a penalty equal to one hundred (100) percent of the amount of the remittance which would be required under an accurate and truthful report.

(c) Any person, wholesaler or retailer that shall violate the provisions hereof shall, upon conviction, be punished as prescribed by the magistrate court and may in addition be subject to suspension or revocation of the license to sell such beverages.

Sec.6-179. *Taxes collected upon delivery.*

(a) It shall be unlawful for any retailer of alcoholic beverages to receive and retain these beverages unless he shall have paid the tax thereon.

(b) It shall be unlawful for any wholesaler of alcoholic beverages to sell or deliver these beverages to any retailer thereof unless he shall concurrently with this delivery collect the tax imposed.

(c) It shall be unlawful for any wholesaler of alcoholic beverages to fail to remit to the County, when promptly due, the taxes levied, and collected by the wholesaler. It shall be unlawful for any person engaged as a retailer of these beverages to receive these beverages from another retailer unless tax has been paid.

(d) It shall further be unlawful for any retailer of alcoholic beverages to receive and retail these beverages from another retail store, whether the other store shall be owned by the receiving retailer or not, or whether the other store is located within the corporate limits of the County or not, unless the tax shall have been paid and remitted to the, County Clerk.

Sec. 6-180. *Tax on sale of distilled spirits by the drink.*

(a) Definitions. The following words, terms and phrases shall, for the purposes of this section and except where the context clearly indicates a different meaning, defined as follows:

County means the County wherein Cook County is empowered to impose this tax by O.C.G.A. §3-4-130.

Due date means the tenth day after the close of the monthly period for which the tax is to be computed.

Cook County Clerk means the duly appointed County Clerk of designee.

Licensee means any person holding a license to serve distilled spirits by the drink from the County.

Monthly period means the calendar months of any year.

Person means an individual, firm, partnership, joint adventure (venture), association, social club, fraternal organization, joint stock company, corporation, cooperative, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit, the plural as well as the singular number, excepting the United States, the state and any instrumentality of either thereof upon which the County is without power to impose the tax.

Tax means the sales tax on distilled spirits by the drink imposed by this article.

(b) Imposition; rate of tax. There is hereby imposed, and there shall be paid, a tax of three (3) percent on the sale of liquor by the drink in the County.

(c) Collection by licensee. Every licensee shall collect a tax of three (3) percent on the sale of distilled spirits by the drink at his pouring outlet.

(d) Determination generally; returns; payments.

1. ***Return; time of filing; persons required to file; contents.*** On or before the twentieth day of the month following each monthly period, a return for the preceding monthly period shall be filed by every licensee with the Cook County Clerk showing the gross sales of distilled spirits by the drink and the amount of tax collected or otherwise due for the period, and such other information as maybe required by the Cook County Clerk.

2. ***Due date of taxes.*** All amounts of such taxes shall be due and payable to the Cook County Clerk monthly on or before the twentieth day of every month next succeeding each respective monthly period at the time of submission of the return anticipated in subparagraph 1. [of this subparagraph (d)] above.

3. ***Penalty and interest for failure to pay tax by due date.*** A specific penalty of fifteen (15) percent is imposed for failure to pay any amount of tax when due and payable to the County. Delinquent amounts shall bear interest at the rate of one (1) percent per month, or fraction thereof, until paid.

4. ***Collection fee allowed licensees.*** Licensees collecting the tax shall be allowed a percentage of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting and paying the amount due, if the amount is not delinquent at the time of payment. The rate of the deduction shall be the same rate authorized for deductions from state tax under the Georgia Retailer and Consumers' Sales Use Tax Act, as now and hereafter amended.

(e) Deficiency Determinations.

1. ***Recomputations of tax; authority to make; basis of recomputation.*** If the Cook County Clerk is not satisfied with the return or returns of the tax or the amount of the tax required to be paid to the County by any person, she may compute and determine the amount required to be paid Upon the basis of any information within her possession or that may come into her possession. One (1) or more deficiency determinations may be made of the amount due for one (1) or more monthly periods.

2. ***Penalty and interest for failure to pay tax.*** A specific penalty of fifteen (15) percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one (1) percent per month, or a fraction thereof, from the due date of taxes until the date of payment;

3. ***Notice of determination; service of.*** The Cook County Clerk shall give to the licensee written notice of her determination. The notice may be served personally or by mail; if by mail, such service shall be addressed to the licensee at his address as it appears in the records of the County. Service by mail is complete when delivered by certified mail with a receipt signed by addressee or postal certification that such mail was refused.

4. ***Time within which notice of deficiency determination to be mailed.*** Except in the case of failure to make a return, every notice of a deficiency determination shall be mailed within three (3) years after the twentieth day of the calendar month following the monthly period for which the amount is proposed to be determined, or within three (3) years after the return is filed, whichever period should last expire.

(f) ***Determination of no return made.***

1. ***Estimate of gross receipts.*** If any person fails to make a return, the Cook County Clerk shall make an estimate of the amount of the gross receipts of the licensee from the sale of distilled spirits by the drink, or as the case may be, of the amount of the amount such receipts in this County which are subject to the tax. The estimate shall be made for the period or periods in respect to which the person failed to make. The return and shall be based upon any information which is or may come into the possession of the Cook County Clerk. Written notice shall be given in the manner prescribed in subsection (e) (3).

2. ***Penalty and interest for failure to pay tax.*** A specific penalty of fifteen (15) percent is imposed upon the amount of any determination. Additionally, the amount of any determination shall bear interest at the rate of one (1) percent per month, or a fraction thereof, from the due date of taxes until the date of payment.

(g) ***Collection of tax by County.***

1. ***Action for delinquent tax; time for.*** 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 Cook County Clerk may bring an action in a court of competent jurisdiction in the name of the County to collect the amount delinquent together with penalty, interest, court fees, filing fees, attorney's fees and other legal fees incident thereto.

2. ***Duty of successors or assignees of licensee to withhold tax from purchase money.*** If any licensee liable for any amount under this section sells out his business or quits the business, his successors or assigns shall withhold sufficiently from the purchase price to cover such amount until the former owner produces from the Cook County Clerk either a receipt reflecting full payment or a certificate stating that no amount is due.

3. ***Liability for failure to withhold.*** If the purchaser of a business fails to withhold purchase as required, he or it shall be personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price.

4. ***Credit for tax, penalty or interest paid more than once or erroneously or illegally collected.*** 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, it may be offset by the Cook County Clerk. If the operator or person determines that he has overpaid or paid more than once, which fact has not been determined by the Cook County Clerk, such person shall have three (3) years from the date of payment to file a claim in writing stating the specific grounds upon which the claim is founded. The claim shall be audited. If the claim is approved by the Cook County Clerk, the excess amount paid the County may be credited on any amounts then due and payable from the person by whom it was paid.

(h) ***Administration of ordinance; recordkeeping.***

1. ***Authority of Cook County Clerk.*** The Cook County Clerk shall administer and enforce the provisions of this section for the collection of the tax.

2. ***Records required from licensees, etc.; form.*** Every licensee shall preserve, for a minimum of three (3) years, all records, receipts, invoices and such other documents as the Cook County Clerk may prescribe, and in such form as she may require.

3. ***Examination of records, audits.*** The Cook County Clerk or any person authorized in writing by her may examine the books, papers, records, financial reports, inventory, 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, to ascertain and determine the amount required to be paid.

4. ***Authority to require reports; contents.*** In administration of the provisions of this section, the Cook County Clerk may require the filing of reports by person or class of persons having in their possession or custody information relating to the sale of distilled spirits by the drink. The reports shall be filed with the Cook County Clerk when required by said official, and shall set forth the gross sales from the sale of distilled spirits by the drink, the amount of tax collection thereon, or such other information as the Cook County Clerk may prescribe.

(i) ***Violations.*** Any person violating any of the provisions of this section shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as provided by the courts. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this section is committed, continued or permitted by such person, and shall be punished accordingly. Any licensee who fails to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the Cook County Clerk, or who renders a false or fraudulent return, shall be deemed guilty of an offense and, upon conviction thereof, shall be punished as aforesaid.

Sec. 6-181. *Delinquency.*

If after 45 days any excise tax imposed by this division is not paid by any holder of a wholesale alcoholic beverage license, then the excise tax assessed against such license holder shall become delinquent and all of the provisions of this Code relative to the

collection of delinquent taxes shall be applicable for the collection of such excise tax. Alcoholic beverages on which County taxes have not been paid are subject to seizure and may be destroyed or sold by public sale as provided by law.

**COOK COUNTY
ALCOHOLIC BEVERAGE LICENSE
FEE SCHEDULE**

1. Wholesale Malt Beverage License	\$125.00
2. Retail Malt Beverage Package License.....	\$300.00
3. Retail Malt Beverage Consumption License	\$500.00
4. Wholesale Wine License	\$125.00
5. Retail Wine Package License	\$300.00
6. Retail Wine Consumption license	\$500.00
7. Retail Distilled Spirits Consumption License ...	\$2500.00
NEW APPLICATION FEE	\$100.00