COMMITTEE AMENDMENT FORM

Committee PSLA **Page Number(s)** 3

Ordinance I.D.# 04-O-1257 **Section(s)** 10-53(b)

Resolution I.D.# _____ **Paragraph** _____

Date 10/12/04

Amendment: To change the amount given or sold for consumption from twenty-four ounces in any one two-hour period, to thirty-six ounces in any one three-hour period.

By: Councilmember H. Shook

AN ORDINANCE **04-O-1257**
BY COUNCILMEMBER ANNE FAUVER
AS SUBSTITUTED BY PUBLIC SAFETY/LEGAL ADMINISTRATION COMMITTEE

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, TO SET DRINK LIMITATIONS FOR BREWERY TASTING ROOMS AND TO ESTABLISH A LICENSE FEE TO OPERATE A BREWERY TASTING ROOM; 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 Public Safety/Legal Administration Committee of the Atlanta City Council formed a task force, known as the Alcohol Technical Advisory Group (ATAG), to undertake review of the alcohol code; and

WHEREAS, ATAG has completed a review of several areas of the alcohol licensing code and recommends approval of this ordinance; and

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

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 which 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 who consume malt beverages on the premises with little oversight or regulation by the City of Atlanta; and

WHEREAS, ATAG recommends imposition of certain malt beverage service quantity and volume limitations upon the breweries similar to those imposed upon tasting rooms of farm wineries; 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 by enforcing the rules and regulations generally attendant upon and enforced in drinking establishments.

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 new definitions for the terms "Brewer" and "Brewery Tasting Room" which shall read:

> *Brewer* means a manufacturer of malt beverages.
>
> *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 and breweries.

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 four different malt beverages for consumption, but may not be given or sold in excess of twenty-four ounces of malt beverages in any one two-hour period. 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.

That Chapter10, Article II, Division 2, Subsection 10-60(a) which currently states:

Sec. 10-60. Annual license fee; refunds.

(a) The annual license fee for each classification of license under this division shall be as follows:

Fee Effective for Year 2002

(1) *Wine.*

a. Manufacturer of wine . . . $2,250.00

b. Wholesaler, importer and/or broker of wine . . . 1,687.50

c. Retail dealer in wine to be consumed on or off the premises of the dealer . . . 2,362.50

d. Retail dealer in wine to be consumed off the premises of the dealer only . . . 1,575.00

e. Tasting room for retail dealer in wine and wine to be consumed on the premises . . . 2,250.00

f. Tasting room for retail dealer in wine and wine to be consumed on the premises which sells wine by the package on Sunday . . . 3,750.00

(2) *Malt beverages.*

a. Brewer or manufacturer of beer . . . 2,250.00

b. Wholesaler, importer, and/or broker of beer . . . 1,687.50

c. Retail dealer of beer to be consumed on or off the premises of the dealer . . . 2,362.50

d. Retail dealer in beer to be consumed off the premises of the dealer only . . . 1,575.00

(3) *Distilled spirits.*

a. Manufacturer . . . 5,000.00

b. Manufacturer that manufactures, distills or blends liquors made whole from products raised in the state . . . 5,000.00

c. Wholesaler . . . 5,000.00

d. Retail sale in package form . . . 4,500.00

Plus an amount equal to one percent of this gross sales of the previous year in excess of $200,000.00, not to exceed a maximum license fee of $5,000.00 per annum.

1. In determining the license fee to be paid by any dealer in distilled spirits, each individual store or retail outlet shall be considered singly, and the license fee fixed shall be determined by sales made at each individual store.

2. Annual sales for the purpose of determining the license fee to be paid shall be the sales made by the store or outlet the previous 12 months, except that all new stores or licenses shall, for the first year, pay $3,000.00 per annum.

(4) *Consumption on the premises of distilled spirits, wine and malt beverages.*

a. Initial license . . . 5,000.00

b. Additional facility licenses, each . . . 2,250.00

1. Additional licenses shall be required for all additional facilities such as lounges, restaurants, nightclubs, patios or other areas located within the same building.

2. All restaurant patios and outdoor or open air eating areas which are immediately adjacent to restaurants shall be exempt from the additional facility license fee.

3. The licensee shall not provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas in which the licensed premises are within 500 feet of any area zoned for single-family residences. Notwithstanding the foregoing, no licensee shall provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas after 12:00 midnight.

4. All such licensees shall be required to comply with the requirements as to limitations on noise levels established by ordinance.

c. Bottle house . . . 2,000.00

(5) Retail of beer or wine off premise:

a. Initial license . . . $2,250.00

b. Leased locations as additional facilities, each license . . . $2,250.00

Additional licenses shall be required for each leased location located within a licensed premise, such as the Sweet Auburn Curb Market located at 209 Edgewood Avenue. In no event, however, shall there be no more than four additional facilities licenses at any location licensed for off premises consumption. Provided further, however, that the entire licensed location shall derive less than five percent of its gross receipts from the sale of alcoholic beverages.

Be amended to add in subsection (a)(2) the new subsection (e) as follows:

Sec. 10-60. Annual license fee; refunds.

(a) The annual license fee for each classification of license under this division shall be as follows:

Fee Effective for Year 2002

(1) *Wine.*

a. Manufacturer of wine . . . $2,250.00

b. Wholesaler, importer and/or broker of wine . . . 1,687.50

c. Retail dealer in wine to be consumed on or off the premises of the dealer . . . 2,362.50

d. Retail dealer in wine to be consumed off the premises of the dealer only . . . 1,575.00

e. Tasting room for retail dealer in wine and wine to be consumed on the premises . . . 2,250.00

f. Tasting room for retail dealer in wine and wine to be consumed on the premises which sells wine by the package on Sunday . . . 3,750.00

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a. Brewer or manufacturer of beer . . . 2,250.00

b. Wholesaler, importer, and/or broker of beer . . . 1,687.50

c. Retail dealer of beer to be consumed on or off the premises of the dealer . . . 2,362.50

d. Retail dealer in beer to be consumed off the premises of the dealer only . . . 1,575.00

e. Tasting room for brewer. . . 2,250.00

(3) *Distilled spirits.*

a. Manufacturer . . . 5,000.00

b. Manufacturer that manufactures, distills or blends liquors made whole from products raised in the state . . . 5,000.00

c. Wholesaler . . . 5,000.00

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previous 12 months, except that all new stores or licenses shall, for the first year, pay $3,000.00 per annum.

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1. Additional licenses shall be required for all additional facilities such as lounges, restaurants, nightclubs, patios or other areas located within the same building.

2. All restaurant patios and outdoor or open air eating areas which are immediately adjacent to restaurants shall be exempt from the additional facility license fee.

3. The licensee shall not provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas in which the licensed premises are within 500 feet of any area zoned for single-family residences. Notwithstanding the foregoing, no licensee shall provide any electronically amplified music or live entertainment on any patio, deck or in any other outdoor or open eating or drinking areas after 12:00 midnight.

4. All such licensees shall be required to comply with the requirements as to limitations on noise levels established by ordinance.

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Section 4.

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 5.
All ordinances or parts of ordinances in conflict herewith are hereby repealed.