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MEMORANDUM

To: Mayor and Council
From: Paul Leonhardt, Planning & Zoning Manager
Date: June 14, 2021
Subject: Text Amendment
Chapter 4— Ancillary Tastings

ITEM DESCRIPTION

This item is a request to adjust language for ancillary tastings. Changes in state law enacted in 2020 created conflicts with Dunwoody's code requirements that this ordinance reconciles. A corresponding resolution sets a \$400 annual fee and a \$50 daily fee for distilled spirits ancillary tasting permits.

DISCUSSION

O.C.G.A § 3-15-2, passed certain requirements for ancillary tastings for distilled spirits. This includes, amongst other items, a limit of 52 tasting events per calendar year, a limit of volume for the different alcohol types, and restrictions on the number of separate products to be sampled during a single tasting. These restrictions conflicted with Dunwoody's municipal regulations which predated the state standards. To prevent confusion and align the municipal and state standards, this text amendment references the state law and removes city requirements on items already regulated by the state.

STAFF RECOMMENDATION

Staff recommends **APPROVAL**.

ATTACHMENTS

O.C.G.A § 3-15-2. Terms and conditions for limited tasting events

AN ORDINANCE TO AMEND CHAPTER 4 (ALCOHOLIC BEVERAGES) OF THE CITY OF DUNWOODY CODE OF ORDINANCES TO AMEND REGULATIONS FOR ANCILLARY TASTINGS

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’s Alcohol Beverages Ordinance, Chapter 4, allows for ancillary tasting at premises licensed for alcoholic beverage retail; and

WHEREAS, the State of Georgia has recently published regulations on ancillary tastings that conflict with the Dunwoody’s regulations, necessitating adjustments; and

WHEREAS, the Mayor and City Council find that, allowing for ancillary tastings is a useful tool to support Dunwoody businesses.

NOW, THEREFORE, the Mayor and City Council of the City of Dunwoody HEREBY ORDAIN that Chapter 4 is amended as follows:

Section I: That Chapter 4 of the City Code is further amended by amending Code Section 4-24, entitled “Retail package licenses.”, to read as follows:

• **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 and retail sale of growlers as authorized herein.

(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 distilled spirit, wine, or malt beverage tasting license (see Sec. 4-147. Ancillary tasting permitted.).

(b) Upon filing an application and payment of a filing fee and a license fee and after a fingerprint-based background check in accordance with section 2-62 of this Code and review by the finance department, a 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 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 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 fingerprint-based background check. However, the applicant would be responsible for paying the filing fee for each application.~~

(Comp. Ords. 2008, ch. 4, art. 2, § 2; Ord. No. 2010-06-20, § 1, 6-21-2010; Ord. No. 2017-01-02, § 2, 1-9-2017; Ord. No. 2018-03-01, § 2, 3-12-2018; Ord. No. 2018-04-07, § II, 4-9-2018)

Section II: That Chapter 4 of the City Code is further amended by amending Code Section 4-147, entitled "Ancillary tasting permitted.", to read as follows:

• **Sec 4-147. Ancillary tasting permitted.**

(a) The holder of a retail sales package license shall be eligible for an ancillary tasting license to provide samples of malt beverages, spirits, and/or wine offered for sale to customers under the conditions set forth in this ordinance.

(b) Tastings shall comply with the requirements of O.C.G.A .§ 3-15-2 as amended as it pertains to tasting size, occurrence of tasting events, and other items. ~~Abe on limited occasions either when a customer requests a sample of a malt beverage, spirit, or wine offered for sale within the premises or in conjunction with sampling designed to promote malt beverage or wine appreciation and education.~~

~~(c) — Tastings shall not exceed two (2) ounces, and no person shall consume more than eight (8) ounces in any one day on the premises.~~

~~(d)~~(c) Tastings are permitted on the licensed premises only.

~~(d) — The annual fee for an ancillary tasting license shall be published in the adopted fee schedule for the City of Dunwoody. Should a single applicant apply for more than one ancillary tasting permit amongst malt beverage, distilled spirit, or wine in the same calendar year, the applicant shall be subject to and have to pay for only one fingerprint-based background check.~~

Section X: 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.

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2021-XX-XX

SO ORDAINED, this ____ day of _____, 2021.

Approved:

Lynn Deutsch, Mayor

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

City Attorney

§ 3-15-2. Terms and conditions for limited tasting events

Notwithstanding any other provision of this title, in all counties and municipalities in which the sale of alcoholic beverages is lawful, retail package liquor stores shall be authorized to conduct up to 52 tasting events per calendar year, subject to the following terms and conditions:

- (1) A tasting event shall only take place on the licensed premises and only at times at which such alcoholic beverages may be lawfully sold on such licensed premises;
- (2) Only one tasting event per day may be held on the licensed premises and such tasting event shall not exceed four hours;
- (3) Only one type of alcoholic beverage may be served at a tasting event, either malt beverages, wine, or distilled spirits; provided, however, that more than one brand of such type of alcoholic beverage may be offered so long as not more than four packages are open at any one time;
- (4) If the tasting event is for malt beverages, a consumer shall not be served more than eight ounces of malt beverages during such tasting event. If the tasting event is for wine, a consumer shall not be served more than five ounces of wine during such tasting event. If the tasting event is for distilled spirits, a consumer shall not be served more than one and one-half ounces of distilled spirits during such tasting event;
- (5) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises may be offered as part of a tasting event, and such alcoholic beverages shall be part of the licensee's inventory;
- (6) Only food that is lawful to sell on the licensed premises, under this title or under any rules or regulations of the commissioner, may be served as part of a tasting event. Such food shall be offered at no cost to the consumer;
- (7) Any operator or employee of the licensee may refuse to provide any brand, type, or quantity of alcoholic beverage to any consumer;
- (8) The licensee shall notify the governing authority of the county or municipality in which the licensed premises is located prior to holding a tasting event;
- (9) Any broken package containing alcoholic beverages on the licensed premises that is not licensed for retail sales for consumption on the premises shall be kept locked in a secure room or cabinet by the operator of the licensed premises except when in use during a tasting event;
- (10) Representatives and salespersons of manufacturers or wholesalers may attend a tasting event; provided, however, that such representatives and salespersons shall not host the tasting event, pour any alcoholic beverage, or provide anything of value to any consumer or to the licensee or an employee of a licensee; and
- (11) Any other terms, conditions, and limitations as may be required or imposed by the governing authority of the county or municipality in which the licensed premises is located.

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