

ORDINANCE NO. OK 13-295

**ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA (STOCKBRIDGE MUNICIPAL CODE) RELATING TO ANCILLARY WINE TASTING LICENSES AND ANCILLARY GROWLER MALT BEVERAGE TASTING LICENSES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:**

**SECTION 1. Ordinance.** That Title 9, Article II, Chapter 9.04 of the current Code of Ordinances, City of Stockbridge (Stockbridge Municipal Code) regarding alcoholic beverage license procedures be amended so as to delete the definition of “Tasting Room” in its entirety from Stockbridge Municipal Code section 9.04.020; so as to amend section 9.04.140 of the Stockbridge Municipal Code so as to read as follows; and to add new sections 9.04.280 and 9.04.290 to Article II of Chapter 9.04 of Title 9 of the Stockbridge Municipal Code to read as follows:

**9.04.140– Application – Required – Fee.**

- A. Every person desiring to operate within the city as a manufacturer, retail consumption dealer or retail dealer, wholesaler, or brewpub operator shall make an application therefor. Forms necessary for the application shall be furnished by the city.
- B. Each application shall be accompanied by a nonrefundable investigation fee of two hundred ten dollars (\$210.00). In addition to such investigation fee, the applicant shall pay the actual cost of fingerprinting and a criminal background investigation check to the city’s designated law enforcement agency.

**9.04.280 – Ancillary wine tasting license.**

- (a) The holder of a wine license shall be eligible for an ancillary wine tasting license to provide samples of wine offered for sale to customers under the conditions set forth in this section.
- (b) Wine sampling shall be on limited occasions when a customer requests a sample of wine offered for sale within the premises, or in conjunction with wine education classes and sampling designed to promote wine appreciation and education.
- (c) Wine tasting for customers shall only be conducted at a wine counter area constituting no more than ten percent of the entire floor area of the premises.
- (d) Wine sampling for customers shall be limited to no more than one time per day for a period of not to exceed two consecutive hours. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.
- (e) Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.
- (f) No open containers of wine shall be removed from the licensed premises.
- (g) Not more than two times per week for a period of not to exceed two consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes,

except for the limitation on floor areas where the classes can be conducted.

- (h) Holders of ancillary wine tasting licenses shall not charge for samples or tastings, but may accept donations for a charitable organization located in the City of Stockbridge.
- (i) Wine sampling and tasting is only permitted within the enclosed portion of the premises.
- (j) The annual fee for an ancillary wine tasting license shall be set, and may be revised, by resolution of the City Council.

**9.04.290 – Ancillary growler malt beverage tasting license.**

- (a) The holder of a package malt beverage license, with or without a package wine license, but in no event with a package distilled spirits license, shall be eligible for an ancillary growler malt beverage tasting license to provide samples of growler malt beverages offered for sale to customers under the conditions set forth in this section.
- (b) Growler malt beverage sampling shall be on limited occasions when a customer requests a sample of a growler malt beverage offered for sale within the premises, or in conjunction with growler malt beverage education classes and sampling designed to promote growler malt beverage appreciation and education.
- (c) Growler malt beverage tasting for customers shall only be conducted at a counter area constituting no more than ten percent of the entire floor area of the premises.
- (d) Growler malt beverage sampling for customers shall be limited to no more than one time per day per customer. Samples shall not exceed two ounces, and no customer shall consume more than eight ounces in any two-hour period.
- (e) Only the licensee or an employee shall open, handle, and serve growler malt beverages, and samples shall only be poured by the licensee and/or an employee.
- (f) No open growler containers shall be removed from the licensed premises.
- (g) Not more than two times per week for a period of not to exceed two consecutive hours, the holder of an ancillary growler malt beverage tasting license may conduct educational classes and sampling for class participants. All conditions of sampling set forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.
- (h) Holders of ancillary growler malt beverage tasting licenses shall not charge for samples or tastings, but may accept donations for a charitable organization located in the City of Stockbridge.
- (i) Growler malt beverage sampling and tasting is only permitted within the enclosed interior portion of the premises.
- (j) The annual fee for an ancillary growler malt beverage tasting license shall be set, and may be revised, by resolution of the City Council.

**SECTION 2. Repeal.** That the existing definition of “Tasting Room” in Title 9, Article II, Chapter 9.04, section 9.04.020 be repealed from the Code of Ordinances, City of Stockbridge, Georgia (Stockbridge Municipal Code) in its entirety.

**SECTION 3. Intention of the Governing Body.** It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

**SECTION 4. Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

**SECTION 5. Attestation.** The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

**SECTION 6. Codification and Severability.**

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**SECTION 7. Repeal of Conflicting Provision.** Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 8. Effective Date.**

(a) Every ordinance adopted by the City Council shall be presented by the City Clerk to the Mayor within three days after its adoption.

(b) The Mayor shall within ten days of the adoption of an ordinance return it to the City Clerk with or without his approval, or with his disapproval. If the ordinance has been approved by the Mayor, it shall become law upon its return to the City Clerk; if the ordinance is neither approved nor disapproved, it shall become law on the eleventh day after its adoption; if the ordinance is disapproved, the Mayor shall submit to the City Council through the City clerk a written statement of the reasons or the veto. The City Clerk shall record upon the ordinance the date of its delivery to and receipt from the Mayor.

(c) Ordinances vetoed by the Mayor shall be presented by the City Clerk to the City Council at its next meeting and should the City Council then or at its next general meeting adopt the ordinance by an affirmative vote of the entire Council, it shall become law.

(d) The Mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the City Council over the Mayor's veto as provided in this section. The reduced part or parts shall be presented to

the City Council as though disapproved and shall not become law unless overridden by the Council as provided in subsection (c) of this section.

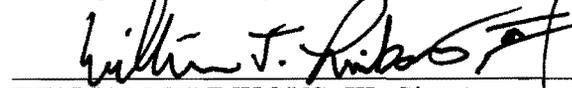
SO ORDAINED this 11 day of February, 2013.

  
MARK A. ALARCON, Mayor

ATTEST:

  
RHONDA A. BLACKMON, City Clerk (SEAL)

APPROVED AS TO FORM:

  
WILLIAM J. LINKOUS, III, City Attorney  
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