AN ORDINANCE

BY COUNCILMEMBER ANNE FAUVER **04-O -0319**

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I, SECTION 10-1 OF THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA SO AS TO ADD A DEFINITION FOR "BREWERY TASTING ROOM" AS A NEW CATEGORY OF LICENSED ESTABLISHMENT FOR CONSUMPTION ON PREMISES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages in order to provide for the safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta and the State of Georgia, O.C.G.A. §3-5-1, currently license brewers for the manufacture of malt beverages

WHEREAS, the State of Georgia, pursuant to O.C.G.A. §3-5-38, provides a license that allows for sampling on premises of a brewer's malt beverages; and

WHEREAS, there are in the City of Atlanta, several brewers of malt beverages, some of which offer tours of their facility, and at least one of those brewers operates a tasting room for the sampling of its malt beverages; and

WHEREAS, on any given day these premises will be attended by many patrons; and

WHEREAS, it is essential that the City of Atlanta require increased and necessary measures to protect those individuals patronizing the breweries and to protect the general population of the City; and

WHEREAS, the City wishes to impose certain quantity and volume limitations upon the breweries similar to those imposed upon tasting rooms of farm wineries.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1.
That Chapter 10, Article I, Section 10-1 be amended to add a new paragraph and definition for the term "Brewery Tasting Room" which shall read:

> *Brewery Tasting Room* means an outlet licensed under O.C.G.A. §3-5-38 and operated by a brewer on the manufacturing premises of the brewer for the promotion of the brewer's malt beverages by providing complimentary samples of

such malt beverages to the public as part of the brewer's educational and promotional tours.

Section 2.

That Chapter 10, Article II, Division 2, Section 10-53 which currently states:

Section 10-53. Tasting rooms of farm wineries.

No tasting room shall be operated except under a license granted by the mayor as provided in this section. The applicant for a tasting room license must be a farm winery and must meet all legal requirements contained in this chapter for the sale of wine by the package and for the sale of wine by the drink. Individual patrons of tasting rooms may be given or sold samples of up to seven different wines for consumption, but may not be given or sold in excess of five ounces of wine in any one two-hour period. A tasting room license shall allow the license holder to sell wine by the package and to give or sell wine samples at one location. No other license shall be required for the tasting room location pursuant to this chapter. Tasting room licensees are subject to all laws, rules and regulations of the state and are subject to revocation for violation thereof.

Be amended to delete the current language and to insert in lieu thereof the following language:

Sec. 10-53. Tasting rooms of farm wineries.

No tasting room shall be operated except under a license granted by the mayor as provided in this section. The applicant for a tasting room license must be a farm winery **or brewery.**

(a) Farm Winery Tasting Room: The **farm winery tasting room license applicant** must meet all legal requirements contained in this chapter for the sale of wine by the package and for the sale of wine by the drink. Individual patrons of tasting rooms may be given or sold samples of up to seven different wines for consumption, but may not be given or sold in excess of five ounces of wine in any one two-hour period. A tasting room license shall allow the license holder to sell wine by the package and to give or sell wine samples at one location. No other license shall be required for the tasting room location pursuant to this chapter. Tasting room licensees are subject to all laws, rules and regulations of the state and are subject to revocation for violation thereof.

(b) Brewery Tasting Room: The brewery tasting room license applicant must hold a valid, current permit under O.C.G.A. §3-5-38 authorizing the brewer to conduct educational and promotional tours which may include free

tasting on the premises by members of the public of tax paid varieties of malt beverages brewed by such brewer. Individual patrons of tasting rooms may be given or sold samples of up to five different malt beverages for consumption, but may not be given or sold in excess of ten ounces of malt beverages in any one two-hour period. A tasting room license shall allow the license holder to sell malt beverages by the package and to give or sell malt beverage samples at one location. No other license shall be required for the tasting room location pursuant to this chapter. Tasting room licensees are subject to all laws, rules and regulations of the state and are subject to revocation for violation thereof.

Section 3.

The terms and conditions of this ordinance shall apply to all licenses, whether new or renewal, applied for after the enactment of this Ordinance.

Section 4.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.