

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 6 (ALCOHOLIC BEVERAGES) ARTICLE II, DIVISION 6 (MANUFACTURERS OF DISTILLED SPIRITS, MALT BEVERAGES AND WINE) TO PROVIDE FOR REGULATION OF RETAIL SALE OF ALCOHOLIC BEVERAGES AND SALE FOR CONSUMPTION ON THE PREMISES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Sandy Springs (“City Council”) are charged with the protection of the public health, safety, and welfare of the citizens of the City of Sandy Springs; and

WHEREAS, pursuant to Senate Bill 85, passed in the 2017 Georgia General Assembly and signed into law by the Governor, the state has provided new regulations governing the manufacturing of distilled spirits, malt beverages and wine; and

WHEREAS, the City Council has determined that it is appropriate to modify the Code of Ordinances of the City of Sandy Springs (the “Code”) to reflect the new changes in state law.

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City’s Code of Ordinances is amended as follows:

SECTION I: Chapter 6, Article II, Division 6 relating to Manufacturers of Distilled Spirits and Malt Beverages is hereby amended, and will read as follows:

DIVISION 6. - MANUFACTURERS OF DISTILLED SPIRITS, MALT BEVERAGES AND WINE

Sec. 6-167. - License required to manufacture.

It shall be unlawful for any person to manufacture any alcoholic beverages within the city except under a valid license issued under this article and chapter.

Sec. 6-168. - Manufacturer defined.

As used herein, a "manufacturer" means any maker, producer, or bottler of an alcoholic beverage and:

- (1) In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits, also known as a distiller;
- (2) In the case of malt beverages, any brewer, excepting, however, brewpub brewers, licensed under Section 6-53 of Article II of this chapter; and
- (3) In the case of wine, any vitner.

Sec. 6-169. - Compliance with state law required.

The applicant for a manufacturer license shall be subject to and comply with all state laws and regulations.

Sec. 6-170. - Application for a manufacturer license.

Application for a manufacturer license shall be made in the same manner and subject to the same rules and procedures as an application for any other license authorized under this chapter. 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 resolution adopted by the city council.

Sec. 6-171. - Manufacturer licenses.

Manufacturer licenses which may be issued under this article shall be specific to the alcoholic beverage to be manufactured:

- (1) Manufacturer license for distilled spirits;
- (2) Manufacturer license for malt beverages;
- (3) Manufacturer license for wine.

Sec. 6-172. Manufacturer of Distilled Spirits

- (A) Barrel, as used in this section, means 53 gallons.
- (B) As provided by O.C.G.A. 3-4-24.2, a limited exception to the three-tier system for the distribution and sale of distilled spirits 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 the 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.
- (C) A distiller may sell distilled spirits pursuant to subsection (A) of this section on all days and at all times that sales of distilled spirits by retailers and retail consumption dealers are lawful, including, but not limited to Sundays.
- (D) 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 O.C.G.A 3-4-26(b).
- (E) Any distiller engaging in sales of distilled spirits pursuant to subsection (A) of this section shall remit all sales, use, and excise taxes to the proper tax collecting authority.

Sec. 6-172.1 - Manufacturer of Malt Beverages

- (A) Barrel, as used in this section, means 31 gallons.
- (B) As provided by O.C.G.A. 3-4-24.1, a limited exception to the three-tier system for the distribution and sale of malt beverages 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 the 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 beverage per consumer per day.
- (C) A brewer may sell malt beverages pursuant to subsection (A) of this section on all days and at all times that sales of malt beverages by retailers are lawful, including, but not limited to Sundays.
- (D) A brewer engaging in sales of malt beverages pursuant to subsection (A) of this section shall remit all sales, use, and excise taxes to the proper tax collecting authority.

Sec. 6-173. - Sale allowed only to wholesalers.

Distilled spirits, malt beverages, and wine manufactured pursuant to a manufacturer license issued hereunder shall be sold only to wholesalers and not directly to retailers or end consumers except as may otherwise be specifically provided hereinabove as allowed by state law.

SECTION II: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

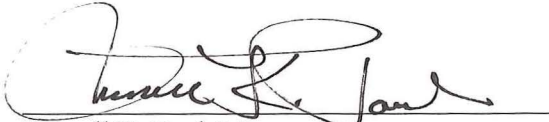
SECTION III: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

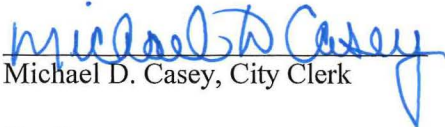
SECTION V: This Ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED this the 15th day of August, 2017.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)

