

ORDINANCE NUMBER 5265-2018

AN ORDINANCE AMENDING CHAPTER 6 (ALCOHOLIC BEVERAGES) OF THE CODE OF WOODSTOCK, GEORGIA, PROVIDING AMENDED REGULATIONS FOR DISTILLERIES, BREWERIES, AND BREWPUBS

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 or which are expressly allowed by general laws, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

Section 1. That Section 6-1 Definitions of Chapter 6 – Alcoholic Beverages - of the Code of Woodstock, Georgia is hereby amended by deleting the following definitions:

Bar means a business open to the public which sells alcoholic beverages for consumption on the premises which is not a restaurant.

Section 2. That Section 6-1 Definitions of Chapter 6 – Alcoholic Beverages - of the Code of Woodstock, Georgia is hereby amended by inserting 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

Barrel means 31 gallons when applied to Brewers and 53 gallons when applied to Distillers.

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. “

²O.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 thereto. 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.”

Brewer means a manufacturer of malt beverages

Case means a box or receptacle containing not more than 288 ounces of malt beverages on the average.

Brewpub means any eating establishment in which malt beverages are manufactured, subject to the barrel production limitation prescribed in Code Section 3-5-36. As used in this paragraph, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that when determining the total annual gross food and beverage sales, barrels of malt beverages sold to licensed wholesale dealers, or to the public for consumption off the premises, shall not be used.

Distiller means a manufacturer. In the case of distilled spirits, "manufacturer" means any person engaged in distilling, rectifying, or blending any distilled spirits; provided, however, that a vintner that blends wine with distilled spirits to produce a fortified wine shall not be considered a manufacturer of distilled spirits.

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

Retail consumption dealer means any person who sells distilled spirits for consumption on the premises at retail only to consumers and not for resale.

Retailer or retail dealer means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term shall have the same meaning as the term "retail package liquor store

Retail package liquor store means a retail business establishment owned by an individual, partnership, corporation, association, or other business entity:

- (a) Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises; and
- (b) Which derives from such retail sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages, and wine.

Section 3. That Section 6-4 of Chapter 6 – Alcoholic Beverages - of the Code of Woodstock, Georgia are hereby deleted and replaced as follows:

Sec. 6-4. - License required.

- (a) No malt beverages, wines, distilled spirits or any other alcoholic beverage shall be stored, delivered, sold or manufactured in the city except under a license issued pursuant to this chapter and then only for the specific beverage and manner of sale provided in the license.
- (b) The requirements of this chapter shall be in addition to any other requirements for business licenses under this Code and if other provisions of this Code conflict with this chapter then this chapter shall control.
- (c) All breweries and distilleries operating under a state manufacturer's license shall be subject to the same restrictions as retailers and retail consumption dealers with the following maximum sales limits as in accordance with state law:

- (1) Distilleries: 500 barrels annually and 2,250 milliliters per consumer per day for off premise consumption.
- (2) Breweries: 3,000 barrels annually and 288 ounces per consumer per day for off premise consumption.
- (3) Brewpubs: 10,000 barrels annually, up to 5,000 barrels of which can be may be sold to licensed wholesalers.

Section 4. That Section 6-6 of Chapter 6 – Alcoholic Beverages - of the Code of Woodstock, Georgia is hereby deleted and replaced as follows:

Sec. 6-6. - Types of licenses; number of licenses; renewal.

- (a) Licenses which may be issued under this chapter include:
 - (1) *Manufacturing*¹:
 - a. Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
 - (2) *Wholesale*:
 - a. Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
 - (3) *Retail*:
 - a. Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
 - d. Consumption on premises/ancillary tasting room (malt beverages and wine only) (hereinafter referred to as an "ancillary tasting room license").
 - (4) *Consumption on the premises*:
 - a. Malt beverages.
 - b. Wine.
 - c. Distilled spirits.
- (b) A person doing business at more than one place shall take out and pay for a separate license for each place of business.
- (c) Licenses may be renewed as provided in O.C.G.A. § 3-3-1 et seq.

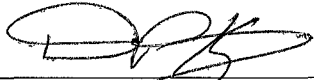
¹ See also Section 6-6 (e)

- (d) No license may be renewed if the licensee could be denied a new license under this chapter, except as provided in section 6-26.
- (e) Licensed malt beverage manufacturers and licensed distilled spirit manufacturers shall be permitted to sell their respective beverages to the public as permitted by state law, O.C.G.A. 3-5-24.1 (b) and O.C.G.A. 3-4-24.2 (b), subject to the taxation requirements for consumption and retail, in addition to all other provisions of this ordinance.

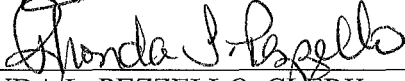
Effective Date. This Ordinance shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA, THIS 23rd DAY OF July, 2018.

1st Reading: July 9, 2018 2nd Reading: July 23, 2018



DONNIE HENRIQUES, MAYOR



RHONDA L. PEZZELLO, CLERK

