

ORDINANCE 14-02-01

AN ORDINANCE OF THE CITY OF HELEN, GEORGIA, TO AMEND THE
OFFICIAL CODE OF THE CITY OF HELEN, GEORGIA, BY AMENDING
CHAPTER 6, ALCOHOLIC BEVERAGES; ARTICLE III, MALT BEVERAGES;
DIVISION 2, LICENSING OF BREWERS AND DEALERS; BY THE ADDITION
OF CODE SECTION 6-71; WITH THE INTENT OF SAID ADDITIONAL CODE
SECTION BEING TO PERMIT THE SALE OF; AND TO DEFINE THE
REQUIREMENTS FOR; THE SALE OF GROWLERS BY LICENSED MALT
BEVERAGE DEALERS WITHIN THE CITY

IT IS HEREBY ORDAINED, by the Helen City Commission that The Official Code of The City of Helen, Georgia, is amended by amending Chapter 6, Alcoholic Beverages; Article III, Malt Beverages; Division 2, Licensing of Brewers and Dealers, by the Addition of Code Section 6-71; with said new Code Section being promulgated and ordained as follows:

Chapter 6

ALCOHOLIC BEVERAGES

ARTICLE III. Malt Beverages

Division II. Licensing of Brewers and Dealers

Sec. 6-71. Sale of Growlers.

- (a) *Growlers* means a bottle not to exceed two liters and not less than 12 ounces that is filled with beer from a keg by a duly authorized licensee or employee of said licensee, with said licensee holding a package beer license issued by the City of Helen.
- (b) *Package Beer License.* License holders who hold a license to conduct retail sale of beer beverages in its original package; and not for consumption by the drink on premises.
- (c) It shall be unlawful for any person to consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package. It shall be unlawful for any package licensee to open or break the package of any alcoholic beverages for a purchaser or to permit the consumption of alcoholic beverages on the licensed premises.
- (d) The sale of growlers, as defined above, is authorized for those licensees holding a package beer license, but is not authorized under any circumstances for those licensees also holding a package distilled spirits license; or for licensees holding a license for consumption by the drink or pouring license; or for those licensees who offer for sale vehicular fuel. The filling of growlers by means of a tapped keg shall not constitute the breaking of package as contemplated by O.C.G.A. § 3-3-26. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Growlers may be filled and made available for retail sale only if securely sealed. In order to be

securely sealed, the growler must be sealed with a tamper proof cap or seal.

Be it further ordained, by the Helen City Commission that the Official Code of The City of Helen, Georgia, is amended by amending Chapter 6, Alcoholic Beverages; Article IV, Wine; Division 2, License; Section 6-121. Required: as follows:

Sec. 6-121. Required.

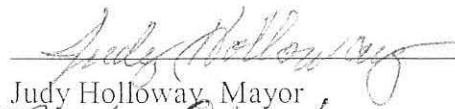
Each person engaged in the manufacture, distribution and selling of wine at wholesale or retail, not exempted by state law from municipal licensing regulations, shall be required to obtain a license from the city clerk in the manner specified in this division. Operating a farm winery tasting room as authorized by O.C.G.A. 3-6-21.1(b) shall be construed as selling wine at retail. License Holders who have a License to conduct retail sales of wine shall also be authorized to sell growlers, in accordance with Section 6-71 of this code, and in compliance with the requirements thereof.

Be it further ordained, by the Helen City Commission, that any ordinance or resolution previously existing, either replaced by or inconsistent or in conflict with this ordinance, are repealed in their entirety if replaced hereby, and repealed partially to the extent of the conflict or inconsistency of the previous ordinance.

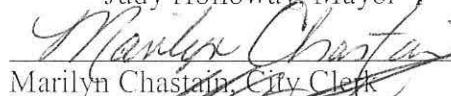
Be it further ordained, by the Helen City Commission, that this ordinance shall become effective upon adoption.

Be it further ordained, by the Helen City Commission, that any ordinance or resolution previously existing, either replaced by or inconsistent or in conflict with this ordinance, are repealed in their entirety if replaced hereby, and repealed partially to the extent of the conflict or inconsistency of the previous ordinance.

This ordinance approved by the Helen City Commission this 18 day of February 2014, 2014.

 (SEAL)
Judy Holloway, Mayor

ATTEST:


Marilyn Chastain, City Clerk

APPROVED AS TO FORM:


Carl Free, City Attorney

Date 2-18-2014

Passed First Reading 2-4-2014

Passed Second Reading 2-18-2014

Approved and Adopted 2-18-2014