

STATE OF GEORGIA

FULTON COUNTY

First Reading: November 28, 2011

Second Reading: December 12, 2011

**ORDINANCE OF THE CITY OF ROSWELL, GEORGIA TO AMEND CHAPTER 3 OF THE ROSWELL CODE OF ORDINANCES TO ALLOW FOR AN ANCILLARY WINE, BEER AND MALT BEVERAGE TASTING LICENSE**

**AND**

**TO ALLOW A PATRON TO BRING WINE TO A BUSINESS LICENSED FOR CONSUMPTION ON THE PREMISES UNDER CERTAIN CIRCUMSTANCES.**

**WHEREAS**, the City of Roswell is a Georgia municipal corporation; and

**WHEREAS**, the Mayor and Council are the governing authority of the City of Roswell; and

**WHEREAS**, businesses within the City and citizens have inquired as to the feasibility of issuing an ancillary wine, beer & malt beverage tasting license to business where beer, wine and malt beverages are sold by the package:

**NOW, THEREFORE, BE IT ORDAINED**, and it is hereby ordained, that Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Roswell is amended as follows:

1.

Article 3.5 *Business Regulations*, of the ***Roswell Code of Ordinances*** is hereby amended by adding Section **3.5.10 *Ancillary Wine, Beer and Malt Beverage Tasting License***, to read as follows:

Section 3.5.10 Ancillary Wine, Beer and Malt Beverage Tasting license.

(a) The holder of a package beer and wine license shall be eligible for an ancillary wine, beer and malt beverage tasting license to provide samples of wine, beer and malt beverages offered for sale to customers under the conditions set forth in this section.

(b) Wine, beer and malt beverage sampling shall be on limited occasions when a customer requests a sample of a wine, beer or malt beverage offered for sale within the premises, or in conjunction with education classes and sampling designed to promote wine, beer and malt beverage appreciation and education.

(c) Wine, beer or malt beverage tasting for customers shall be conducted only at a counter area constituting no more than ten percent of the entire floor area of the premises.

(d) Such sampling for customers shall be limited to no more than one time per day, on the days of the week authorized by State law to sell beer and wine by the package, 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; and

(e) The holder of an ancillary wine, beer and malt beverage tasting license may conduct educational classes and sampling for classes not more than two times per week for a period of not to exceed two consecutive hours. 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.

(f) Wine, beer and malt beverage bottles shall be opened by the licensee or an employee only, and samples shall be poured only by the licensee and/or an employee.

(g) No open containers of wine, beer or malt beverage shall be removed from the licensed premises.

(h) Holders of an ancillary wine, beer and malt beverage tasting license shall not charge for samples or tastings, but may accept donations for a charitable organization of their choice.

(i) Such sampling and tasting is permitted within the enclosed portion of the premises only.

(j) The annual fee for an ancillary wine, beer and malt beverage tasting license shall be set and may be revised by resolution of the mayor and council.

2.

Article 3.5 *Business Regulations*, Section 3.5.9 *On-Premises Consumption Unlawful*, is amended by adding thereto the language "except as provided in Section 3.5.10 of this Chapter".

3.

Article 3.7 *Requirements for Consumption On-Premises Licenses*, of the **Roswell Code of Ordinances** is amended by deleting Section 3.7.16 in its entirety and substituting therefor a new Section 3.7.16 to read as follows:

Section 3.7.16 *Brown-Bag, BYOB* to read as follows:

Except as provided in this Section, it is prohibited for any person to bring in his own alcoholic beverage in any retail establishment without regard to whether such establishment is licensed to sell alcoholic beverages, provided however, alcohol may be furnished at a special event if a valid permit for such event is issued by the City of Roswell. For the purposes of this Section, the term "retail establishment" shall not include a private hotel room or similar guest room or a private club.

Notwithstanding any other contrary provision of this Ordinance, any restaurant which is licensed to sell wine for consumption on the premises may permit a patron to bring into the restaurant one (1) unopened bottle of wine for consumption on the premises if the patron purchases a meal and consumes a portion of the bottle of wine during the meal on the restaurant's premises. Should the patron wish to take the unfinished portion of the bottle of wine from the premises, such bottle of wine shall be resealed in accordance with Section 3.7.15 of this Chapter. In order for this provision to apply, the restaurant must establish a policy for permitting this practice and may in its own discretion charge a corkage fee. Nothing in this Section shall be deemed to require a restaurant to establish such a policy.

4.

The Ordinance amendment shall become effective on the date of its adoption.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell on the 12th day of December 2011.


Attest:

  
Jere Wood, Mayor

  
Marlee Press, City Clerk  
(Seal)

  
Councilmember Rebecca Wynn

  
Councilmember Richard Dippolito

  
Councilmember Nancy Diamond

  
Councilmember Jerry Orleans

  
Councilmember Betty Price

  
Councilmember Kent Igleheart

