

OGLETHORPE COUNTY, GEORGIA

ORDINANCE NO. 2026-__

**AN ORDINANCE TO AMEND CHAPTER 8, ARTICLE II,
ALCOHOLIC BEVERAGES**

AN ORDINANCE of the Board of Commissioners of Oglethorpe County, Georgia, to amend Chapter 8, Article II of the Code of Oglethorpe County, Georgia, relating to alcoholic beverages; to recognize event venues and hospitality establishments as establishments potentially eligible for consumption-on-premises licenses; to establish operational safeguards; to coordinate alcohol licensing with zoning and other land-use approvals; to revise hours of sale; to correct conflicting provisions concerning distilled spirits by the drink; to prohibit the sale and distribution of certain products at premises holding a County alcoholic beverage license; to provide for severability, repeal of conflicting ordinances, codification, and an effective date; and for other lawful purposes.

WHEREAS, the Board of Commissioners is authorized by the Constitution and laws of the State of Georgia, including Title 3 of the Official Code of Georgia Annotated, to regulate the retail sale and service of alcoholic beverages within the unincorporated area of Oglethorpe County; and

WHEREAS, the County's existing consumption-on-premises provisions generally limit eligibility to conventional restaurants and nonprofit clubs and do not adequately address legitimate event, retreat, banquet, lodging, and reservation-based dining establishments; and

WHEREAS, the Board desires to accommodate such establishments without authorizing stand-alone bars or nightclubs and without allowing an alcoholic beverage license to supersede zoning, building, fire, health, septic, noise, or other applicable requirements; and

WHEREAS, the Board finds that the amendments below promote consistent administration, public safety, and the responsible service of alcoholic beverages;

WHEREAS, the Board has investigated the dangers associated with products containing mitragynine, 7-hydroxymitragynine (7-OH), mitragynine pseudoindoxyl, MGM-15, MGM-16, or tianeptine, particularly when such products are sold at premises where alcoholic beverages are also sold or served; and

WHEREAS, the Board finds that prohibiting the sale and distribution of such products at premises holding a County alcoholic beverage license is a reasonable condition of the privilege granted by that license and promotes the public health, safety, and welfare; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Oglethorpe County, Georgia, and it is hereby ordained by authority of the same, as follows:

SECTION 1. Section 8-96 amended—definitions.

Section 8-96 of the Code of Oglethorpe County is amended by retaining the existing definitions and adding the following definitions in alphabetical order:

“Event or hospitality function” means a scheduled wedding, reception, banquet, conference, corporate or organizational retreat, reunion, reservation-based dining service, catered meal, lodging-related

guest function, or other comparable gathering conducted as part of an event venue or hospitality establishment.

“Event venue or hospitality establishment” means an established place of business, lawfully authorized at its location under the Unified Development Code and all applicable zoning approvals, whose principal business is the operation of one or more of the following integrated uses: a wedding or reception venue; banquet or conference facility; corporate or organizational retreat facility; reservation-based supper club or dining establishment; lodging facility or group of cabins operated in association with such venue or facility; or a substantially similar hospitality use approved by the Board of Commissioners. The term does not include a stand-alone bar, tavern, nightclub, dance hall, package store, or an establishment whose principal business is the sale or service of alcoholic beverages.

“Licensed premises” means the building, buildings, rooms, decks, patios, courtyards, lawns, event areas, and other specifically delineated areas shown on the site plan approved with the local alcoholic beverage license. Guest sleeping rooms or cabins shall not be included unless expressly permitted by state law and specifically approved by the Board of Commissioners.

SECTION 2. Section 8-97 amended—eligible establishments and safeguards.

Section 8-97 is repealed and replaced with the following:

Sec. 8-97. Establishments eligible for licenses.

- (a) Licenses for consumption on-premises may be issued only to persons who manage and operate: (1) a restaurant; (2) a nonprofit club; or (3) an event venue or hospitality establishment, as defined in section 8-96.
- (b) Restaurant. A restaurant means an established place of business actively in operation within Oglethorpe County where meals with substantial entrees selected by the customer from a full menu are served during all hours of operation with:
 - (1) A full-service kitchen;
 - (2) The serving of such meals being the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto; and
 - (3) A minimum serving schedule of at least two meals a day for at least five days a week, with the exception of recognized holidays, reasonable vacation time, and periods of actual redecoration.
- (c) Nonprofit club. A nonprofit club means any nonprofit association organized under the laws of this state which:
 - (1) Has been in existence and actively in operation within Oglethorpe County, Georgia, for at least one year immediately prior to the application for a license under this subdivision;
 - (2) Is organized and exists primarily for civic, social, or charitable purposes;
 - (3) Has members that participate and further the organization's purposes;
 - (4) Owns or leases a building or space within a building for the reasonable use of its members; and

- (5) Has no member, officer, agent, or employee directly or indirectly receiving in the form of salary or other compensation, any profits from the sale of alcoholic beverages beyond a fixed salary.
- (d) An event venue or hospitality establishment shall satisfy all of the following requirements:
 - (1) Alcoholic beverages may be sold, served, or furnished only in connection with an event or hospitality function and only within the licensed premises.
 - (2) Food shall be available whenever alcoholic beverages are sold or served. For a reservation-based supper club or dining function, a bona fide meal shall be offered to each patron; for other functions, catered food, a buffet, hors d'oeuvres, or another food service reasonably appropriate to the function shall be available.
 - (3) The establishment shall not advertise, represent, or operate itself primarily as a bar, tavern, nightclub, or dance hall. General walk-in alcohol service unconnected to an event or hospitality function is prohibited unless the establishment separately qualifies as a restaurant under this article.
 - (4) No package sales or off-premises consumption are authorized by a consumption-on-premises license.
 - (5) The licensee shall maintain a calendar or record of scheduled functions and, upon request, make it available for inspection by the County or its authorized officials. Records shall be retained for not less than two years.
 - (6) The Board of Commissioners may impose reasonable, written, site-specific conditions on the license concerning approved service areas, occupancy, security, parking and traffic management, outdoor service, hours, noise, and other matters reasonably related to public health, safety, and welfare. Such conditions shall be consistent with this article and state law.
- (e) Issuance of an alcoholic beverage license does not authorize any land use, building, structure, activity, or area of alcohol service that is not otherwise lawful under the Unified Development Code, an approved planned development or other zoning action, a conditional use approval, building and fire codes, health and septic requirements, or any other applicable law or approval. Loss, expiration, suspension, or revocation of a required land-use approval may constitute grounds for suspension or revocation of the alcoholic beverage license.

SECTION 3. Section 8-99 amended—hours of operation.

Section 8-99(a) is repealed and replaced with the following, with subsection (b) retained:

- (a) No licensee shall sell, offer for sale, serve, or otherwise furnish distilled spirits:
 - (1) At any time on Sunday;
 - (2) Before 12:00 noon on any day;
 - (3) After 11:00 p.m. Monday through Thursday;
 - (4) After 12:00 midnight Friday or Saturday; or
 - (5) At any time prohibited by state law, another local ordinance or regulation, a special order of the Board of Commissioners, or a condition imposed upon the license.
- (c) For purposes of this section, “licensee” means only the holder of a license for the sale of distilled spirits by the drink for consumption on the premises. Nothing in this section alters or restricts the lawful hours for package sales or other off-premises sales under this article.

SECTION 4. Section 8-105 amended—licensed premises.

Section 8-105 is amended by replacing the fourth and fifth sentences with the following:

Each licensed premises shall contain sufficient lighting for safe operation and inspection, consistent with applicable lighting, buffering, and zoning requirements. For an event venue or hospitality establishment, the application shall include a site plan clearly delineating every indoor and outdoor area in which alcoholic beverages are proposed to be sold, served, furnished, possessed, or consumed. The Board of Commissioners may approve one integrated licensed premises consisting of multiple buildings and intervening or adjoining event areas under common management on one parcel or on contiguous parcels, provided the boundaries are clearly defined and the arrangement is permitted by state law. Areas used exclusively as guest sleeping quarters shall not be required to be visible from a public street and shall not be included within the licensed premises unless expressly authorized.

SECTION 5. Section 8-189(d) amended—special-event consistency.

Section 8-189(d) is repealed and replaced with the following:

- (d) It shall be unlawful for a licensed alcoholic beverage caterer to distribute or sell distilled spirits in the County without all licenses and permits required by state law and this article or outside the scope of such licenses and permits. Nothing in this division shall prohibit the sale of distilled spirits by the drink when lawfully authorized under Division 2 of this article.

SECTION 6. Sections 8-219 and 8-220 amended—malt beverages and wine.

A. Section 8-219.

Section 8-219 is repealed and replaced with the following:

Sec. 8-219. Consumption on premises.

As used in this division, the term “consumption on premises” means to sell, serve, or furnish malt beverages and wine for consumption by the drink on the premises at retail only to consumers and not for resale. Licenses for consumption on premises shall be issued by the Board of Commissioners pursuant to the rules and regulations set forth in this article. Nothing in this division independently authorizes the sale, service, or furnishing of distilled spirits. Distilled spirits by the drink may be sold only under a valid license issued pursuant to Division 2 of this article and applicable state law.

B. Section 8-220.

Section 8-220 is repealed and replaced with the following:

Sec. 8-220. Establishments eligible for licenses.

Licenses for consumption on-premises only shall be issued only to persons who manage and operate one of the following:

- (1) Restaurant. The term “restaurant” means an established place of business actively in operation within the county where meals with substantial entrees selected by the customer from a full menu are served during all hours of operation with:

- a. A full-service kitchen;

- b. The serving of such meals being the principal business conducted, with the serving of alcoholic beverages to be consumed on the premises as only incidental thereto; and
- c. A minimum serving schedule of at least two meals a day for at least five days a week, with the exception of recognized holidays, reasonable vacation time and periods of actual redecoration.
- (2) Nonprofit club. The term “nonprofit club” means any nonprofit association organized under the laws of the state which:
 - a. Has been in existence and actively in operation in the county for at least one year immediately prior to the application for a license hereunder;
 - b. Is organized and exists primarily for civic, social or charitable purposes;
 - c. Has members that participate and further the organization's purpose;
 - d. Owns or leases a building or space within a building for the reasonable use of its members; and
 - e. Has no member, officer, agent or employee directly or indirectly receiving any profits from the sale of alcoholic beverages, other than a fixed salary.
- (3) Event venue or hospitality establishment. An event venue or hospitality establishment, as defined in section 8-96, may be eligible for a consumption-on-premises license for malt beverages and wine, subject to the operational requirements and safeguards in section 8-97(d) and (e), which are incorporated into this division by reference.

SECTION 7. Section 8-222 amended—hours for malt beverages and wine.

Section 8-222(a) is repealed and replaced with the following, with subsection (b) retained:

- (a) No licensee shall sell, offer for sale, serve, or otherwise furnish malt beverages or wine:
 - (1) At any time on Sunday;
 - (2) Before 12:00 noon on any day;
 - (3) After 11:00 p.m. Monday through Thursday;
 - (4) After 12:00 midnight Friday or Saturday; or
 - (5) At any time prohibited by state law, another local ordinance or regulation, a special order of the Board of Commissioners, or a condition imposed upon the license.
- (c) For purposes of this section, “licensee” means only the holder of a license for the sale of malt beverages or wine for consumption on the premises. Nothing in this section alters or restricts the lawful hours for package sales or other off-premises sales under this article.

SECTION 8. Section 8-247 amended—licensed premises.

Section 8-247 is amended by replacing the fourth and fifth sentences with the following:

Each licensed premises shall contain sufficient lighting for safe operation and inspection, consistent with applicable lighting, buffering, and zoning requirements. For an event venue or hospitality establishment, the application shall include a site plan clearly delineating every indoor and outdoor area in which alcoholic beverages are proposed to be sold, served, furnished, possessed, or consumed. The Board of

Commissioners may approve one integrated licensed premises consisting of multiple buildings and intervening or adjoining event areas under common management on one parcel or on contiguous parcels, provided the boundaries are clearly defined and the arrangement is permitted by state law. Areas used exclusively as guest sleeping quarters shall not be required to be visible from a public street and shall not be included within the licensed premises unless expressly authorized.

SECTION 9. Division 6 added—prohibited sale of certain substances.

Chapter 8, Article II is amended by adding a new Division 6 to read as follows:

DIVISION 6. PROHIBITED SALE OF CERTAIN SUBSTANCES

Sec. 8-276. Purpose and findings.

The Board of Commissioners finds that products containing mitragynine, 7-hydroxymitragynine (7-OH), mitragynine pseudoindoxyl, MGM-15, MGM-16, or tianeptine present public-health and safety concerns, especially when available at premises where alcoholic beverages are sold or served. The purpose of this division is to make the prohibition below a continuing condition of every alcoholic beverage license issued by Oglethorpe County. This division regulates alcohol-licensed premises and does not prohibit otherwise lawful sales by a business that does not hold a County alcoholic beverage license.

Sec. 8-277. Definitions.

For purposes of this division, the following terms shall have the meanings stated:

“Alcoholic beverage license” means any license issued by Oglethorpe County under this article authorizing the manufacture, distribution, sale, service, or furnishing of distilled spirits, malt beverages, or wine, whether for consumption on the premises or off the premises.

“Licensed premises” means the premises, property, building, room, structure, or area covered by an alcoholic beverage license issued by Oglethorpe County.

“Prohibited product” means any product intended for human consumption containing mitragynine, 7-hydroxymitragynine (7-OH), mitragynine pseudoindoxyl, MGM-15, MGM-16, or tianeptine, including any isomer, ester, ether, salt, synthetic alkaloid, metabolite, derivative, or analog of any such substance, regardless of whether the product may otherwise be lawfully sold under state or federal law.

Sec. 8-278. Prohibited conduct; acknowledgment required.

- (a)** No alcoholic beverage license holder or applicant, and no owner, operator, employee, or agent of a licensed business, shall sell, offer for sale, distribute, furnish, or possess with intent to sell, distribute, or furnish any prohibited product at or from the licensed premises.
- (b)** This section applies to every alcoholic beverage license issued under this article, including licenses for consumption on the premises and licenses for package or other off-premises sales.
- (c)** Compliance with this division is a continuing condition of issuance and retention of an alcoholic beverage license.
- (d)** Every initial and renewal application for an alcoholic beverage license shall include a signed acknowledgment stating that the applicant has read this division and agrees to comply with it. Failure

or refusal to provide the acknowledgment shall be grounds to deem the application incomplete or to deny the application.

- (e) Nothing in this division authorizes the possession, sale, distribution, or furnishing of any substance prohibited or controlled by state or federal law.

Sec. 8-279. Enforcement and penalties.

- (a) In addition to prosecution for a violation of this division, a violation constitutes grounds for denial, suspension, or revocation of an alcoholic beverage license in accordance with the notice and hearing procedures of this article.
- (b) A license proceeding may be initiated and determined without a criminal conviction, provided the licensee receives the notice and opportunity for hearing required by this article. A conviction, guilty plea, or plea of nolo contendere arising from conduct prohibited by this division may be admitted in the license proceeding.
- (c) Upon conviction, a violation of this division may be punished by a fine not exceeding \$1,000.00 or any other penalty authorized by the general penalty provisions of the County Code.
- (d) Each prohibited product, each transaction, and each day a violation continues may constitute a separate offense. The remedies and penalties provided by this section are cumulative.

SECTION 10. State licensing and compliance.

Each license issued under this ordinance is conditioned upon the licensee obtaining and maintaining every license, permit, and approval required by the Georgia Department of Revenue and other applicable state or local authorities. If any provision of this ordinance would authorize conduct broader than permitted by state law, state law shall control and the local authorization shall be limited accordingly.

SECTION 11. Sunday sales prohibited.

Nothing in this ordinance shall be construed to authorize the sale, offer for sale, service, or furnishing of alcoholic beverages on Sunday. Sunday sales and service remain prohibited in Oglethorpe County under this article.

SECTION 12. Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict. Provisions not expressly amended remain in full force and effect.

SECTION 13. Severability.

If any section, subsection, sentence, clause, phrase, or application of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 14. Codification.

This ordinance shall be codified in Chapter 8, Article II of the Code of Oglethorpe County. The codifier may renumber sections, correct manifest typographical errors, and make non-substantive editorial changes necessary for consistent codification, but shall not change the substantive meaning of this ordinance.

SECTION 15. Effective date.

This ordinance shall become effective upon adoption, unless a later effective date is inserted here:
_____.

SO ORDAINED AND ADOPTED this ____ day of _____, 2026, at a duly advertised public meeting of the Board of Commissioners of Oglethorpe County, Georgia.

**OGLETHORPE COUNTY BOARD OF
COMMISSIONERS**

ATTEST:

Chairman

County Clerk