

City of Sugar Hill

ARTICLE III RETAIL SALE OF WINE

DIVISION 2. LICENSE

The Alcoholic Beverages Ordinance of the City of Sugar Hill, Georgia is hereby amended by deleting section Sec. 6-138 (a) (1) in its entirety, renumbering Secs. 6-138 (a) (2) and (3) to (1) and (2). The Alcohol Code is also amended by amending section Secs. 151 (c) and (d). All other sections of Secs.151 remain the same.

Sec. 6-138 (a) (1)

The sale of wines may not be done as a primary business, but can be done only as an incidental part of another existing ongoing business, so that the sale of wines, at retail, shall consist of not more than 20 percent of the gross revenue realized from the overall operation of the business conducted from such location.

Sec. 6-151. Ancillary wine tasting license.

(c) The holder of an ancillary wine tasting license may conduct instructional or educational sampling classes for a period that does not exceed four (4) consecutive hours. The license holder shall be permitted to conduct instructional or educational sampling classes not to exceed fifty-two (52) times per calendar year.

(d) No Consumer shall be permitted to consume more than five (5) ounces in any four (4) hour period.

Secs. 6-152 – 6-175. Reserved.

Approved this 10th day of October, 2022.

Council Voting For:

Council Voting Against:

Brandon Hembree, Mayor

Attest:

Jane Whittington, City Clerk

(d) *Publication of notice.* No application for license for the sale of wines within this city shall be acted upon by the council until after notice shall have been run in a meeting at which such application is to be presented and considered. Such notice shall contain the name of the applicant and the location of the proposed business, and shall be run at the applicant's expense.

(e) *Factors for council consideration.* The council, in passing upon an initial application for a license for the retail sale of wines, at the final meeting thereon, shall be guided by the following factors as to whether to grant or deny such application:

- (1) The proximity of other establishments selling wines to the proposed location.
 - (2) The character of the neighborhood immediately adjacent to the proposed location.
 - (3) The proximity of churches, schools and playgrounds to the proposed location.
 - (4) Whether the proposed location has adequate off-street parking facilities or other parking available for its patrons.
 - (5) Whether the location would tend to increase and promote traffic congestion and resulting hazards therefrom.
 - (6) The feelings and attitudes of the citizens residing in the area adjacent to the proposed location.
 - (7) The information set forth in the application.
 - (8) Whether any wine license previously issued for such location was ever revoked for cause by the council.
 - (9) Whether the applicant has ever sold wines illegally in the city.
- (Code 1988, § 3-43)

Sec. 6-138. Restrictions on issuance.

(a) No license shall be issued for the retail sale of wines in accordance with this article unless the following conditions are met:

- (1) The sale of wines may not be done as a primary business, but can be done only as an incidental part of another existing ongoing business, so that the sale of wines, at retail, shall consist of not more than 20 percent of the gross revenue realized from the overall operation of the business conducted from such location.
- (2) Premises from which the business of retail sale of wines is conducted shall contain at least 2,000 square feet of floor space including the operation of the wine business and the other business to which it is incidental, and such premises shall be kept in full compliance, at all times, in a safe and sanitary condition, and in accordance with all laws and ordinances regulating the condition of premises used for the storage or sale of food for human consumption.
- (3) Any premises for which a license is initially issued for retail sales of wines shall be no closer than a distance of 75 feet from the property line of any then-existing

church, school, licensed day care facility or college. The distances in the subsection shall be measured in accordance with the definition and method set forth in section 6-178 of this chapter. The distance requirements in this subsection shall not be interpreted to be in conflict with the minimum distances set forth in Georgia Statutes. The distances in this subsection shall never be less than those distances required by Georgia Statutes and in all cases in which the distances in this subsection are greater than those provided by Georgia Statutes then the distances set forth in this subsection shall control.

(b) No license shall be issued to any applicant whose place of business is not in full compliance with all minimum building codes adopted by the city.

(c) It shall be unlawful to sell or dispense any alcoholic beverages, including but not limited to the retail sale of wine, from or at a drive-in, drive-thru, drive-up, or service bay, window or other facility. Further, curb service is expressly prohibited.

(Code 1988, § 3-44; Ord. of 7-9-1990; Amd. of 6-2000; Ord. of 10-9-2006(1); Ord. of 3-14-2011(1))

State law reference—Location restrictions, O.C.G.A. § 3-3-21.

Sec. 6-139. Issuance.

(a) Upon the express approval of the council, the city clerk shall issue a business license to the applicant for the retail sale of wines, which license shall reflect thereon the nature of the business so authorized, and shall bear the date of issuance and the signature of the mayor and the city clerk.

(b) The granting of a license for the retail sale of wines under the provisions of this article shall be deemed a privilege only, and nothing herein contained shall be construed as granting any person whose business is subject to municipal regulation any legal right to engage in such business.

(c) If the applicant is denied the issuance of a license under the provisions of this article by the council, the applicant may not apply for a license at the same location for a period of 90 days from the date of denial by the council. If an applicant is denied the issuance of a license under the provisions of this article for a second time, then the applicant may not apply for a license at the same location for a period of 180 days from the date of denial by the council.

(Code 1988, § 3-45; Amd. of 5-2002)

Sec. 6-140. Display.

It shall be the duty of any person conducting a business licensed under this article to keep such license posted in a conspicuous place on the premises used for such business at all times.

(Code 1988, § 3-46)

Sec. 6-151. Ancillary wine tasting license.

(a) The holder of a license for the retail sale of wine (package only) from the City and a valid current wine license from the State shall be eligible for an ancillary wine tasting license for only the location stated on its license to provide samples of wine offered for sale to customers under the conditions set forth in this section.

(b) Wine samples shall be offered only as part of a wine tasting conducted for instructional or educational purposes.

(c) The holder of an ancillary wine tasting license may conduct instructional or educational sampling classes for a period that does not exceed two (2) consecutive hours. The license holder shall be permitted to conduct instructional or educational sampling classes not to exceed six (6) times per calendar year.

(d) Samples of wine shall not exceed two (2) ounces and no customer shall be permitted to consume more than eight (8) ounces in any two (2) hour period.

(e) Wine tasting is permitted only within an enclosed area of the premises with a single means of ingress and egress for that area. The applicant's proposed measures to segregate the wine tasting area and proposed staffing and oversight plans for conducting a wine tasting shall be submitted to the City Clerk for review and approval.

(f) Wine bottles shall be opened only by the licensee or an employee, and samples shall be poured only by the licensee or an employee.

(g) No containers of wine that have been opened shall be removed from the licensed premises.

(h) All wines utilized for tasting purposes shall be obtained from a licensed retail or wholesale dealer.

(i) Wine tastings shall comply with all laws and regulations pertaining to the distribution and sale of alcoholic beverages in the State and City.

(j) The annual fee for an ancillary wine tasting license shall be One Hundred Dollars (\$100.00), which may be revised from time to time by resolution of the mayor and city council.

June, 2012

Secs. 6-152 – 6-175. Reserved.