

**ORDINANCE NO. 772**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF FLOWERY BRANCH, GEORGIA TO MODIFY PROVISIONS RELATED TO COMPLETION OF PREMISES PROPOSING TO BE LICENSED TO SELL ALCOHOL, TO MODIFY PROVISIONS RELATED TO SALES OF ALCOHOL FOR OFF PREMISES CONSUMPTION BY CERTAIN ESTABLISHMENTS THAT SELL ALCOHOL FOR ON PREMISES CONSUMPTION, TO MODIFY PROVISIONS RELATED TO MINIMUM FOOD SALE REQUIREMENTS OF CERTAIN ESTABLISHMENTS LICENSED TO SELL ALCOHOL FOR ON PREMISES CONSUMPTION, TO MODIFY PROVISIONS RELATED TO THE DOWNTOWN DINING DISTRICT, TO MODIFY PROVISIONS RELATED TO THE LICENSING OF BREW PUB ESTABLISHMENTS, TO MODIFY PROVISIONS RELATED TO FARM WINERY TASTING ROOMS, TO PROVIDE FOR SEVERABILITY, TO REPEAL CONFLICTING ORDINANCES, TO PROVIDE FOR AN EFFECTIVE DATE AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, the City of Flowery Branch City Council may exercise legislative power to adopt reasonable ordinances pursuant to the Municipal Home Rule Act; and

**WHEREAS**, the City Council wishes to allow a variety of prudently regulated establishments that may serve alcoholic beverages in a responsible manner within the city limits; and

**WHEREAS**, state law has changed in recent years to accommodate various new business models that serve alcoholic beverages; and

**WHEREAS**, the City Council seeks to provide clarity to current and potential proprietors of local establishments,

**NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.**

Section 8-61 of the City Code of Flowery Branch is hereby amended to read as follows:

“Sec. 8-61. - Completion of proposed licensed premises.

If the building in which an applicant for a license proposes to operate under the provisions of this chapter is not, at the time of application for the license, in existence, or not yet completed, a license may be issued for the location provided the plans and specifications for the proposed building are filed with the police chief, and show clearly a compliance with the provisions of this article and other applicable provisions of this code. No sales of alcoholic beverages shall be allowed in the establishment nor anywhere on the property until the building has been completed in accordance with the plans and specifications and in conformity with all other provisions of this code, as well as appropriate building codes, and a certificate of occupancy has been issued for the building.

Should a certificate of occupancy be denied or revoked, any alcoholic beverage license authorizing sales at such location shall immediately be rendered void.”

## SECTION 2.

Section 8-132 of the City Code of Flowery Branch is hereby amended to read as follows:

“Sec. 8-132. - Consumption-only sales.

Persons holding a license to sell alcoholic beverages for consumption on the premises shall not be permitted to sell any alcoholic beverage by the package or bottle for consumption off premises except as provided for in section 8-170, section 8-175, and section 8-177, and section 8-180.”

## SECTION 3.

Section 8-142 of the City Code of Flowery Branch is hereby amended to read as follows:

“Sec. 8-142. - Food sale requirement.

- (a) Consumption on the premises licensees shall maintain more than 40 percent of their gross sales from the sale of food; and for the purposes of this section, food shall be defined as any product intended for human consumption, except those containing alcohol, or those sold as over-the-counter medicines. The 40 percent ratio shall be determined on a calendar quarter basis on the monthly reports submitted by each licensee. In the event food sales fall below 40 percent of the gross sales for any quarter, then the licensee shall be placed on probation for the next succeeding quarter. At the end of the next succeeding quarter, if food sales have not attained more than 40 percent of gross sales then the police chief may suspend or revoke such license in accordance with this chapter.
- (b) Section 8-142(a) shall not apply to licensed micro-breweries, ~~or~~ licensed micro-distilleries, licensed farm winery tasting rooms, or hotels.”

## SECTION 4.

Section 8-114 of the City Code of Flowery Branch is hereby amended to read as follows:

“Sec. 8-114. - Consumption in public; possession or consumption on city property; exemption.

- (a) No person shall consume any alcoholic beverage from any open container while in or upon any area open to the public, whether public or private.
- (b) This section shall not apply in the following instances:
  - (1) The city manager, or his or her designee, may allow consumption of alcoholic beverages during special events that are open to the public or are on city property by

approval of a written application made to the city manager or his or her designee upon forms provided by the city under the following conditions:

- a. One drink limit. No person shall hold in his possession more than one alcoholic beverage in a paper or plastic cup.
- b. Size limited to 16 fluid ounces. No container in which an alcoholic beverage is dispensed shall exceed 16 fluid ounces in size. No person shall hold in his possession any open alcoholic beverage container which exceeds 16 fluid ounces in size.
- c. Drinking from a can, bottle or glass is prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle or glass vessel or to possess in an open can, bottle or glass vessel any alcoholic beverage.
- d. All alcoholic beverages shall only be served by a licensed caterer or eating establishment.
- e. Designated cups. All alcoholic beverages shall be consumed from a cup designated and approved by the City.

(2) In the downtown dining district, as defined ~~by this chapter~~ in this Code section:

- a. For the purposes of this chapter only, a the downtown dining district is defined as follows: A specifically authorized and pedestrian-oriented area of the city as established by resolution of mayor and council that allows those establishments located in the downtown dining district with valid consumption on the premises licenses, brewpub licenses, micro-brewery licenses, micro-distillery licenses, or farm winery tasting rooms licenses growler licenses, or amenity permits to dispense and/or serve an alcoholic beverage for carry out purposes, provided all other laws, rules and ordinances are followed.
- b. Within a the downtown dining district, any licensed establishment identified in this subsection licensed to sell alcoholic beverages by the drink for consumption on the premises, is authorized to dispense an alcoholic beverage in a plastic cup; provided, however, that no person shall remove more than one such alcoholic beverage from the licensed premises at a time.
- c. Within a the downtown dining district, no unsealed container in which an alcoholic beverage is dispensed shall not exceed 16 fluid ounces in size. No person shall hold in their possession on the streets and sidewalks, in parks and squares, or in other public places within a downtown dining district any open alcoholic beverage container which exceeds 16 fluid ounces in size.

- d. It shall be unlawful within a the downtown dining district for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and/or parking lots, whether public or private.
- e. No alcoholic beverage may be consumed outside of the downtown dining district, or upon any private property, without the express consent of the private property owners.”

## SECTION 5.

Section 8-170 of the City Code of Flowery Branch is hereby amended to read as follows:

“Sec. 8-170. - Brew pubs.

Notwithstanding any other provision of this chapter to the contrary, a limited exception to section 8-131 shall exist for owners and operators of brew pubs provided that:

- (a) No individual shall be permitted to own or operate a brew pub without first obtaining a proper brew pub license from the city council. Each brew pub license holder shall comply with all other applicable state and local license requirements. A brew pub license authorizes the holder of such license to:
  - (1) Manufacture on the licensed premises not more than 10,000 barrels of beer in a calendar year solely for retail sale ~~consumption on the premises and solely in draft form;~~
  - (2) Operate a restaurant that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such alcoholic beverages are purchased from a licensed wholesale dealer for consumption on the premises only and, provided further, in addition to draft beer manufactured on the premises, each brew pub licensee shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer; and
  - (3) Sell up to a maximum of 5,000 barrels annually of such malt beverages to licensed wholesale dealers; provided that under no circumstances shall such malt beverages be sold by a brew pub licensee to any person holding a retail consumption dealer's license or a retailer's license for the purpose of resale.
- (b) Possession of a brew pub license shall not prevent the holder of such license from obtaining any other license available under this chapter for the same premises.
- (c) Other than sales to licensed wholesales dealers authorized by subsection (a)(3), a brew pub licensee ~~does not authorize the holder of such license to~~ may only sell for consumption off

the premises packages of malt beverages produced on site ~~except as authorized by subsection (1)(iii).~~

- (d) A brew pub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (e) Except as set forth in this section, a brew pub license holder shall be subject to all sections of this chapter.”

## SECTION 6.

Section 8-180 of the City Code of Flowery Branch is hereby amended, to read as follows:

“Sec. 8-180. - Regulations.

Licenses for farm winery tasting rooms may be issued to qualified applicants provided that:

- (a) No individual shall be permitted to own or operate a farm winery tasting room in the city limits of Flowery Branch without obtaining a proper farm winery license from the State of Georgia and a farm winery tasting room license from the City; each such license holder shall comply with all other applicable state and local license requirements.
- (b) All state laws, rules and regulations relating to the manufacture, sale, and distribution of wine, as may be amended from time to time, are hereby incorporated into and made a part of this division as if fully set out in this section.
- (c) A farm winery tasting room licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
- (d) Except as set forth in this section, a farm winery tasting room licensee shall be subject to all sections of this chapter.
- (e) A farm winery tasting room licensee may only make sales for consumption off the premises of wine produced by licensed Georgia farm wineries.
- (f) A farm winery tasting room licensee may only sell for consumption on the premises:

(1) wine produced by licensed Georgia farm wineries, and

(2) wine not produced by licensed Georgia farm wineries and malt beverages, provided that any such wine not produced by licensed Georgia farm wineries and malt beverages sold pursuant to this subsection shall be purchased by the winery from a licensed wholesaler at wholesale prices.”

**SECTION 7.**

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


**SECTION 8.**


This ordinance shall take effect immediately upon approval.

**SECTION 9.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Approved this 4 day of December 2025.

  
Edward R. Asbridge, Mayor

  
Shelia R. Cooper, City Clerk

APPROVED AS TO FORM

  
Ted C. Baggett, City Attorney

