

STATE OF GEORGIA

FULTON COUNTY

First Reading: October 28, 2013
Second Reading: November 13, 2013

ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES AND ARTICLE 6, CHAPTER 6.4, C-3, HIGHWAY COMMERCIAL DISTRICT OF THE ROSWELL ZONING ORDINANCE

WHEREAS, State law provides that the governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law; and

WHEREAS, the City of Roswell now desires to amend the Code of Ordinances to allow a manufacturer of alcoholic beverages or brewery; and to amend the Zoning Ordinance to provide where such a business may be located:

NOW, THEREFORE, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendments:

1.

Chapter 3, *Alcoholic Beverages*, of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by adding to Article 3.1, *In General*, Section 3.1.2(d), *Definitions*, new definitions to read as follows:

“Manufacturer” means any maker, producer, or bottler of an alcoholic beverage. The term also means:

- (A) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits;
- (B) In the case of malt beverages, any brewer; and
- (C) In the case of wine, any vintner.

“Microbrewery” means a manufacturer of malt beverages that produces fewer than 15,000 barrels per year.

Chapter 3, *Alcoholic Beverages*, is further amended at Article 3.2, *Licensing*, by adding a new Section 3.2.5, *Manufacturer*, to read as follows:

Section 3.2.5 Manufacturers.

Any manufacturer of alcoholic beverages who is licensed by the State of Georgia and who has a place of business in the city shall procure a license under the same provisions applicable to retail licenses. The license fee for a resident manufacturer shall be set by the Mayor and Council and approved by Resolution.

2.

Further, the Zoning Ordinance of the City of Roswell is hereby amended regarding the uses permitted in C-3 zoning category. Article 6, *Office and Commercial Zoning Districts*, Chapter 6.4, C-3, *Highway Commercial District*, Section 6.4.2 *Permitted and Conditional Uses* is amended to provide that

“Microbrewery” be added to Table 6.1 as a “Permitted Use” in zoning category C-3 and “not permitted” in all other zoning categories.

3.

Severability. Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, which is not specifically declared to be invalid or unconstitutional.

4.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

5.

Renumbering. It is the intention of the Mayor and Council, 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 Roswell, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

This Ordinance shall take effect and be in force from and after the day of its adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the ____ day of _____ 2013.

Jere Wood, Mayor

Attest:

Marlee Press, City Clerk

SEAL

Councilmember Jerry Orlans

Councilmember Rebecca Wynn

Councilmember Betty Price

Councilmember Richard Dippolito

Councilmember Kent Igleheart

Councilmember Nancy Diamond