Agenda Item 20150627
Ordinance No. 7833

AN ORDINANCE

AMENDING Section 8-8-2-280 of the Code of Marietta, Georgia, Ancillary wine tasting license and 8-8-2-290, Ancillary malt beverage tasting license.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA:

Section 1: Section 8-8-2-280 shall read as follows:

8-8-2-280 - Ancillary wine tasting license.

A. The holder of a retail package license for wine whose sales from such constitute 80% or more of gross revenues shall be eligible for either an ancillary wine tasting license and the holder of a retail package license for malt beverages shall be eligible for an ancillary malt beverage tasting license, but not both, to provide samples of wine or malt beverage offered for sale to customers under the conditions set forth in this section. However, neither an ancillary wine tasting license nor an ancillary malt beverage tasting license is available to grocery stores and convenience stores.

B. Wine tasting shall be on limited occasions when a customer requests or is offered a sample of a wine offered for sale within the premises, or in conjunction with wine education classes and tasting designed to promote wine appreciation and education.

C. Wine tasting for customers shall only be conducted at a counter area constituting no more than fifteen (15) percent of the entire floor area of the premises.

D. Wine tasting for customers shall be limited to one consecutive two-hour period in any one day. Samples shall not exceed four (4) ounces, and no customer shall consume more than sixteen (16) ounces in any two-hour period.

E. Wine bottles shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.

F. No open containers of wine shall be removed from the licensed premises.

G. Not more than two times per week for a period of not to exceed two consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes. All conditions of sampling [set] forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.

H. No license holder shall conduct both a wine tasting and educational classes on the same day.

I. Wine tasting is only permitted within the enclosed portion of the premises.

J. The annual fee for an ancillary wine tasting license shall be two-hundred fifty dollars ($250.00), which fee may be revised from time to time by resolution of the mayor and council.

Section 2: Section 8-8-2-290 shall read as follows:

8-8-2-290 - Ancillary malt beverage tasting license.

A. The holder of a retail package license for malt beverages whose sales from such constitute 80% or more of gross revenues shall be eligible for either an ancillary wine tasting license and the holder of a retail package license for malt beverages shall be eligible for an ancillary malt beverage tasting license, but not both, to provide samples of wine or malt beverage offered for sale to customers under the conditions set forth in this section. However, neither an ancillary wine tasting license nor an ancillary malt beverage tasting license is available to grocery stores and convenience stores.

B. Malt beverage tasting shall be on limited occasions when a customer requests or is offered a sample of a malt beverage offered for sale within the premises, or in conjunction with malt beverage education classes and tasting designed to promote malt beverage appreciation and education.

C. Malt beverage tasting for customers shall only be conducted at a counter area constituting no more than fifteen (15) percent of the entire floor area of the premises.

D. Malt beverage tasting for customers shall be limited to one consecutive two-hour period in any one day. Samples shall not exceed four (4) ounces, and no customer shall consume more than sixteen (16) ounces in any two-hour period.

E. Malt beverage containers shall be opened only by the licensee or an employee, and samples shall only be poured by the licensee and/or an employee.

F. No open containers of malt beverage shall be removed from the licensed premises.

G. Not more than two times per week for a period of not to exceed two consecutive hours, the holder of an ancillary malt beverage tasting license may conduct educational classes and sampling for classes. All conditions of sampling [set] forth in this section shall apply to such classes, except for the limitation on floor areas where the classes can be conducted.

H. No license holder shall conduct both a malt beverage tasting and educational classes on the same day.

I. Malt beverage tasting is only permitted within the enclosed portion of the premises.

J. The annual fee for an ancillary malt beverage tasting license shall be two hundred and fifty dollars ($250.00), which fee may be revised from time to time by resolution of the mayor and council.

Section 3: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 4: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 5: This Ordinance shall become effective upon the signature or without the signature of the Mayor subject to Georgia laws 1983, page 4119.

DATE: **August 12, 2015**

APPROVED: R. Steve Tumlin, Jr.
R. Steve Tumlin, Mayor

ATTEST: Stephanie Guy
Stephanie Guy, City Clerk

Approved as to form: DR Haynie
Douglas R. Haynie, City Attorney