

ORDINANCE 2020-17

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, CHAPTER 6, ALCOHOLIC BEVERAGES, ARTICLES I & II TO AMEND SECTIONS 6- 2, 6-83, 6-84 AND 6-124.

Amend Section 6-2 of Chapter 6 – Alcoholic Beverage Ordinance to add the following definitions:

Sec. 6-2. - Definitions.

Non-profit private club means a corporation organized and existing under the laws of the state or veterans' organization associated with and a part of a recognized national veterans' organization which is organized and operated exclusively for pleasure, recreation and other nonprofit purposes and which immediately prior to the application for a license hereunder:

- (1) Has at least 100 members regularly paying dues; and
- (2) Has tax exempt status under the provisions of section 501(c)(19) of the U.S. Internal Revenue Code; and
- (3) Owns or leases a building or space for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of servers and employees for cooking, preparing and serving meals for its members and guests; and
- (4) Has no members or officers, agent or employees of the club receiving compensation directly or indirectly in the form of commissions or other compensation based on the amount of profits from the sale of malt beverages and wines beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body out of the general revenue of the club; and
- (5) Has no part of the net earnings inuring to the benefit of any shareholder or member; and
- (6) Has been in continuous operation for at least one year prior to the application for a license hereunder.

Special events facility means any public place kept, used, maintained, advertised and held out to the public as a place where special events including, but not limited to, weddings, wedding receptions, private parties and similar events are held and which provides meals for food

services in connection with such events. Any such facility shall be equipped with an adequate and sanitary kitchen and dining room facility, and shall be capable of preparing and cooking meals, or serving catered meals and other food products associated with its special events on site. Any such establishments shall derive at least fifty (50) percent of its total annual gross sales from rental for special events and the service of meal and food products in connection with such special events. The revenues received from alcohol sales shall never exceed fifty (50) percent of the total annual gross sales for any such facility.

Add Section 6-83 to Chapter 6 – Alcoholic Beverage Ordinance to add the pouring license requirements for non-profit private clubs:

Sec. 6-83. – Non-profit private clubs.

In order to be eligible for a pouring license, a private club or non-profit private club must meet the definition of non-profit private club as set forth in Sec 6-2 herein. Where an application for a license is submitted for a non-profit private club the application shall be made in the name of the highest elected officer and/or the manager of the club or organization.

- (a) No alcoholic beverage license shall be granted to a private club organized or operated primarily for the selling or serving of alcoholic beverages.

Add Section 6-84 to Chapter 6 – Alcoholic Beverage Ordinance to add the pouring license requirements for special event facilities:

Sec. 6-84. - Special event facilities.

In order to be eligible for a pouring license, a special event facility must meet the definition of special event facilities as set forth in Section 6-2 herein as well as the following requirements:

- (1) Attendance is by invitation of the party renting the special events facility only and not open to the public;
- (2) All alcoholic beverages served at the private function shall be supplied to invited guests free of charge;
- (3) The costs of the alcoholic beverage(s) served at a private function are to be paid for by the host renting the special events facility;
- (4) Alcohol may be served only in conjunction with the service of meal and food products; and

- (5) Alcohol must be served by a trained alcohol server, who holds either an alcohol handling permit issued by the City of Smyrna or another local government jurisdiction.

Amend Section 6-124 of Chapter 6 – Alcoholic Beverage Ordinance to add non-profit private clubs and special event facilities to the list of exempt licensing types from the pouring requirements:

Sec. 6-124. - Pouring requirements.

No pouring license, except a license for a wine specialty shop, growler specialty shop, cigar specialty shop, brewery, brewpub, winery, non-profit private club, special event facility, hotel sundry shop/hotel reception or educational tasting, shall be issued to, or held by, any applicant unless at least 50 percent of the business by volume, when considering the total of sales from alcoholic beverages and food prepared to be consumed on the premises, shall be from the sale of prepared foods to be consumed on the premises.

- (1) All establishments licensed to pour shall submit a quarterly audit showing the sales of alcoholic beverages and food prepared on the premises and nonalcoholic drinks to the city business license office no later than at the time of renewal for the coming license year.
- (2) Authorized officials of the city may examine the records of applicants at any reasonable time to ascertain that the requirements of this section are met.
- (3) The dining area or serving area of the applicant must have a minimum seating capacity of 40.

Amend the City's Fee Schedule for alcoholic beverage license to provide a reduced license fee for non-profit veteran organizations:

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|--------------------------|--------------------------------------|
| • Beer Pouring – | Non-profit private club - \$500.00 |
| • Wine Pouring – | Non-profit private club - \$500.00 |
| • Liquor Pouring – | Non-profit private club - \$1,000.00 |
| • Sunday Sales Pouring – | Non-profit private club - \$500.00 |

This ordinance shall take effect on December 1, 2020 and is passed and duly adopted this 16th day of November 2020.

CITY SEAL:

The Honorable Derek
Norton Mayor, City of
Smyrna, Georgia

ATTEST:

Heather Peacon-Corn
City Clerk, City of Smyrna, Georgia

Approved as to form:

Scott A. Cochran, City Attorney