

**CITY OF KENNESAW
GEORGIA**

ORDINANCE NO. 2021-14, 2021

AN ORDINANCE TO AMEND CHAPTER 6, ENTITLED “ALCOHOLIC BEVERAGES,” OF THE CODE OF ORDINANCES OF THE CITY OF KENNESAW, GEORGIA, SO AS TO AMEND SECTION 6-52, 6-63, 6-70, 6-73, 6-74, 6-87, 6-93, 6-96, 6-109, AND 6-116 OF SAID CHAPTER REGARDING ALCOHOL LICENSE FEES, PROCEDURES FOR SUSPENSION AND REVOCATION OF ALCOHOL LICENSES, ALCOHOL WORK PERMITS, SALES OF DISTILLED SPIRITS, SALES OF MALT BEVERAGES, EMPLOYMENT OF ALCOHOL WORK PERMIT HOLDERS, HOURS OF OPERATION OF ESTABLISHMENT LICENSED TO SELL ALCOHOL, DELIVERY OF ALCOHOL TO UNLICENSED PREMISES, PRICING OF ALCOHOLIC BEVERAGES, AND TASTING EVENTS AT RETAIL PACKAGE STORES WITHIN THE CITY LIMITS OF KENNESAW, GEORGIA.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KENNESAW, COBB COUNTY, GEORGIA, AS FOLLOWS:

SECTION 1. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-52 of said Chapter. The text of said Section 6-52 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Section 6-52 is amended by striking and adding the following:

Sec. 6-52. – License fees; duration.

...

(d) Each person manufacturing or selling distilled spirits in the city shall pay any annual license as follows:

Manufacturers\$1,000 (and an additional \$1,000 for each manufacturing license for other types of alcohol in the City of Kennesaw) ~~\$3,000.00 (or \$1,000.00 if applicant already holds a manufacturing license for another type of alcohol in the City of Kennesaw)~~

Wholesalers\$300.00 ~~\$100.00~~

Retail package, each location \$2,000.00

Pouring License, each location (including Retail Establishments) \$3,000.00

(f) Each person selling malt beverages in the city shall pay an annual license fee as follows:

Manufacturers\$1,000 (and an additional \$1,000 for each manufacturing license for other types of alcohol in the City of Kennesaw) ~~\$3,000.00 (or \$1,000.00 if applicant already holds a manufacturing license for another type of alcohol in the City of Kennesaw)~~

Wholesalers....~~\$300.00~~ ~~\$100.00~~

Retail package, each location.... \$300.00

Pouring License, each location (including Retail Establishments).... \$550.00

(g) Each person selling wine, fortified wine, and/or hard cider in the city shall pay an annual license fee as follows:

Manufacturers\$1,000 (and an additional \$1,000 for each manufacturing license for other types of alcohol in the City of Kennesaw) ~~\$3,000.00 (or \$1,000.00 if applicant already holds a manufacturing license for another type of alcohol in the City of Kennesaw)~~

Wholesalers....~~\$300.00~~ ~~\$100.00~~

Retail package, each location.... \$300.00

Pouring Licenses, each location (including Retail Establishments)....\$550.00

(h) Other Licenses:

Brewpub License, with/without sales of wine or malt beverage by the package
..... \$3,000.00.

Bottle house \$2,000.00

Off premises service of distilled spirits; malt beverage; and/or wine, fortified wine, and/or hard cider \$500.00

Package/pouring license, each location \$850.00 (not including fee for growler shops as provided in Section 6-52(h) below)

SECTION 2. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-63 of said Chapter. The text of said Section 6-3 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-63 is amended by striking and adding the following:

Sec. 6-63. – Procedure for suspension and revocation.

...

- (e) If the licensee has been on probation or suspension within the last 24 months from the date of the writing as provided in subsection (c), then the city manager shall place the matter for a first due cause hearing by the mayor and city council, wherein the mayor and city council shall consider suspension with or without conditions and/or probation with or without conditions, or revocation of the license.

...

- (h) In the event that the license review board recommends that the alcoholic beverage license be on probation with conditions and/or be suspended for six months or less, the owner of the alcoholic beverage license, the licensee or both may file an appeal with the City Manager of such recommendation within five business days of the date of receipt of written notice of the license review board's decision by the licensee or owner. If the license review board recommends probation or suspension as provided above and the owner of the alcoholic beverage license or the licensee or both should fail to appeal such recommendation, at 12:01 a.m. on the first day following the end of the appeal period following the date of owner's or licensee's receipt of written notice of the license review board's decision, the owner of the alcohol beverage license and the licensee shall be deemed to have acquiesced to such decision and to have waived the licensee's right to appeal such decision, subject to the provisions of subsections (i), (j), and (l) of this section. If the license review board recommends suspension for more than six months or revocation, or upon receipt by the City Manager of a timely appeal, then a second due cause hearing shall be conducted before the mayor and city council no later than the next regular meeting or special called meeting. Any such second due cause hearing shall be a de novo hearing and will be subject to the same notice requirements set out in Section 6-63(a).

...

- (o) In the event that the license to sell alcoholic beverages is revoked as a result of selling alcoholic beverages to an underage person, an intoxicated person or an unauthorized Sunday sale, or for any other violation of this chapter, the City shall not accept or consider an application for a license under this chapter from that applicant or licensee within 12 months of the denial. A voluntary surrender of the license to sell alcoholic beverages shall be considered tantamount to a revocation of the license for purposes of this section.

(Ord. No. 2008-18, § 2, 5-19-08; Ord. No. 2016-22, 9-19-16)

SECTION 3. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-70 of said Chapter. The text of said Section 6-70 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-70 is amended by striking and adding the following:

Sec. 6-70. - Permit holders of licensees—Applications, issuance, and denials.

- (a) *For whom required.* The following persons shall be required to apply for and obtain a valid server permit from the City of Kennesaw for each establishment that sells alcoholic beverages at which such person works:
- (1) All employees and independent contractors, whether compensated or non-compensated, who sell and/or serve or who are authorized or requested or may

be requested by the licensee to sell and/or serve alcoholic beverages at a premise licensed under this chapter.

- (2) Any person acting in a managerial and/or security capacity, except for law enforcement personnel, at the licensed premise, regardless of whether such person sells and/or serves alcoholic beverages.
- (b) *Not required.* A server permit is not required of the following:
 - (1) The licensee to whom an alcoholic beverage license has been issued under this chapter.
 - (2) An approved substitute licensee, as approved by the business license division.
 - (3) Any non-compensated person authorized by law to serve alcoholic beverages and is working at a temporary, city-sponsored event or a temporary, non-profit fundraising event for which an alcoholic beverage license has been issued under this chapter.

SECTION 4. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-73 of said Chapter. The text of said Section 6-73 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-73 is amended by striking Section 6-73 in its entirety and replacing it with the following:

Sec. 6-73. – Regulations for sales by manufacturers of distilled spirits.

- ~~(a) — A limited exception to the provisions of this chapter providing for the distribution and sale of distilled spirits shall exist to the extent that the license to manufacture distilled spirits in this city shall include the right to sell up to 500 barrels of distilled spirits per year produced at the distiller's licensed premises to individuals who are on such premises for:
 - (1) — Consumption on the premises; and
 - (2) — Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 2,250 milliliters of distilled spirits per consumer per day.~~
- ~~(b) — A distiller may sell distilled spirits pursuant to subsection (a) of this Code section on all days and at all times that sales of distilled spirits by retailers and retail consumption dealers are lawful within the city, including, but not limited to, Sundays.~~
- ~~(c) — A distiller shall not sell any distilled spirits for consumption off the premises pursuant to subsection (a) of this section at a price less than the price at which a person licensed to sell distilled spirits by the package is permitted to sell distilled spirits pursuant to subsection (b) of Code section 3-4-26.~~
- ~~(d) — Any distiller engaging in sales of distilled spirits pursuant to subsection (a) of this section shall remit all state and local sales, use, and excise taxes to the proper tax collecting authority.~~

- (e) ~~The Commissioner of the Department of Revenue shall promulgate and enforce such rules and regulations as he or she may deem reasonable and necessary to effectuate the provisions of this section.~~
- (f) ~~Upon a violation by a distiller of any provision of this chapter or any rule or regulation promulgated thereunder, the Commissioner of the Department of Revenue shall have the power to place conditions or limitations on such distiller's license and to modify or amend such conditions or limitations.~~
- ~~(Ord. No. 2017-10, § 4, 8-21-17)~~

(a) A license to manufacture distilled spirits in the City shall include the right of a licensed distiller to sell up to 750 barrels of distilled spirits per calendar year to individuals on such distiller's licensed premises for personal use and not for resale, subject to the following terms and conditions:

(1) Such retail sales of distilled spirits shall only be made to an individual who is physically on such distiller's licensed premises and is of the age required by O.C.G.A Section 3-3-23 and Kennesaw Code Section 6-89;

(2) A maximum of three of such distiller's licensed premises shall be permitted to make such retail sales. If such distiller has more than one licensed premises, such distiller shall annually designate the specific licensed premises, up to a maximum of three, from which such distiller has elected to exercise its limited right to sell distilled spirits pursuant to this subsection and shall provide notification of such designation to the City of Kennesaw and the Georgia Department of Revenue for each calendar year;

(3) Such retail sales made for consumption on the premises shall not be subject to a daily maximum amount;

(4) Such retail sales made for consumption off the premises shall not exceed a maximum of 4,500 milliliters of distilled spirits per individual per day;

(5) Such distiller shall only make such retail sales of distilled spirits that such distiller has distilled, rectified, blended, aged, or bottled at one or more of its licensed premises;

(6) Such distiller shall only make such retail sales of distilled spirits for which such distiller is the sole owner of the brand and brand label;

(7) Beginning on April 1, 2022, and continuing thereafter, such distiller shall only make such retail sales of distilled spirits at a licensed premises at which such distiller reports on-site production volume, unless such licensed premises:

(A) Operates under the same federal distilled spirits permit of a licensed premises of such distiller at which such distiller reports on-site production volume;

(B) Is designated under paragraph (2) of this subsection as one of such distiller's licensed premises for retail sales;

(C) Is used for aging distilled spirits transferred from such distiller's on-site production volume in wooden containers for a period exceeding one year at such licensed premises; provided, however, that such licensed premises may also be used for aging distilled spirits transferred to such licensed premises as permitted under subsection (d) 58 of this Code section; and

(D) Has physically located at such licensed premises at all times during such calendar year not less than 500 barrels of distilled spirits owned by such distiller that are being aged in wooden containers; and

(8) Beginning on April 1, 2022, and continuing thereafter, the maximum volume of distilled spirits that such distiller may sell from each specific licensed premises permitted to make such retail sales under this subsection during any calendar quarter shall be limited as follows:

(A) From a licensed premises at which such distiller reports on-site production volume, the maximum volume shall be the on-site production volume at such licensed premises during such calendar quarter; and

(B) From a licensed premises that meets all of the qualifications described in subparagraphs (A) through (D) of paragraph (7) of this subsection, the maximum volume shall be the difference between:

(i) The total aggregate on-site production volume of such distiller in this state among all of such distiller's licensed premises during such calendar quarter; and

(ii) The total aggregate retail sales made by such distiller under this subsection at all other licensed premises at which such distiller makes retail sales under this subsection during such calendar quarter.

(b) Each distiller shall file a report with the City of Kennesaw and the Georgia Department of Revenue every calendar quarter documenting all retail sales made under subsection (a) of this Code section and the on-site production volume of such distiller at each licensed premises in such manner and on such forms as designated by the Georgia Department of Revenue.

(d) Nothing in this Code section shall prohibit a distiller from transferring any liquid, regardless of whether such liquid would be deemed to be a finished product of distilled spirits or was distilled by such distiller, to or from any of such distiller's licensed premises or from selling such transferred liquid to individuals present at such distiller's licensed premises, subject to the terms and limitations of subsection (a) of this Code section.

(e) A distiller may sell distilled spirits pursuant to subsection (a) of this Code section on all days and at all times that sales of distilled spirits by retailers and retail consumption dealers are lawful within the City of Kennesaw, including, but not limited to, Sundays.

(f) A distiller shall not sell any distilled spirits for consumption off the premises pursuant to subsection (a) of this Code section at a price less than the price at which a person licensed to sell distilled spirits by the package is permitted to sell distilled spirits pursuant to subsection (b) of O.C.G.A. Section 3-4-26.

(g) Any distiller engaging in sales of distilled spirits pursuant to subsection (a) of this Code section shall remit all state and local sales, use, and excise taxes to the proper tax collecting authority.

(h) The Commissioner of the Georgia Department of Revenue shall promulgate and enforce such rules and regulations as he or she may deem reasonable and necessary to effectuate the provisions of State law governing the sales of distilled spirits, and any licensee under this Section must comply fully with any such rule or regulation and with any and all State laws, including but not limited to those found in O.C.G.A. Section 3-4-24, governing such sales.

(i) Upon a violation by a distiller of any provision of State law or any rule or regulation promulgated thereunder governing the sale of distilled spirits, the Commissioner of the Georgia Department of Revenue shall have the power to place conditions or limitations on such distiller's State license and to modify or amend such conditions or limitations. In addition, the City of Kennesaw may place on probation with or without conditions, suspend with or without conditions, or revoke such distiller's license issued by the City of Kennesaw for any such violation and/or any violation of the Kennesaw Code of Ordinances governing such sales.

State Law reference— Sale of distilled spirits, O.C.G.A. § 3-4-24.2.

SECTION 5. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-74 of said Chapter. The text of said Section 6-74 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-74 is amended by striking in its entirety and adding the following:

Sec. 6-74. – Regulations for sales by manufacturers of malt beverages.

- (a) ~~— A limited exception to the provisions of this chapter providing for the distribution and sale of malt beverages shall exist to the extent that the license to manufacture malt beverages in this state shall include the right to sell up to 3,000 barrels of malt beverages per year produced at the brewer's licensed premises to individuals who are on such premises for:~~
- ~~(1) — Consumption on the premises; and~~
 - ~~(2) — Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.~~
- (b) ~~— A brewer may sell malt beverages pursuant to subsection (a) of this Code section on all days and at all times that sales of malt beverages by retailers are lawful within the county or municipality in which the licensed premises of the brewer is located, including, but not limited to, Sundays.~~
- (c) ~~— Any brewer engaging in sales of malt beverages pursuant to subsection (a) of this Code section shall remit all state and local sales, use, and excise taxes to the proper tax collecting authority.~~
- (d) ~~— The Commissioner of the Department of Revenue shall promulgate and enforce such rules and regulations as he or she may deem reasonable and necessary to effectuate the provisions of this section.~~
- (e) ~~— Upon a violation by a brewer of any provision of this chapter or any rule or regulation promulgated thereunder, the Commissioner of the Department of Revenue shall have the power to place conditions or limitations on such brewer's license and to modify or amend such conditions or limitations.~~

~~(Ord. No. 2017-10, § 5, 8-21-17)~~

(a) The license to manufacture malt beverages in the City shall include the right to sell malt beverages to individuals on the brewer's licensed premises for personal use and not for resale, subject to the following terms and conditions:

(1) The brewer may only make sales of malt beverages to an individual while the individual is physically on the brewer's licensed premises where the brewer produces malt beverages;

(2) The brewer may make sales of malt beverages the brewer produces at the brewer's licensed premises where the individual is purchasing the malt beverages;

(3) As long as the brewer and all of the brewer's licensed premises are under common ownership, the brewer may make sales of malt beverages the brewer produces at any licensed premises of the brewer and subsequently transfers in compliance with the limitations and reporting obligations of subsection (b) of this Code section to the brewer's licensed premises for sale where the individual is purchasing the malt beverages;

(4) The brewer may only make sales of malt beverages for which the brewer is the sole owner of the brand and brand label;

(5) Sales for consumption on the premises are not subject to a daily maximum amount;

(6) Sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per individual per day; and

(7) The maximum amount of malt beverages the brewer may sell pursuant to subsection (a) of this Code section in each calendar year shall be 6,000 barrels in the aggregate among all brewer's licensed premises making such sales.

(b) Nothing in this Code section shall be interpreted to prohibit a brewer from transferring any liquid, regardless of whether such liquid would be deemed to be malt beverages or not, to or from any of the brewer's licensed premises; provided, however, with respect to any malt beverages a brewer produces at one of the brewer's licensed premises and transfers to be sold to individuals pursuant to subsection (a) of this Code section at another of the brewer's licensed premises, the maximum number of barrels of malt beverages permitted to be transferred from one licensed premises of the brewer to another licensed premises of the brewer shall not exceed the number of barrels of malt beverages the brewer produces under brands and brand labels for which the brewer is the sole owner at the licensed premises receiving the transferred malt beverages and the brewer shall file a report with the Georgia Department of Revenue and with the City of Kennesaw every calendar quarter documenting all such transfers in such form as the department shall require.

(c) A brewer may sell malt beverages pursuant to subsection (a) of this Code section on all days and at all times that sales of malt beverages by retailers are lawful within the City of Kennesaw, including, but not limited to, Sundays.

(d) Any brewer engaging in sales of malt beverages pursuant to subsection (a) of this Code section shall remit all state and local sales, use, and excise taxes to the proper tax collecting authority.

(e) The Commissioner of the Georgia Department of Revenue shall promulgate and enforce such rules and regulations as he or she may deem reasonable and necessary to effectuate the provisions of State law governing the sales of malt beverages, and any licensee under this Section must comply fully with any such rule or regulation and with any and all State laws, including but not limited to those found in O.C.G.A. Section 3-4-24, governing such sales.

(e) Upon a violation by a brewer of malt beverages of any provision of State law or any rule or regulation promulgated thereunder governing the sale of malt beverages, the Commissioner of the Georgia Department of Revenue shall have the power to place conditions or limitations on such brewer's State license and to modify or amend such conditions or limitations. In addition, the City of Kennesaw may place on probation with or without conditions, suspend with or without conditions, or revoke such brewer's license issued by the City of Kennesaw for any such violation and/or any violation of the Kennesaw Code of Ordinances governing such sales.

State Law reference— Sale of malt beverages, O.C.G.A. § 3-4-24.1.

SECTION 6. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-87 of said Chapter. The text of said Section 6-87 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-87 is amended by adding the following:

Sec. 6-87. – Employment and entry upon the premises.

- (a) As used in this Code section, the term "bouncer" means an individual primarily performing duties related to verifying age for admittance, security, maintaining order, or safety, or a combination thereof.
- (b) No person shall allow or require an individual under the age of 21 to serve as a bouncer on a premises or in an establishment where alcoholic beverages are dispensed, served, or sold pursuant to a license issued under this title.
- (c) No individual under the age of 21 shall enter or be allowed to enter a bar unless he or she is accompanied by his or her parent, guardian, or spouse who is 21 years of age or older. This subsection shall not apply to an individual while he or she is attending a live musical concert or live presentation of the performing arts for which he or she has paid an admission charge.
- (d) No licensee shall allow or require a minor to dispense, serve, sell or take orders for any alcoholic beverages. It shall be unlawful for any individual under the age of 21 to dispense, serve, sell or take orders for any alcoholic beverages in a bar.
- (e) It is the responsibility of the licensee and designee to ensure that the employees and independent contractors, whether compensated or non-compensated, required under this Code section obtain and possess the required work permit issued by the Kennesaw Police Department prior to working in the licensed establishment. Failure of an employee and/or independent contractor to possess a work permit while selling or serving alcoholic beverages, as required by this section, shall be unlawful and will subject the employee and/or independent contract and licensee to prosecution as provided in this chapter and shall be grounds for placing on probation, suspending, or revoking the license.

(Ord. No. 2016-18, § 3, 8-15-16)

Editor's note— Ord. No. 2016-18, § 3, adopted Aug. 15, 2016, amended § 6-87 in its entirety to read as herein set out. Former § 6-87 pertained to employment of minors and derived from Ord. No. 2008-18, § 2, adopted May 19, 2008.

SECTION 7. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-93 of said Chapter. The text of said Section 6-93 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-93 is amended by striking and adding the following:

Sec. 6-93. – Hours of operation.

- (a) *Alcoholic beverages by the package.* Licensees for the sale of distilled spirits by the package shall not engage in the sale of such beverages except between the hours of 8:00 a.m. and 11:55 p.m., Monday through Saturday. Licensees for the sale of distilled spirits by the package shall not engage in the sale of such beverages except between the hours of ~~12:30 p.m.~~ 11:30 a.m. and 11:30 p.m., Sunday; however, to engage in such sales the licensee must hold a license allowing it to sell such distilled spirits on Sundays. Licensees for the sale of malt beverages, and/or wine, and/or fortified wine, and/or hard cider by the package shall not engage in the sale of malt beverages, and/or wine, and/or fortified wine, and/or hard cider by the package except between the hours of 8:00 a.m. and 2:55 a.m. Monday through Friday, and 8:00 a.m. and 11:55 p.m. Saturday. Licensees for the sale of malt beverages, and/or wine, and/or fortified wine, and/or hard cider by the package shall not engage in the sale of malt beverages, and/or wine, and/or fortified wine, and/or hard cider by the package except between the hours of ~~12:30 p.m.~~ 11:30 a.m. and 11:30 p.m., Sunday; however, to engage in such sales the licensee must hold a license allowing it to sell such malt beverages, and/or wine, and/or fortified wine, and/or hard cider on Sundays.
- (b) *Alcoholic beverages by the drink.* Sale of any alcoholic beverages by the drink for on-premises consumption, including operation of a bottle house; licensees shall not engage in the sale of any alcoholic beverages between the hours of 2:00 ~~2:55~~ a.m. and 8:00 a.m. Monday through Saturday, and between the hours of 2:00 a.m. and 11:00 a.m. on Sunday. All alcoholic beverages will be consumed or removed no later than 30 ~~45~~ minutes after legal sales have been terminated, provided that this subsection shall not apply to private clubs hereunder, ~~and establishments holding a valid permit may be made in accordance with O.C.G.A. § 3-3-7(1), or as may be amended from time to time.~~
- (c) *Wholesalers.* The business hours of any wholesaler licensed under this chapter shall be sunup to sundown, exclusive on Sunday.
- (d) *Sundays.* A licensee for the sale of distilled spirits, malt beverages, and/or wine, and/or fortified wine, and/or hard cider by the package at retail shall be allowed to sell such alcoholic beverages between the hours of 11:30 a.m. ~~12:30 p.m.~~ and 11:30 p.m. on Sundays only if that licensee holds a permit from the city authorizing that licensee to engage in Sunday sales of the type of alcoholic beverages being sold.

- (e) *Election days.* The sale of alcoholic beverages in the city shall be permitted on election days as provided by O.C.G.A. § 3-3-20, as amended.
- (f) Nothing contained in this section shall prevent any restaurant that is licensed to sell alcoholic beverages for consumption on the premises to permit a patron to remove one unsealed bottle of wine and/or bottle of fortified wine per patron for consumption off premises, provided that the patron has purchased a meal and consumed a portion of the bottle of wine on the restaurant's premises. The securing, resealing and transporting of said bottle of wine and/or bottle of fortified wine shall be in accordance with procedures outlined in O.C.G.A. § 3-6-4.
- (g) *Distiller.* A distiller may sell distilled spirits on all days and at all times that sales of distilled spirits by retailers and retail consumption dealers are lawful within the city, including, but not limited to Sundays.

(Ord. No. 2008-18, § 2, 5-19-08; Ord. No. 2008-24, 6-16-08; Ord. No. 2008-25, 7-7-08; Ord. No. 2008-28, § 1, 8-4-08; Ord. No. 2010-13, § 7, 6-21-10; Ord. No. 2011-30, 12-19-11; Ord. No. 2012-11, 9-4-12; Ord. No. 2017-10, § 7, 8-21-17; Ord. No. 2018-28, 12-3-18)

State Law reference— Sale of alcoholic beverages on election days, O.C.G.A. § 3-3-20.

SECTION 8. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-96 of said Chapter. The text of said Section 6-96 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-96 is amended by striking it in its entirety:

~~• **Sec. 6-96. Sale or delivery to unlicensed premises or unlicensed caterers.**~~

- ~~(a) It shall be unlawful for any licensee under this chapter to make deliveries of any alcoholic beverage by the package beyond the boundaries of the premises covered by the license.~~
- ~~(b) It shall be unlawful for any licensee under this chapter to allow the sale or delivery of any alcoholic beverage by the drink to any area other than the premises covered by the license.~~
- ~~(c) It shall be unlawful for unlicensed individuals or caterers to sell alcoholic beverages.~~

~~(Ord. No. 2008-18, § 2, 5-19-08)~~

SECTION 9. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to amend Section 6-109 of said Chapter. The text of said Section 6-109 is set out in the attached Exhibit A, which is incorporated as a part of this ordinance as if fully set out herein. Said Section 6-109 is amended by striking and adding the following:

Sec. 6-109. – Pricing of alcoholic beverages.

- (a) This section shall be construed to cover, include and apply to every type of alcoholic beverage licensed to be sold in the City of Kennesaw, including wine, fortified wine, hard cider, malt beverages and spirituous liquors.

- (b) No licensee or holder of any license to sell alcoholic beverages for consumption on the premises or in any part thereof, or employee or agent of a licensee, shall:
- (1) Offer or deliver any free alcoholic beverage to the general public. This subsection shall not apply to tasting rooms of farm wineries where wine is offered in a quantity to only taste the product. This subsection shall also not apply to those persons or entities who are engaged in the business of refilling growlers who are allowed to provide samples to taste the product as set forth in [section 6-111](#) of this chapter.
 - (2) Deliver more than two alcoholic beverages to one person at one time, or allow any patron to possess more than two alcoholic beverages at one time.
 - (3) Sell, offer to sell, or deliver to any person or group of persons two or more or an unlimited number of alcoholic beverages during any set period of time at a fixed price, except at private functions not open to the public.
 - (4) Sell, offer to sell, or deliver alcoholic beverages, by the pitcher or carafe, except to two or more persons at any one time.
 - (5) Encourage or permit on the licensed premises any game, event, competition, contest, or promotion that involves the drinking of alcoholic beverages or the awarding of alcoholic beverages as a prize.
 - (6) Sell two or more alcoholic beverages for a price per beverage that is less than that charged for the one such alcoholic beverage.
 - (7) Require or encourage the purchase of a second or subsequent alcoholic beverage at the same time another alcoholic beverage is purchased.
 - (8)) Knowingly allow an alcoholic beverage purchased on the premises to be removed from the premises without having been consumed. "Premises," for the purchase of this section, shall be construed to mean the entire area under the supervision, management or control of the licensee, excluding areas for parking of motor vehicles; and, in the case of licensees whose licensed location is located on a portion of the premises of a club, organization, establishment or entity offering outdoor recreation (for instance, golf or tennis), the word "premises" shall extend to cover all areas operated as a part of the club or entity excluding areas for parking of motor vehicles. This section shall not apply to establishments located in Entertainment Districts within the City of Kennesaw. This section shall also not prohibit the delivery of alcoholic beverages to customers by licensed establishments for off-premises consumption to the extent allowed by Georgia law.
- (c) There shall be no advertisement or promotion in any way, whether within or without the licensed premises, of any of the practices prohibited under this section.
- (d) No provision of this section shall be construed to prohibit licensees from offering free food or entertainment at any time, or to prohibit licensees from including an alcoholic

beverage as a part of a meal package, or to prohibit the sale or delivery of wine or fortified wine by bottle or carafe when sold with meals to more than one person, or to prohibit any hotel or motel from offering room services to registered guests, or to prohibit the sale of more than two drinks at one time which are to be consumed by the purchaser out-of-doors on the premises of the licensee, as described in this section, in connection with the purchaser's participation as a player of games of golf or tennis; otherwise, no food and alcoholic beverage package may be offered by any licensee; however, nothing contained in this section shall be construed to allow a licensee to circumvent the intent of this section by offering meals which include an alcoholic beverage as a device or scheme to promote drink sales at a price per beverage less than the daily listed price.

(Ord. No. 2008-18, § 2, 5-19-08; Ord. No. 2008-25, § 1, 7-7-08; Ord. No. 2010-13, § 8, 6-21-10; Ord. No. 2012-11, 9-4-12)

SECTION 10. Chapter 6 of the Code of Ordinances of the City of Kennesaw, Georgia, is hereby amended so as to add Section 6-116 to said Chapter as follows:

Sec. 6-116. – Tasting Events at Retail Package Stores

Notwithstanding any other provision of this Section, retail package liquor stores license within the City of Kennesaw 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 Section or under any rules or regulations of the Commissioner of the Georgia Department of Revenue, 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 City of Kennesaw 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; and

(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.

State Law reference— Tasting events, O.C.G.A. §3-15-1 and O.C.G.A. §3-15-2.

SECTION 11. BE IT FURTHER ORDAINED THAT this ordinance shall become effective from and after its adoption and execution by the Mayor, pursuant to Section 2.11 of the City Charter of the City of Kennesaw.

ADOPTED THIS 15th DAY OF NOVEMBER, 2021.

Derek Easterling, Mayor

Attest:

City Clerk