

ORDINANCE 2015-03

AN ORDINANCE OF THE CITY OF SMYRNA, GEORGIA, PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES OF THE CITY OF SMYRNA, CHAPTER 6, Article II, to include Section 6-34, Section 6-45, Section 6-47, Section 6-54, Section 6-74 and Section 6-124

Hotel Reception means a formal social occasion held within a Hotel for Hotel guests and designed to welcome hotel guests or celebrate an event with Hotel guests.

- **Sec. 6-34. - Types of licenses.**

The types of alcoholic beverage licenses which may be issued under this chapter are:

- (1) Pouring distilled spirits;
- (2) Pouring wine and malt beverage;
- (3) Wine specialty shop (add on to package license only);
- (4) Growler malt beverage shop tasting license (add on to package license only);
- (5) Educational tastings of wine or malt beverages (add on to package license only);
- (6) Educational tastings of distilled spirits within a distillery (add on to a manufacturers license only);
- (7) Brewpub (add on to malt beverage pouring license only);
- (8) Package distilled spirits;
- (9) Package wine and malt beverage;
- (10) Hotel Sundry Shop/ Hotel Reception (Separate or as add on to pouring license)
- (11) Wholesale alcoholic beverages; and.
- (12) Manufacturer

- **Sec. 6-45. - Consumption on package licensed premises prohibited.**

Except as otherwise specified herein, it shall be unlawful for any person licensed for the operation of a package store only to permit or allow any consumption of alcoholic beverages on the premises of such package store location. It shall be the duty of the owner and/or operator of each establishment to police and prevent the consumption of any alcoholic beverages upon the premises of any package store location. Consumption on the premises shall be allowed only in those locations having a pouring license except that in locations having a license to sell package wine, wine may be consumed on such premises during a wine tasting. However, wine or malt beverages may be sold by the drink and consumed on the premises, provided that a specialty wine shop, growler malt beverage shop tasting

license, Hotel Sundry Shop/ Hotel Reception license or educational tasting license is obtained and the requirements of such license are met as provided herein.

- **Sec. 6-47. - Service in hidden rooms of pouring licensee.**

The sale of alcoholic beverages for consumption by persons in any room which is not open to general public use is prohibited, except that private parties or conventions, which have been scheduled in advance, may be served in public or private dining rooms or meeting rooms, and provided further that this prohibition shall not apply to private clubs hereunder nor to the sale of alcoholic beverages for consumption hereunder to the registered guests of any hotel or motel in their designated rooms or in reception rooms in the Hotels during a Hotel Reception.

- **Sec. 6-54. - Pricing.**

(a) This section shall be construed to cover, include and apply to every type of alcoholic beverages licensed to be sold.

(b) Each licensee shall maintain a daily schedule of the prices to be charged for all alcoholic beverages to be served and consumed on the licensed premises or in any room or part thereof. The schedule of prices shall be maintained in a manner so as to be available to the paying public and law enforcement officers or agents of governmental authority. Said schedule shall be effective except as hereinafter provided, for not less than a 24-hour period beginning at 12:01 a.m. and ending at midnight, and shall show thereon the date for which the schedule is effective.

(c) No licensee or holder of any license to sell alcoholic beverages for consumption on the premises or in any part thereof, or employee or agent of a license, shall:

(1) Offer or deliver any free alcoholic beverage to the general public, which shall include pricing policies which provide two or more drinks for a price less than the amount which would be due for each drink if sold separately;

(2) Deliver more than two alcoholic beverages to one person at one time;

(3) Sell, offer to sell, or deliver to any person or group of persons any alcoholic beverage at a price less than one-half the price prior to 8:00 p.m., or after 8:00 p.m. less than the price regularly charged for such alcoholic beverage during the same 24-hour period for which the price schedule herein required is in effect, except at private functions not open to the public. "Private functions" as used herein shall mean those functions wherein the licensee has agreed to the use of the licensee's establishment by a person, firm or organization for a set period of time for valuable consideration;

(4) Sell, offer to sell, or deliver to any person or group of persons two or more or an unlimited number of alcoholic beverages during any set period of time for a fixed price, except at private functions not open to the public;

- (5) Sell, offer to sell, or deliver alcoholic beverages to any person or group of persons on any one day at prices less than those charged the general public on that day, except at private functions not open to the public;
- (6) Sell, offer to sell, or deliver alcoholic beverages, by the pitcher or carafe, except to two or more persons at any one time;
- (7) Increase the volume of alcohol contained in a drink without increasing proportionately the price regularly charged for such alcoholic beverage during the same 24-hour period for which the price schedule is in effect;
- (8) Encourage or permit on the licensed premises any game or contest which involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize;
- (9) Sell simultaneously to one customer, two or more alcoholic beverages for a price substantially the same as is charged for one such alcoholic beverage;
- (10) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased; or
- (11) Knowingly allow an alcoholic beverage purchased on the premises to be removed from the premises without having been consumed. "Premises," for the purpose of this subsection, shall be construed to mean the entire area under the supervision, management or control of the licensee, excluding areas for parking of motor vehicles, and, in the case of licensees whose licensed location is located on a portion of the premises of a club, organization, establishment or entity offering outdoor recreation (for instance, golf or tennis), then the word "premises" shall extend to cover all areas operated as a part of the club or entity excluding areas for parking of motor vehicles.

(d) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under subsection (c) of this section.

(e) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, or to prohibit licensees from including an alcoholic beverage as a part of a meal package, or to prohibit the sale or delivery of wine by the bottle or carafe when sold with meals or to more than one person, or to prohibit any hotel or motel from offering room services to registered guests or from offering beer and wine at a Hotel Reception or to prohibit the sale of more than two drinks at one time which are to be consumed by the purchaser out-of-doors on the premises of the licensee, as described in subsection (c) of this section, in connection with the purchaser's participation as a player in the games of golf or tennis; otherwise, no food and alcoholic beverage package may be offered by any licensee; provided, however, that nothing contained in this section shall be construed to allow a licensee to circumvent the intent of this section by offering meals which include an alcoholic beverage as a device or scheme to promote drink sales at a price per beverage less than the daily listed price.

(Ord. No. 95-03, § 3-3-26, 5-1-95; Ord. No. 2004-27, 8-2-04)

- **Sec. 6-74. - Educational tastings of wine or malt beverages.**

(a) As used in this section, the term educational tasting license shall be limited to a person possessing a current license from the city for the sale of wine or malt beverages by the package and in grocery store locations whose total interior floor area, inclusive of storage area, exceeds 25,000 square feet.

(b) All eligible licensees may petition the city for an educational tasting permit provided it meets all other requirements of the city's alcoholic beverage ordinance and presently maintains a valid license from the city for the sale of wine or malt beverages by the package. An educational tasting permit shall allow the permittee to offer and sell wine or malt beverage samples in connection with an instructional or educational promotion. An educational tasting permit is intended to allow such activity on a limited basis and shall not be part of the core operations of such establishment or on a daily basis.

(c) No tastings shall be conducted on the premises of any place of business licensed to sell distilled spirits, unless associated with a distillery, as defined by the state and as referenced in section 6-75 of this article.

(d) Any tasting occurring on the premises of a business possessing a license to sell wine or malt beverages by the package shall be limited to an area that is separated from the retail area of the premises by walls or other partitions that prohibit pedestrian traffic through the tasting area.

(e) All annual permit renewals shall be made in the same manner and during same time periods as other alcoholic beverage license renewals. All renewals are subject to audit prior to being renewed to ensure compliance with this section.

(f) The educational tasting permit shall be subject to any requirements in this chapter pertaining to enforcement and revocation proceedings and shall be automatically revoked if the alcoholic beverage package license is revoked.

(Ord. No. 2012-15, 7-16-12)

- **Sec. 6-124. - Pouring requirements.**

No pouring license, except a license for a wine specialty shop, growler malt beverage shop tasting, 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.

Approved by Mayor and Council this 2nd day of March 2015



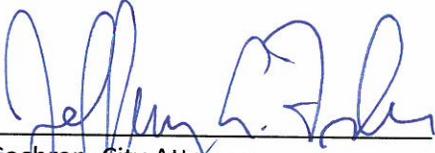
A. Max Bacon, Mayor

Attest:



Terri Graham, City Clerk  
City of Smyrna

Approved as to form:



Scott Cochran, City Attorney

