

## ORDINANCE PREVIEW

### ALCOHOLIC BEVERAGES – MANUFACTURER’S LICENSE

#### ARTICLE I. - IN GENERAL

##### Definitions:

*Malt beverage* means any alcoholic beverage obtained by the fermentation or any infusion or decoction of barley, malt, hops or any other similar product, or any combination of such products in water, containing not more than ~~fourteen~~six percent alcohol by volume, and including but not limited to ale, porter, brown, stout, lager beer, malt liquor, small beer and strong beer.

*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;
- 2) In the case of malt beverages, any brewery; and
- 3) In the case of wine, any vintner.

*Minor* means any person under the age of 21 years.

*Package* means a bottle, can, keg, barrel or other original consumer container.

*Permitted location* means a building, premises or location for which a permit is required pursuant to this chapter and shall include a premises and a licensed premises as defined herein.

*Person* means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit.

*Premises* means a definite enclosed area or other outside area with controlled ingress and egress wherein spirituous liquors, alcoholic beverages, malt beverages or wine shall be manufactured; sold and consumed; and/or sold by the package to be consumed elsewhere.

#### DIVISION 1. - GENERALLY

##### **Sec. 6-36. - License required to sell alcoholic beverages.**

(a) Licenses for the sale of alcoholic beverages shall be issued by the city clerk at an annual license fee to be established by city council resolution for the following:

- (1) Retail consumption dealer (distilled spirits);
- (2) Retail package dealer (distilled spirits);
- (3) Retail consumption dealer (malt beverage);
- (4) Retail package dealer (malt beverage);
- (5) Retail consumption dealer (wine);
- (6) Retail package dealer (wine);
- (7) Wholesale dealer (distilled spirits);

- (8) Wholesale dealer (malt beverage);
  - (9) Wholesale dealer (wine);
  - (10) Manufacturer (distilled spirits)
  - (11) Manufacturer (malt beverage);
  - (12) Manufacturer (wine)
  - (130) Retail consumption dealer—Additional license;
  - (141) Qualifying location permit (distilled spirits, malt beverages and wine);
  - (152) Special event permit;
  - (163) Retail consumption dealer (distilled spirits, malt beverage, wine) Frederick Brown, Jr., Amphitheater;
  - (174) Wine tasting permit (supplemental to retail package dealer for wine or retail package dealer for wine and malt beverage); and
  - (185) Growler sampling permit (supplemental to retail package dealer for malt beverage or wine and malt beverage).
- (b) Wholesale dealers are not required to pay a license fee pursuant to subsection (a)(7), (8) and (9) of this section unless the wholesaler or his agent delivers alcoholic beverages at the time the order is taken or unless the wholesaler's business is located within the city limits.
- (c) The fee for the retail consumption license issued for the Frederick Brown, Jr., Amphitheater shall be 50 percent of the annual fee established by city council; provided, however, that if the licensee holds another retail consumption license within the city the fee shall be 25 percent of the annual fee established by the city council.
- (d) All licenses issued in this article shall constitute a mere grant of a privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this chapter and related laws, applicable provisions of this Code, and other ordinances and resolutions of the city relating to such business.
- (e) Both the licensee and the license representative shall be the authorized and duly constituted agent for service of all notices and processes required to be served on or given under this article for any action or proceeding or uses of any nature whatsoever permitted under the provisions of this chapter or under any other provisions of this Code.

Sec. 6-46. - Excise tax; report; penalty for failure to file; payment.

- (a) In addition to the annual ~~retail~~ license fee required for the sale of alcoholic beverages, there is levied an excise tax computed as follows:
- (1) For distilled spirits, the maximum allowed as provided in O.C.G.A. § 3-4-80;
  - (2) For foreign and domestic wines, the maximum allowed as provided in O.C.G.A. § 3-6-60 except as exempt in O.C.G.A. § 3-6-70; and
  - ~~(3) For malt beverages commonly known as tap or draft beer and when sold in and from a barrel or bulk container and until December 1, 2002, a tax of \$3.00 on each container sold containing not more than 15½ gallons and a proportionate tax at the same rate on all fractional parts of 15½ gallons; when malt beverages are sold in bottles, cans or other containers, except barrel or bulk containers, until December 1, 2002, a tax of~~

\$0.05 per 12 ounces and a proportionate tax at the same rate on all fractional parts of 12 ounces.

(34) For malt beverages, ~~on and after December 1, 2002,~~ the maximum allowed as provided in O.C.G.A. § 3-5-80 except as exempt in O.C.G.A. § 3-5-90.

- (b) The excise tax levied under subsection (a)(1), (2) and (3) of this section shall be paid and collected in the following manner: Except for alcoholic beverages sold directly to consumers on the premises of a licensed manufacturer, the taxes shall be paid by the wholesale dealer on or before the 20th day of the month following the calendar month in which the beverages are sold or disposed of within the city by the wholesale dealer. In the case of alcoholic beverages sold directly to consumers on the premises of a licensed manufacturer, the taxes shall be paid by the manufacturer on or before the 20th day of the month following the calendar month in which the beverages are sold or disposed of within the city by the manufacturer. The wholesale dealer or manufacturer, as the case may be, shall also file a report itemizing for the preceding calendar month the exact quantities of alcoholic beverages by size and type of container, sold during the month within the city, except that manufacturers do not have to report alcoholic beverages sold to wholesalers. The wholesale dealer or manufacturer, as the case may be, shall file the report and pay the tax at the office of the city clerk.
- (c) The failure to make a timely report and remittance shall render the defaulting licensee liable for a penalty equal to ten percent of the total amount due during the first 30-day period following the date such report and remittance were due and a further penalty of 25 percent of the amount of such remittance for each successive 30-day period or any portion thereof, during which such report and remittance are not filed or paid.
- (d) The filing of a false or fraudulent report shall render the dealer making the report liable for a penalty equal to 50 percent of the amount of the remittance which would be required under an accurate and truthful report, and shall also constitute grounds for probation, suspension or revocation of such license, and shall also constitute a violation of the ordinances of the city for which the offender may be convicted in the municipal court as provided in the Charter.

Sec. 6-56. – Manufacturers.

- a) It shall be unlawful to operate an establishment governed under the provisions of this article without first obtaining a license from the city clerk and paying such fees and taxes as may be required by the ordinances, rules and regulations of the city.
- b) Notwithstanding any other provision of this Chapter 6, tastings and direct-to-consumer sales, including both on-premises and off-premises sales, from the licensed premises shall be permitted in accordance with state law, as amended from time to time.
- c) Notwithstanding any other provision of this Chapter 6, and in addition to on-premises sales and package sales, a licensed brewer may furnish or sell growlers directly to consumers in accordance with state law, as amended from time to time.
- d) Notwithstanding any other provision of this Chapter 6, licensed manufacturers may sell or furnish alcohol directly to consumers on Sundays between the hours of 12:30 p.m. and 1:59 a.m., without having to satisfy any food sales requirement.