

ORDINANCE 6525-2020

AN ORDINANCE AMENDING CHAPTER 6 – ALCOHOLIC BEVERAGES – OF THE CODE OF WOODSTOCK, GEORGIA, TO PROVIDE FOR REVISED CONSUMPTION REGULATIONS, ALCOHOLIC BEVERAGE CATERING REQUIREMENTS, FOR SPECIAL EVENTS FACILITIES, AND FOR OTHER PURPOSES

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia Law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self government of municipalities without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia has the legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs and local government for which no provision has been made by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the City Council of the City of Woodstock, Georgia desires to amend Chapter 6 of the Code of Woodstock, Georgia as set forth herein.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL ORDAINS, by the lawful authority vested in them as follows:

Section 1. That Chapter 6 – Alcoholic Beverages, Article I – In General, Section 6-1 – Definitions, of the Code of Woodstock, Georgia shall be amended by deleting the following definitions:

Bar means any premises at which a retailer licensed to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises.

¹ Ga. Const. 1983, Article IX, Section II, Paragraph II provides in pertinent part as follows

"The General Assembly may provide by law for the self government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly."

² O.C.G.A. §36-35-3(a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable hereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code Section. This Code Section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise thereof. The General Assembly, shall not pass any local law to repeal, modify or supersede any action taken by a municipal governing authority under this Code section, except as authorized under Code Section 36-35-6."

Brown-bagging means the bringing, taking or carrying of any alcoholic beverage into a business licensed to operate within the city, but not licensed for the consumption of alcoholic beverages on the premises, provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy shall not fall within this definition.

Brown-bagging establishments means bring-your-own-bottle establishments that may not hold a license to sell and may not sell or serve any alcoholic beverages. They must be in a zoning district that allows such use.

Non-alcohol retail establishment means any business located within the zones, any private club, restaurant, music hall, theater, cigar shop, bowling alley or any other establishment providing entertainment in the normal course of business in which the owners or their employees or agents knowingly allow patrons to bring in and consume on the premises the patrons' own alcoholic beverages

Section 2. That Chapter 6 – Alcoholic Beverages, Article I – In General, Section 6-1 – Definitions, of the Code of Woodstock, Georgia shall be amended by inserting the following definitions:

Alcoholic beverage caterer means any retail dealer licensed pursuant to the Alcoholic Beverage Ordinance of the City of Woodstock who provides alcohol off-premises.

Ancillary package means the sale of an unbroken Package by a Retailer with a consumption on the premises license for malt beverages or wine.

Bar means any premises at which a retailer licensed to sell alcoholic beverages derives 75 percent or more total annual gross revenue from the sale of alcoholic beverages for consumption on the premises. Revenue derived from alcoholic beverages sold under a license for consumption on the premises shall be considered as part of the total annual gross revenue even though such alcoholic beverages may be carried off the premises in the entertainment districts.

Brown-Bagging means the bringing, taking or carrying of any alcoholic beverage into a business licensed to operate within the city under the provisions contained herein, provided that bringing an alcoholic beverage into a house, apartment, room or other unit designed for private residential occupancy shall not fall within this definition.

Brown-Bagging establishments means a business licensed to operate within the city in compliance with the brown-bagging provisions of this ordinance.

Courtesy beverage means a wine or malt beverage consumed by a customer at a business establishment at no charge to the customer.

Non-alcohol retail establishment means any business, any private club, restaurant, music hall, theater, cigar shop, bowling alley or any other establishment providing entertainment in the normal course of business in which the owners or their employees or agents knowingly allow patrons to bring in and consume on the premises the patrons' own alcoholic beverages.

Private party means a by-invitation-only gathering, function, or event that is not open to the general public and does not meet the definition of a Special Event in Section 11-3.

Publicly owned buildings and premises means and is limited to buildings and premises owned by the City of Woodstock, affiliates thereof, including portions of such buildings and premises occupied by tenants.

Special Events Facility means a fixed commercial location in the City of Woodstock with an active business license registration used for the express purpose of hosting special occasions, including but not limited to, receptions, meetings, banquets, conventions, parties, catered events, or similar gatherings for monetary consideration on a rental, fee, percentage, or similar basis.

Section 3. That Chapter 6 – Alcoholic Beverages, Article I – In General, Section 6-3 – Compliance with chapter required, subsection (a) of the Code of Woodstock, Georgia, is deleted and replaced as follows:

“(a) No person shall sell or offer for sale in the city at wholesale, retail, or as a retail consumption dealer, any alcoholic beverages without having first complied with the provisions of this chapter.”

Section 4. That Section 6-5 of Chapter 6 – Alcoholic Beverages, Article I – In General, is hereby created as follows:

“Sec. 6-5. - Exemptions.

(a) The following consumption types are expressly exempt from the requirements of this ordinance:

(1) Courtesy beverage, in accordance with Section 6-122.

(2) Publicly owned buildings and premises. Special events, as defined in Section 11-3, occurring within Publicly owned buildings and premises are expressly exempt from this ordinance.

(3) Private party.”

Section 5. That Chapter 6 – Alcoholic Beverages, Article I – In General, Section 6-6 – Types of licenses; number of licenses; renewal, subsection (a) of the Code of Woodstock, Georgia, shall be deleted and replaced as follows:

- “(a) Licenses which may be issued under this chapter include:
- (1) *Manufacturing:*
 - a. Malt beverages with Ancillary Tasting. See Section 6-120 for additional information on Ancillary Tasting.
 - b. Wine with Ancillary Tasting. See Section 6-120 for additional information on Ancillary Tasting.
 - c. Distilled spirits with Ancillary Tasting. See Section 6-120 for additional information on Ancillary Tasting.
 - (2) *Wholesale:*
 - a. Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
 - (3) *Retail:*
 - a. Malt beverages with Ancillary Tasting. See Section 6-120 for additional information on Ancillary Tasting.
 - b. Wine with Ancillary Tasting. See Section 6-120 for additional information on Ancillary Tasting.
 - c. Distilled spirits.
 - (4) *Consumption on the premises:*
 - a. Malt beverages with Ancillary Package. See Section 6-121 for additional information on Ancillary Package.
 - b. Wine with Ancillary Package. See Section 6-121 for additional information on Ancillary Package.
 - c. Distilled spirits.
 - (5) *Additional:*
 - a. Alcoholic Beverage Caterer. See Section 6-106.
 - b. Special Events Facility. See Section 6-107.
 - c. Brown-Bagging. See Section 6-123.”

Section 6. That Chapter 6 – Alcoholic Beverages, Article I – In General, Section 6-21 – Hours and days of operation, of the Code of Woodstock, Georgia, shall be amended by deleting subsection (e) (2) and replacing subsection (e) (2) as follows:

- “(2) Alcoholic beverages may be sold and served for consumption on the premises on Sundays from 11:00 a.m. until 12:00 midnight as follows:

- (i.) Within any licensed establishment which derives at least 50 percent of its total gross sales from the sale of prepared meals or food in all of the combined retail outlets of the individual establishment where food is served;
- (ii.) Within any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging;
- (iii) Within any bowling center which derives at least 50 percent of its total annual gross revenues either from the rental of bowling lanes and bowling equipment or from the combination of the rental of bowling lanes and bowling equipment and the sale of prepared meals and other food products;
- (iv.) Within any Publicly owned buildings and premises under the standards set forth by City Council from time to time; and
- (v.) By resolution of the City Council authorizing the sale of alcoholic beverages for consumption on the premises on one Sunday during each calendar year that shall be designated in such resolution or ordinance. Any sales for consumption on the premises made pursuant to this subsection shall be subject to such terms and conditions as may be required by the City Council.”

Section 7. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-103 – Happy hour promotions, of the Code of Woodstock, Georgia, shall be deleted and replaced as follows:

“Sec. 6-103. Premises.

Premises means the definite closed or partitioned-in locality, whether room, shop, or building wherein alcoholic beverages are sold, and may include an attached patio or deck when:

- (1) It is separated from the general public by a permanent wall, fence, hedge or similar approved device;
- (2) The location of the patio or deck does not encroach upon any public sidewalk, right-of-way, or other common area customarily used for ingress, egress, pedestrian or vehicular traffic;
- (3) The location and plan shall first have been approved by the community development director, fire marshal, and building official.”

Section 8. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-104 – Servers limited to employees, of the Code of Woodstock, Georgia, shall be deleted and replaced as follows:

“Sec. 6-104. - Servers limited to employees.

Drinks shall be served only by employees of the establishments licensed for on-premises consumption. Within this section, the term “served” also means the sale of pitchers to patrons who

may pour their own drink or the sale of an electronic device or other mechanism that activates the use of a self-service beverage pouring system by patrons to pour their own drink.”

Section 9. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-106 of the Code of Woodstock, Georgia, is created as follows:

“Sec. 6-106. - Alcoholic Beverage Caterers.

Notwithstanding any other provision of this chapter to the contrary, a licensed Alcoholic Beverage Caterer shall be permitted to sell alcoholic beverages for consumption at a catered event or function in accordance with the provisions of this section

(a) Off-Premises Consumption License Requirements.

- (1) License Required. Any alcoholic beverage retailer possessing a valid license from any jurisdiction in the State of Georgia to sell malt beverages, wine or distilled spirits by the drink for consumption may apply for an off-premises consumption license as provided herein. It shall be unlawful for any person to engage in, carry on or conduct the sale or distribution of alcoholic beverages off the premises of the company’s business location and in connection with a catered event or function without first having obtained a license as provided herein.
- (2) Non-resident requirements. Any alcoholic beverage retailer possessing a valid license to sell malt beverages, wine or distilled spirits by the drink for consumption from a jurisdiction other than from the City of Woodstock shall, prior to the issuance of an Off-Premises Consumption License, provide a copy of the alcoholic beverage license and business license issued by the jurisdiction in which the business is located to the Community Development Department.
- (3) License application requirements. The off-premises consumption license application shall be provided by the community development department and include the contact information of the applicant as well as requisite business licenses and permits and the location of the catered event(s).
- (2) Duration. Each off-premises catering license as authorized herein shall be valid only for the event for which the license was approved. The fees for each such license shall be set by the City Council and approved by resolution from time to time.
- (3) Limitation of License. A licensed alcoholic beverage caterer may sell only that which is authorized by his alcoholic beverage license. For example, if the alcoholic beverage caterer possesses a valid license to sell malt beverages, he may sell only malt beverages at the authorized catered event or function.
- (4) Sunday Sales. An alcoholic beverage caterer wishing to cater an event or function on Sunday must possess a valid Sunday sales license and comply with the requirements of state law with respect to the service of alcoholic beverages on Sunday.

- (5) Special Event Permit Required. Any catered event or function that requires a special event permit in accordance with Chapter 11 of the Code of Woodstock, Georgia, requires approval by City Council prior to the approval of an off-premises consumption license.
- (6) Approval Process. A function or catered event not requiring a special event permit (e.g. private social gatherings which will make no use of city streets other than for lawful parking) will be approved by the Police Chief, or designee, and the Director of Community Development, or designee, without further approval by City Council, so long as such function or catered event is in compliance with this section.”

Section 10. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-107 of the Code of Woodstock, Georgia, is created as follows:

“**State Law reference**—Sales off Premises for Catered Functions, O.C.G.A. § 3-11-1 et seq.

“Sec. 6-107. - Special Events Facility License

Notwithstanding any other provision of this chapter to the contrary, the Special Events Facility License shall allow consumption on the premises of a Special Events Facility in accordance with the provisions of this Section.

- (a) License Required. A Special Events Facility that allows the consumption of alcohol on the premises is required to apply for and receive a Special Events Facility License from the City.
- (b) Consumption on the premises. Notwithstanding any other provision of this chapter to the contrary, a holder of a Special Events Facility License may allow consumption on the premises by obtaining one of the following licenses:
 - (1) Consumption on the premises license, annual fee.
 - (2) Consumption on the premises license, fee by event.
 - (3) Alcoholic Beverage Caterers.
- (c) Eligibility. Business establishments with a valid occupational tax license as a Special Events Facility are eligible for a Special Events Facility License under the provisions of this section. Bars, Brewpubs, Private Clubs, Restaurants, Retailers, and any other business with a Retail or Retail Consumption license are not eligible for the Special Events Facility License.
- (d) Alcohol. Wine, malt beverages, or distilled spirits may be offered to or consumed by a patron under the provisions of this section.

- (e) Zoning and use. This license is only available to business establishments located in the Downtown District or in the General Commercial, Neighborhood Commercial, or Office Space Institutional zoning districts. A business operating under Customary Home Occupation use is expressly prohibited from receiving this license.
- (f) Source of Alcohol. The licensed business or the customer may provide the wine and/or malt beverages, subject to the requirements of this section.
- (g) Service. All alcoholic beverages served on the premises shall only be served by an employee of the establishment otherwise authorized to serve alcoholic beverages under this chapter in compliance with Section 6-102.
- (h) Sunday consumption. Sunday consumption is permitted in compliance with Section 6-21.
- (i) Fees. The fees for each such license shall be set by the City Council and approved by resolution from time to time.
- (j) Other Provisions. The serving of alcoholic beverages with a Special Events Facility License shall be subject to all of the provisions related to the service of other alcoholic beverages under this article, including, but not limited to, the prohibition of serving to anyone under 21 years of age or to anyone intoxicated.
- (k) Approval. Once an applicant is in compliance with this section, the Special Events Facility License shall be approved by both the Director of Community Development, or designee, and the Police Chief, or designee, without further approval by City Council required.
- (l) Expiration. The Special Events Facility License expires annually on December 31 unless renewed.”

Section 11. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-108 of the Code of Woodstock, Georgia, is deleted and reserved.

Section 12. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-120 of the Code of Woodstock, Georgia, is deleted and replaced as follows:

“Sec. 6-120. - Ancillary Tasting.

The holder of a retail sales license for malt beverages and/or wine, or manufacturing license, may provide samples of alcoholic beverages offered for sale to customers under the conditions set forth in this Section.

- (a) Tasting limitations.

- (1) Tastings shall be on limited occasions either when a customer requests a sample of an alcoholic beverage offered for sale within the premises or in conjunction with sampling designed to promote appreciation and education for the beverage.
- (2) Tastings of beverages shall be limited to the hours the business establishment is open to the public in any one day.
- (3) Malt beverages and/or wine tastings shall not exceed two ounces, and no person shall consume more than eight ounces in any one day on the premises.
- (4) Distilled spirits tastings shall only occur in conjunction with a manufacturing license and no person shall consume more than one half of one ounce in any one day on the premises.

(b) Serving limitations.

- (1) Alcoholic beverage containers used in conjunction with tastings shall be opened and poured in accordance with Section 6-104.
- (2) No open containers shall be removed from the licensed premises.
- (3) Tastings are permitted on the licensed premises only.
- (4) Holders of an ancillary tasting license shall not charge for tastings, but may accept donations for a charitable organization of their choice.

(c) No fee required. The ancillary tasting license is included at no cost with the purchase of a retail sales license for malt beverages and/or wine, or a manufacturing license.

Section 13. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-121 of the Code of Woodstock, Georgia, is deleted and replaced as follows:

“Sec. 6-121. - Ancillary Package.

The holder of a consumption on the premises license for malt beverages and/or wine may also provide Ancillary Package with no additional retail license required and no fees assessed by the City for the provision of this service.”

Section 14. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Section 6-122 of the Code of Woodstock, Georgia, is deleted and replaced as follows:

“Sec. 6-122. Courtesy Beverage.

Some business establishments that are neither Retailers nor Non-alcohol retail establishments, but include and are not limited to art studios, spas, clothing stores, and salons, customarily offer

patrons alcoholic beverages in small amounts, such as a free glass of wine or a malt beverage, to enhance the customer experience. This practice is exempt from the provisions of this ordinance, so long as the business establishment does not possess or is not required to possess another license issued under this ordinance.”

Section 15. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Sections 6-123 of the Code of Woodstock, Georgia, is deleted and replaced as follows:

“Section 6-123. Brown-Bagging License.

Some business establishments elect not to provide traditional consumption on the premises, but instead allow customers to provide their own alcoholic beverages to add to their experience at the business establishment.

- (a) License Required. Notwithstanding any other provision of this chapter to the contrary, the Community Development Department is authorized to issue a Brown-Bagging License to a Non-alcohol retail establishment under the provisions of this section. Brown-Bagging shall not be permitted by a business establishment without first receiving a license under this section. The fees for each such license shall be set by the City Council and approved by resolution from time to time.
- (b) Eligibility. Only Non-alcohol retail establishments with a valid occupational tax license and without an alcohol license are eligible for a Brown-Bagging License under the provisions of this section. A Brown-Bagging establishment is not eligible for any other alcohol license provided by this ordinance.
- (c) Alcohol. Wine, malt beverages, and/or distilled spirits may be provided by the customers under the provisions of this section.
- (d) Source. Only the customer may provide the alcoholic beverages.
- (e) Service. Bottles or other containers of alcohol must remain in the possession of, or under the control of, the person bringing such bottle or container into an establishment permitting Brown-Bagging. No bottle or other container of alcohol shall be in the possession or under the control of any owner, licensee, employee or agent of such establishment at any time.
- (f) Restriction. Establishments holding a Brown-Bagging License shall not deny or restrict the privilege of Brown-Bagging by patrons or impose any admission charge, cover charge or minimum charge on Brown-Bagging patrons that is not also imposed upon all other patrons during the legal hours of sale and consumption of alcoholic beverages.
- (g) Hours. Establishments holding a Brown-Bagging License shall comply with the alcohol regulations relative to business hours contained in section 6-21.

- (h) Other Provisions. Consumption shall be subject to all of the provisions related to the service of other alcoholic beverages under this article, including, but not limited to, the prohibition of the consumption of alcoholic beverages by anyone under 21 years of age or by anyone intoxicated.
- (i) Food. Nothing in this section shall prohibit a business establishment from serving food, provided that it meets all of the requirements provided in this Code and is properly permitted by the City.
- (j) Approval. The issuance of the Brown-Bagging License requires the approval of City Council.
- (k) Exemption. Any Retail or Retail Consumption business with an active alcohol license and a valid occupational tax registration may allow customers to bring in a bottle or bottles of wine and charge a corkage fee without a Brown-Bagging License.
- (l) Renewal. The Brown-Bagging License expires annually on December 31 unless renewed.”

Section 16. That Chapter 6 – Alcoholic Beverages, Article II – Alcoholic Beverage Tax and Regulation, Division 3. – On-Premises Consumption, Sections 6-124 through 6-126 of the Code of Woodstock, Georgia, are deleted and reserved.

Section 17. Should any provisions of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any provision thereof other than the provisions specifically declare to be invalid. The Mayor and Council hereby declare that it would have passed this Ordinance and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses or phrases may be declared illegal, invalid or unconstitutional.

Section 18. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 10th DAY OF August, 2020.

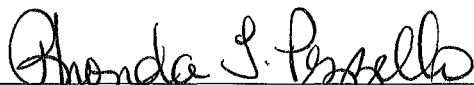
First Reading Date: July 27, 2020

Second Reading Date: August 10, 2020

Final Adoption Date: August 10, 2020



DONNIE HENRIQUES, MAYOR
CITY OF WOODSTOCK, GEORGIA



RHONDA L. PEZZELLO, CLERK
CITY OF WOODSTOCK

