

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY AUTHORIZING MALT BEVERAGE TASTING LICENSES; AMENDING DISTANCE REQUIREMENTS; AND FOR OTHER PURPOSES

WHEREAS, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody has heretofore adopted an ordinance for Alcohol Beverages, as set forth in Chapter 4 of the Code of the City of Dunwoody (the “Code”); and

WHEREAS, the provisions of Chapter 4 currently provide for wine tasting, but not malt beverage tasting, licenses, and provide certain distance requirements to package licensees from single-family and two-family residences; and

WHEREAS, the Mayor and City Council have determined that it may be prudent to amend the ordinance to allow malt beverage tastings alongside wine tastings for qualified establishments and to remove distance requirements for package license dealers to be away from single- and two-family residences, in order to promote economic development in the City and encourage business patronage.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

Section 1: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code, Article II (Licensing), Section 4-24, is hereby amended to read as follows:

ADDITIONS = UNDERLINE
DELETIONS = ~~STRIKETHROUGH~~

Sec. 4-24. Retail package licenses.

(a) Applicants may apply for one or more of the following type retail licenses:

(1) Package malt beverage license: Retail sale of malt beverages in the original package.

(2) Package wine license: Retail sale of wine in the original package.

(3) Package distilled spirits license: Retail sale of distilled spirits in the original package.

(4) Ancillary wine or malt beverage tasting ~~provisions~~license.

(b) Upon filing an application and payment of a filing fee and a ~~permit~~license fee and after a background investigation by the police department and review by the finance department, a ~~permit~~license may be issued to a licensed retail package wine or malt beverage dealer or

licensed wine or malt beverage wholesaler to hold a wine or malt beverage tasting, respectively. The ~~permit license~~ shall allow the applicant to provide samples of wine and/or malt beverage to the public for consumption at a location which meets legal requirements for on-premises consumption, with the exception of a full-service kitchen requirement, under the following conditions:

- (1) The applicant for a wine and/or malt beverage tasting license must hold a valid current wine license in the state any and all applicable licenses and permits required by the state and the city, including, but not limited to, those named above.
- (2) All federal, state, and local laws and restrictions that apply to wine tastings shall also apply to malt beverage tastings.
- (3) The application shall be accompanied by the requisite fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolutions adopted by the city council. The fee shall be the same for both wine and malt beverage tasting licenses.
- (4) Should a single applicant apply for both a wine and malt beverage tasting license in the same calendar year, the applicant shall be subject to and have to pay for only one police background investigation. However, the applicant would be responsible for paying the filing fee for each application.

Section 2: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code, Article IV (Location of Sales), Section 4-99, is hereby amended by changing the language of subsection (b) and (c) to read as follows:

ADDITIONS = UNDERLINE
DELETIONS = ~~STRIKETHROUGH~~

Sec. 4-99. Distance from churches, schools, etc.

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- (b) No ~~package~~ distilled spirits license shall be issued for any place of business which is located within 100 yards of any church building or alcohol treatment center or which is located within 200 yards of a school building, educational building, school grounds, college campus, or adult entertainment establishment, ~~or which is located within 500 yards of another licensed package distilled spirits business.~~
- (c) ~~No package license shall be issued for any place of business which is located within 200 yards of a private single-family or two-family dwelling in a zoning district that permits single- and/or two-family dwellings; provided, however, this prohibition shall not apply with respect to a private dwelling located in a zoning district in which alcoholic beverage outlets~~

~~are authorized and which dwelling is on the same street as the premises for which a package license is applied.~~ No package distilled spirits license shall be issued for any place of business which is located within 500 yards of another licensed package distilled spirits business.

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Section 3: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this _____ day of _____, 2010.

Approved:

Ken Wright, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

Brian Anderson, City Attorney