

ORDINANCE NO. 0A 13-330

ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO LICENSING AND REGULATION SO AS TO PROVIDE FOR A NEW COMPREHENSIVE REGULATION OF HOME BREW AND WINE COMPETITIONS WITHIN THE CITY OF STOCKBRIDGE; 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 of the current Code of Ordinances, City of Stockbridge regarding "Licensing and Regulation" be amended by adding a new Title 9, Chapter 9.85 entitled "Home Brew and Wine Competitions" to the Code of Ordinances, City of Stockbridge, so as to read as follows:

ARTICLE I – IN GENERAL

9.85.010 – Short Title.

This Article shall be known as the "Stockbridge Home Brew and Wine Competitions Ordinance."

9.85.020 – Definitions.

The following definitions shall apply to the terms used in this Chapter:

"Home Brew Competition" is defined as any contest whereby different beers or malt beverages are judged against one another for prizes, money, awards, or any other valuable consideration. Such competitions include those held at a central location, with beverages created at other locations and transported to the central location for judging and/or awards.

"Malt beverage" shall be defined in the same manner as defined in O.C.G.A. § 3-1-2.

"Wine" shall be defined in the same manner as defined in O.C.G.A. § 3-1-2.

"Wine Competition" is defined as any contest whereby different wines are judged against one another for prizes, money, awards, or any other valuable consideration. Such competitions include those held at a central location, with beverages created at other locations and transported to the central location for judging and/or awards.

9.85.030 – Prohibition.

It shall be unlawful to conduct a home brew competition or a wine competition within the City of Stockbridge except in compliance with this Article.

9.85.040 – Permits.

(a) No person or entity shall engage in, participate in, or sponsor a home brew

- competition or a wine competition unless a home brew/wine competition permit is first obtained from the City Manager.
- (b) Any person seeking a home brew/wine competition permit from the City shall file a permit application at least seventy-two (72) hours in advance of the beginning of the event. The application shall be in letter form, or on a form created by the City, and shall be presented to the City Clerk or City Manager.
 - (c) All home brew/wine competition permit applications shall contain the name of the sponsor(s) of the event, the name of the organizer(s) of the event, the exact date, time, and place of the event, the approximate number of persons involved in the event, the location of the event, a general description of the event, and a description of the prizes or awards to be offered.
 - (d) The City Manager shall determine whether the home brew/wine competition permit should be granted by considering: (1) whether the event is being held in compliance with this ordinance and state and municipal laws, (2) whether the event is likely to endanger the safety of the event participants and/or citizens of the City, and (3) whether the event is likely to result in violations of state law or the City's ordinances, including laws relating to public intoxication. No other factors shall be considered. The City Manager may work constructively with event sponsors and organizers to reduce any issues with safety and/or potential violations of the law in order to grant the permit under conditions that do not adversely affect the factors listed in this subsection. The City Manager may also take into account the past practices of the sponsors and organizers of any such event in organizing similar events in determining whether to grant the permit.
 - (e) The City Manager shall grant or deny the permit at least 24 hours before the event, but in no instance more than fourteen (14) days after the filing of the permit application. If the permit is granted, the City Manager will immediately notify the Mayor, all public safety personnel, and the department head of any City department likely to be affected by the event.
 - (f) Each permit shall state the date, location, and starting and ending time of the home brew competition or wine competition event. If the City Manager imposes any additional restrictions or conditions on the event in order to ameliorate any of the potential adverse factors listed in subsection (d), all such restrictions and conditions shall be listed on the permit.
 - (g) Permit holders are required to comply with all permit restrictions and conditions, and abide by all laws and ordinances.
 - (h) The permit shall be posted in the event premises at all times during the home brew competition or wine competition event.
 - (i) The City shall charge a fee in the amount of \$100.00 for processing each permit application, which amount reasonably approximates the cost of processing permit applications.

9.85.050 – Location.

All home brew competitions and wine competitions shall be held on the premises of a commercial establishment that is properly licensed for the sale of beer and malt beverages and/or wine.

9.85.060 – Transportation of Beer and Malt Beverages

Home brew competitions and wine competitions involving transportation of beer or malt beverages must comply with all state laws relating to such transportation. Event organizers and sponsors shall notify each person transporting beverages of the requirements (if any) of Georgia law relating to transportation of beer, malt beverages, and wine.

SECTION 2. 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 3. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 4. 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 5. 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 6. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance shall become effective immediately upon its adoption by the City Council and final approval as provided in Section 3.23 of the City's Charter.

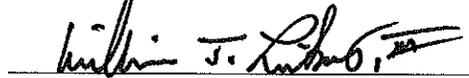
SO ORDAINED this 9th day of September, 2013.


MARK A. ALARCON, Mayor

ATTEST:


RHONDA A. BLACKMON, City Clerk (SEAL)

APPROVED AS TO FORM:


WILLIAM J. LINKOUS, III, City Attorney