

RESOLUTION 12-2016

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO AMEND CHAPTER 6 (“ALCOHOLIC BEVERAGES”), TO: DEFINE, ALLOW FOR, AND REGULATE BREWERIES AND BREWPUBS; TO ALLOW FOR AND REGULATE THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK AT THE CITY’S DOWNTOWN AMPHITHEATER; TO ALLOW FOR “BROWNBAGGING” AT CERTAIN EVENTS AT THE DOWNTOWN AMPHITHEATER; AND TO ALLOW FOR “BROWNBAGGING” OF WINE AND MALT BEVERAGES AT THOSE ESTABLISHMENTS LICENSED TO SELL ALCOHOL FOR CONSUMPTION ON THE PREMISES

WHEREAS, Chapter 6 (“Alcoholic Beverages”) of the Code of Ordinances, City of Carrollton, Georgia regulates the purchase, sell, consumption, and possession of alcoholic beverages within the City of Carrollton; and

WHEREAS, the City has been approached by at least two businesses desiring, in one instance, to establish a brewery in Carrollton and, in the other instance, to establish a brewpub in Carrollton; and

WHEREAS, Chapter 6 (“Alcoholic Beverages”) of the Code of Ordinances, City of Carrollton, Georgia does not currently address breweries or brewpubs; and

WHEREAS, the Mayor and City Council find it in the public interest to amend Chapter 6 (“Alcoholic Beverages”) of the Code of Ordinances, City of Carrollton, Georgia to define, allow for, and regulate breweries and brewpubs; and

WHEREAS, the City’s downtown amphitheater has been a tremendous addition to the City’s central business district, having hosted many concerts and other special events; and

WHEREAS, many attendees wish to consume alcoholic beverages while attending concerts and other special events at the City’s downtown amphitheater; and

WHEREAS, the Mayor and City Council find it in the public interest to amend Chapter 6 (“Alcoholic Beverages”) of the Code of Ordinances, City of Carrollton, Georgia to clarify the circumstances under which alcoholic beverages may be purchased, sold, consumed, and possessed at the City’s downtown amphitheater; and

WHEREAS, the City has been approached by several businesses holding licenses for the consumption of alcoholic beverages on the premises about allowing customers to bring in wine or malt beverages from other places and consume them on the licensed premises (commonly referred to as “brownbagging”); and

WHEREAS, the Mayor and City Council find it in the public interest to allow for brownbagging at businesses already holding licenses for the consumption of alcoholic beverages on the premises.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby amend Chapter 6 (“Alcoholic Beverages”) of the Code of Ordinances, City of Carrollton, Georgia as shown on Exhibit “A” attached hereto.

ADOPTED this 6th day of June, 2016.

MAYOR AND CITY COUNCIL OF CARROLLTON



Mayor, City of Carrollton



Clerk, City of Carrollton



Exhibit “A”

Chapter 6

ALCOHOLIC BEVERAGES

ARTICLE I. IN GENERAL

Sec. 6-1. Findings and public purpose.

...

(c) Consistent with the previous actions of the mayor and city council limiting malt beverage and wine sales by the drink for consumption on the premises ancillary to the primary business of serving food prepared on the premises, it is also the finding, intent and policy of the mayor and city council that the issuance of any alcoholic beverage license for consumption on the premises under this chapter shall be strictly limited to bona fide eating establishments ~~only~~ which shall be either restaurants, supper clubs, private clubs, or alcoholic beverage caterers ~~— or breweries~~ as defined in this chapter and which meet all applicable requirements of the same.

...

(e) It is expressly not the intent of the mayor and city council to permit the sale of alcoholic beverages for consumption on the premises in nightclubs, bars, pubs, dancehalls, pool halls, gamerooms or any other establishment not qualifying as a bona fide eating establishment ~~— either as a restaurant, supper club, private club, or alcoholic beverage caterer~~ ~~— or brewery~~ as defined in this chapter.

...

Sec. 6-2. Purposes.

(a) The purposes of this chapter shall include, without necessarily being limited to, the following:

...

(3) Insuring that any licenses issued for the consumption of alcoholic beverages on the premises are issued only to a legitimate restaurant, supper club, private club, ~~or~~ alcoholic beverage caterer, ~~or~~ brewery;

...

Sec. 6-3. Definitions.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Brewpub means a restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. Brewpubs shall be licensed as restaurants as set forth in this ordinance.

Brewery means a manufacturer or producer of malt beverages for wholesale off the premises but does not include a brewpub as that term is defined in this section.

...

Malt beverage means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than six percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

...

Sec. 6-6. Regulation of open consumption in public; possession of open containers.

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(h) Downtown amphitheater. Notwithstanding any other provision in this chapter to the contrary, a licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises located within the central business district of the city (i.e., that portion of the city zoned C-1 and generally described as Adamson Square and surrounding areas) may apply for a special event permit to sell and serve alcoholic beverages by the drink for events open to the general public at the city's downtown amphitheater. The sale and service of alcoholic beverages pursuant to any such special event permit shall be strictly limited to those portions of the amphitheater and surrounding properties designated by the city manager or his designee. The sale and service of alcoholic beverages pursuant to any such special event permit shall be from a fixed location and shall be from a bar or countertop of at least the following dimensions: ten feet in length, three and one-half feet in height, and two feet in depth. Any such licensee shall make written application to the city manager or his designee for a special event permit on forms provided by the city. Failure to furnish any requested data shall automatically serve to dismiss the application. Any untrue or misleading information contained in, or material statement omitted from, an application for a special event permit shall be cause for denial or revocation thereof. The city manager or his designee, in their discretion, shall have the right to deny or impose conditions on any such special event permit. All applications for a special event permit must be submitted to the city manager or his designee at least 30 days prior to the date of the event, unless waived by the city manager or his designee. The fee for such special event permit shall be \$150.00.

...

ARTICLE II. LICENSING

Sec. 6-26. Required, classifications, fee, duration.

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(b) *Classification, fee.* Classes of licenses issued under this chapter, activities permitted and regulated thereunder, and the annual license fees, shall be as follows:

(4) Brewery license: \$1,000.00.

(e) *Application fees.* Each application for a license under this chapter shall be accompanied by a nonrefundable application fee in the following amount:

(17) Brewery, \$500.00.

(g) *Issuance restrictions.* The following restrictions shall apply to persons seeking a license under this chapter:

(1) No person shall hold a license to operate as a retail consumption dealer or retail dealer who also has an interest in a license to operate as a wholesale dealer or as a brewery; and

Sec. 6-27. Procedure for issuance.

(a) A license issued to an individual under this article shall be issued in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership and in the name of one of the partners who shall be the named licensee. A license issued to a corporation having as its principal business the sale of alcoholic beverages (wholesaler or brewery) shall be issued in the name of the corporation and in the name of the majority stockholder or a principal officer of the corporation; and such majority stockholder or officer shall be the named licensee. A license issued to a corporation having as its principal business an activity other than the sale of alcoholic beverages shall be issued in the name of the corporation and in the name of the officer or employee of the corporation primarily responsible for the operation of the licensed premises; and such officer or employee shall be the named licensee.

(c) In the case of a corporation having as its principal business the sale of alcoholic beverages (wholesaler or brewery), the majority stockholder and each principal officer of the corporation shall join as applicants for the license; and each such person must meet the qualifications of an individual licensee, as provided in section 6-28.

Sec. 6-28. Qualifications.

(f) No license for the sale of alcoholic beverages by the drink for consumption on the premises shall be issued to any applicant who does not meet the requirements of a private club, restaurant, supper club, or alcoholic beverage caterer, or brewery.

ARTICLE III. LOCATION AND ZONING

Sec. 6-56. Zoning restriction.

(a) No retail license shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city manager, located under the planning and zoning ordinance of the city in a C-1, C-2, C-3, M-1, M-2, H-S, or O-1 zoning district subject to the specific limitations of the respective districts.

(b) No retail license for the sale of distilled spirits by the package shall be granted under this chapter unless the premises to be licensed are, at the time the application is approved by the city manager, located under the planning and zoning ordinance of the city in a C-2, M-1, and M-2 zoning district subject to the specific limitations of the respective districts.

(c) No license shall be granted under this chapter for a brewery unless the premises to be licensed are, at the time the application is approved by the city manager, located under the planning and zoning ordinance of the city in an M-1 or M-2 zoning district subject to the specific limitations of the respective districts.

(d) Limitations related to locations in residential zoning districts shall not apply to golf course clubhouse facilities otherwise meeting all applicable provisions of this article subject to the limitations of the respective districts.

(be) The number of the licenses already granted for similar businesses within the city limits and in the trading area of the place for which a license is sought shall be considered a factor in issuing licenses.

Sec. 6-57. Proximity restrictions.

(a) No premises shall be licensed under this chapter whose location is within the following distances:

(1) Any wine or malt beverages, whether packaged or for consumption on the premises (including breweries), within 300 feet of any church building, school building, school grounds, or college campus.

- ...
- (3) Any wine, malt beverages, or distilled spirits, whether packaged or for consumption on the premises (including breweries), within 300 feet of an alcoholic treatment center owned and operated by the state, county, or the city.

...

Sec. 6-58. Sale, service in public places.

(a) *Prohibition.* Except as provided in section 6-6(h), section 6-40, and subsection (b) of this section, it shall be unlawful for any person to sell or serve any alcoholic beverages in a street, alley, or parking lot commonly used by the public or in any other public place or on public property. Private parties and organizations may apply for a special alcoholic beverage event permit from the city manager of the city or his designee to serve (not sell) alcoholic beverages on any city-owned property.

...

(d) *Issuance of the special alcoholic beverage event permit.* A special alcoholic beverage event permit may be applied for and conditionally approved by the city manager or his designee prior to the execution of a rental agreement/deposit for the event ~~with the city parks, recreation, and cultural arts department for use of the Carrollton Cultural Arts Center or the Old City Gym~~. However, final approval of the permit shall not be granted until a copy of the executed agreement is provided. If a special alcoholic beverage event permit is granted by the city manager of his designee, it shall be good only for the specified event set forth in the application, not to exceed three days in duration.

...

(j) *All provisions of city parks, recreation, and cultural arts rental agreement, rules and regulations applicable.* The issuance of a special alcoholic beverage event permit is in addition to all the provisions of the city parks, recreation, and cultural arts rental agreement and rules and regulations ~~for the Carrollton Cultural Arts Center or the Old City Gym~~ and does not relieve the recipient for compliance with same.

...

Sec. 6-89. Containers, storage, illumination.

(a) Except in the case of breweries and brewpubs, Alcoholic beverages shall be delivered to and received at licensed premises only in the original container and only in a conveyance owned and operated by a licensed wholesale dealer (or a licensed common carrier acting for a wholesaler). Except as otherwise provided in this chapter, alcoholic beverages shall be sold at retail only on the licensed premises.

(b) Except as otherwise provided in this chapter, a retail licensee shall store alcoholic beverages only on the licensed premises and at no other place. All stock shall be available at all times for inspection by any authorized agent of the city. Except in the case of breweries and brewpubs, Any

alcoholic beverages found in any retail licensee's stock which were not received from a wholesaler licensed to make deliveries in the city shall be subject to immediate confiscation.

ARTICLE VII. CONSUMPTION ON THE PREMISES

Sec. 6-156. Eligibility for license—Restricted.

Any type consumption on the premises license may be granted only to a restaurant, as defined under section 6-157; a supper club as defined under section 6-158; ~~and a private club, as defined under section 6-159;~~ a golf course clubhouse facility as defined in sections 6-159.5 and 6-159.6; ~~and an alcoholic beverage caterer as defined in section 6-159.7;~~ and a brewery as defined in section 6-159.8.

Sec. 6-159.5. Same—Golf course clubhouse facility—Restaurant.

In order to be eligible for a pouring or limited pouring license, a golf course clubhouse facility—restaurant must:

6. Have at least 50 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises; and for this purpose, if a restaurant makes a minimum charge, cover charge, or admission charge, or any other non-food or non-alcoholic beverage charge, the amount so charged shall not be counted in computing total sales and shall not be counted as a food or beverage sale;

Sec. 6-159.8. Same—Brewery.

- (a) Breweries must comply with all applicable city, state and federal license requirements.
- (b) Breweries must pay all applicable state, city and county taxes.
- (c) Breweries may offer free tastings of malt beverages produced or manufactured on-site and educational and promotional tours during normal business hours in accordance with state law.

Sec. 6-167. Removal of beverages prohibited

(a) Except as provided in subsections (d), ~~and (e), and (f)~~ below, all alcoholic beverages sold by consumption on the premises licensees shall be consumed only on the licensed premises. It shall be unlawful

for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person so removes any alcoholic beverages from the premises in any type of container.

...

(c) Except as provided in subsections (d), and (e), and (f) below, it shall be unlawful for any person to drink or have in his possession an open container of any alcoholic beverage:

- (1) On any public street, sidewalk, park or other public place within the city, or upon or within any motor vehicle on the streets, sidewalks, parks and public places of the city; or
- (2) While on private property, open to public view, without the express permission of the owner, agent or person in lawful possession thereof.

...

(f) For events for which special event permits have been obtained and that are open to the general public at the city's downtown amphitheater, attendees may have in their possession no more than seventy-two ounces of malt beverages and/or fifty ounces of wine not otherwise purchased pursuant to subsection (e) above. Any such malt beverages and/or wine may be consumed on the amphitheater premises only. No glass containers shall be allowed, and coolers shall be limited to no more than twenty-four inches along any dimension. Any such coolers must remain in possession of an adult at all times. All empty containers shall be removed and/or properly disposed of by the person consuming its contents. These provisions notwithstanding, a special event permittee may elect not to allow attendees to have in their possession malt beverages and/or wine not otherwise purchased pursuant to subsection (e) above.

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Sec. 6-169. - Brown bag establishments prohibited; exception.

Brown bag establishments as defined in this chapter shall be prohibited within the city. However, any licensee for consumption of alcoholic beverages on the premises may allow customers to bring with them and consume on the licensed premises malt beverages and/or wine purchased from another location.