

City of Cornelia

Ordinance No. 12/21/01

AN ORDINANCE OF THE CITY OF CORNELIA, GEORGIA AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES OF THE CITY OF CORNELIA SO AS TO ALLOW FOR THE LICENSING, CONTROL, TAXATION, AND REGULATION OF THE RETAIL SALE OF DISTILLED SPIRITS IN THEIR ORIGINAL UNOPENED PACKAGE FOR CONSUMPTION OFF THE PREMISES WHERE SOLD IN THE CITY OF CORNELIA, GEORGIA; TO REQUIRE THAT NO ALCOHOLIC BEVERAGE LICENSE SHALL ISSUE UNLESS THE BUILDING IN WHICH THE BUSINESS WILL OPERATE IS COMPLETE AND HAS OBTAINED A CERTIFICATE OF OCCUPANCY; TO SET AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the citizens of the City of Cornelia approved a referendum for the purpose of determining whether or not the City of Cornelia should be authorized to issue licenses to sell distilled spirits in their original and unopened package containers for consumption off the premises where sold pursuant to a referendum election on November 2, 2021; and

WHEREAS, the City Commission of the City of Cornelia, Georgia has previously adopted an Alcoholic Beverages Ordinance, Chapter 6 of the Code of Ordinances, allowing the retail sale of packaged malt beverages and wines in their original and unopened consumer containers in certain retail establishments for consumption off the premises; the wholesale and retail sale of wines in their original and unopened consumer containers and in bulk in farm wineries for consumption off the premises; the retail sale of malt beverages, wines and distilled spirits by the drink and/or in their original containers in certain restaurants and lounges for consumption on the premises; and the retail sale of malt beverages and wines by the drink or in their original containers in private clubs for consumption on the premises; and

WHEREAS, the City Commission of the City of Cornelia, Georgia has a substantial government interest in attempting to preserve the quality of life for the citizens of the City of Cornelia; and

WHEREAS, the City Commission of the City of Cornelia, Georgia desires to establish a comprehensive and consolidated ordinance to include the licensing, control, taxation, and regulation of the sale of distilled spirits in their original unopened package containers in certain retail establishments for consumption off the premises where sold; and

NOW, THEREFORE, it is hereby ordained and established by the City Commission of the City of Cornelia, Georgia that Chapter 6 of the Code of Ordinances of the City of Cornelia, Georgia is hereby amended to allow for the regulation and sale of

distilled spirits in their original unopened package containers in certain retail establishments by retail package dealers for consumption off the premises where sold with amendments to the existing Alcoholic Beverage ordinance as follows:

SECTION 1. Article I, Section 6-2, "Definitions" of the Alcoholic Beverage ordinance is hereby amended as follows:

1) "*Nonresidential Zone*" is amended to add the HB nonresidential zone so that its definition now shall read as follows:

"*Nonresidential Zone* means the B-1, B-2, O-P, HB, LI, HI and CBD zoning districts, as defined under the city comprehensive zoning ordinance."

2) "*Retail Package Dealer*" is added as a defined term and that definition shall read as follows:

"*Retail Package Dealer* means any person who sells alcoholic beverages in their original package for consumption off the premises, at retail, only to consumers and not for resale."

SECTION 2. Article II, Section 6-28, is amended so as to establish a new Class D license for sale of distilled spirits in their original unopened package for consumption off the premises which shall be numbered so as to be consistent with Section 6-28 and read as follows:

"() *CLASS D*: For the retail sale of distilled spirits in their original unopened package for consumption off the premises."

SECTION 3. Article V, Section 6-138, subsection (a) is amended so as to allow for the sale of distilled spirits in their original unopened package for consumption off the premises only in city Highway Business Zoning Districts so that Section 6-138 (a) shall now read as follows:

"(a) Licenses shall be issued only for locations in nonresidential zones, as defined in section 6-2, except that Class D licenses for the sale of distilled spirits in their original unopened package for consumption off the premises shall be further limited to locations in Highway Business zoning districts within the city."

SECTION 4. Chapter 6 shall be amended to include a new Article to follow the current Article VIII to provide for license limitations for the sale of distilled spirits in their unopened package so as to: limit such licenses to HB zoning districts, establish distance requirements, establish hours of sale, require and regulate consumption off premises, regulate lighting, establish restrictions on sale of other retail products, and establish resolution of conflicts between regulations for sale of distilled spirits and those for malt beverages and wine, which article shall read as follows:

"ARTICLE ____ . PACKAGE SALES OF DISTILLED SPIRITS FOR CONSUMPTION OFF THE PREMISES – CLASS D LICENSE

Sec. _____ - License available only for properties zoned Highway Business District

A Class D License for the sale of Distilled Spirits by the package for consumption off the premises by a retail package dealer shall only be issued in Highway Business District Zones of the City and is prohibited in all other zones.

Sec. _____ - Distance requirements.

(a) No distilled spirits shall be offered for sale or sold in an unopened package within one hundred (100) yards of any church building or within two hundred (200) yards of any school building, education building, school grounds or college campus.

(b) A new retail package liquor licensed place of business or the relocation of an existing retail package liquor licensed place of business engaged in the retail package sales of distilled spirits shall not be located within five hundred (500) yards of any other business licensed to sell package liquor at retail.

(c) The distance provided for herein shall not apply: (1) To any premises or location where alcoholic beverages are being sold or dispensed in compliance with the other provisions of this chapter and a school or church is built or erected within the minimum distances provided for in this section. (2) To any premises or location licensed as an importer, so long as the same is allowed by the state; provided, however, no signs or other forms of advertisement shall be placed on or near the licensed premises, which directly or indirectly advertise that alcoholic beverages are stored or warehoused on the premises.

(d) No distilled spirits shall be offered for sale or sold in an unopened package within one hundred (100) yards of an alcoholic treatment center owned and operated by this state or any county or municipal government.

Sec. _____ - Hours of sale.

(a) The hours of sale of distilled spirits at retail and not for consumption on premises are from 9:00 a.m. to 11:30 p.m. on Monday through Saturday and from 12:30 p.m. to 11:30 p.m. on Sunday.

(b) No retail dealer of distilled spirits shall be in, or permit others to be in, its place of business Monday through Saturday any time prior to 6:00 a.m. or thirty (30) minutes past the closing time. No retail dealer of distilled spirits shall be in, or permit others to be in, its place of business on Sundays prior to 10:30 a.m. or thirty (30) minutes past the closing time.

Sec. _____ - No consumption on premises.

It shall be unlawful for any person to consume any alcoholic beverage on the premises licensed for the sale of distilled spirits by the package and it shall be unlawful for any licensee by the package to open for, or break the package for, a purchaser and/or permit the consumption of alcoholic beverages on said premises.

Sec _____ - Sufficient lighting required.

The building in which each retail dealer of distilled spirits in the unbroken package is located shall contain sufficient lighting so that the building itself, the premises and all entrances are readily visible at all times from the street on which the building is located so as to reveal the inside retail area of the building and so as to reveal all of the outside premises of such building.

Sec. _____ . - Restrictions on other business/mercantile establishments.

A licensee permitted to sell package distilled spirits for consumption off premises under this chapter shall not operate such business in connection with any other business/mercantile establishment. Such licensee may obtain for the same business location a license for sale of package malt beverages and wine for consumption off premises. No package distilled spirits licensee shall sell, offer for sale, display or keep stocked in his or her place of business where package distilled spirits are offered for sale for consumption off the premises any other product or commodity except:

- (1) Wine (if licensed);
- (2) Beverages containing no alcohol and commonly used to dilute distilled spirits;
- (3) Tobacco products;
- (4) Malt beverages and beer (if licensed); and
- (5) Package ice, supplies, and accessories (including, but not limited to, containers and/or serving devices) as permitted by law.

Sec. _____ . - Applicability of article to those businesses operating both the package sale of distilled spirits and package malt beverages and wine for consumption off premises.

For licensees who wish to operate a business which conducts both the package sale of distilled spirits and package sale of malt beverages and wine, in the case of any conflict, the provisions of this article regulating the package sale of distilled spirits for consumption off premises shall prevail, and compliance with these provisions, rather than those provisions applicable to the license permitting the package sale of malt beverages and wine, is required. The applicant shall be required to meet all licensee qualifications and requirements under both this article and the article governing the licensing and sales of package malt beverages and wine.”

SECTION 5. Chapter 6 shall be amended so as to require that no alcoholic beverage license shall be issued unless the building in which the business will be located is complete and a certificate of occupancy for such premises has been issued by the City. This subsection of Chapter 6 shall be numbered in a manner consistent with the existing ordinance and shall read as follows:

“Sec. _____ . - Completed building.

No alcoholic beverage license shall be issued unless the building in which the business will be located is completed and a certificate of occupancy for the premises to be licensed has been issued by the city. The completed building and land use shall comply with the Code

of Ordinances of the City of Cornelia, the City of Cornelia Zoning Ordinance, the City of Cornelia Subdivision Ordinance, and any applicable regulations of the State of Georgia.”

SECTION 6. Severability. If any section, provision or clause of any part of this article shall be declared invalid or unconstitutional, or if the provisions of any part of this article 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 article not so held to be invalid, or the application of this article to other circumstances not so held to be invalid. It is hereby declared as the intent that this article would have been adopted had such invalid portion not been included herein.

SECTION 7. Repealer. The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed.

SECTION 8. Effectivity. This ordinance shall become effective upon its adoption.

John Borrow, Mayor
City of Cornelia

Attest:

Debbie Turner, City Clerk

Posted: _____

Adopted: _____



City of Cornelia
Commission Agenda Item Report

Date: November 16, 2021
To: Mayor and Commissioners
From: City Manager
Subject: Amendment to Alcohol Fee Schedule

We need to establish the fee for Distilled Spirits Package Sales. When researching other jurisdictions it appears that most cities charge \$5,000 for this license. We also discovered that we have several uses that do not have fees associated with them. Below is the proposed fee schedule for alcoholic beverages. The additional uses include: Package Distilled Spirits, Brew Pub, and Tasting Rooms. Changes to our current fees include: increasing Distilled Spirits Consumption on Premises from \$3,000 to \$4,000 and increasing the Transfer Fee from \$200 to \$100.

FEEES IN THE CENTRAL BUSINESS DISTRICT ARE REDUCED BY 50%

<u>PACKAGE SALES</u>	<u>CONSUMPTION ON PREMISES</u>	<u>MISCELLANEOUS</u>
___ BEER \$750	___ BEER \$750	___ BREW PUB \$5,000
___ WINE \$750	___ WINE \$750	___ MICRO BREWERY \$750
___ DISTILLED SPIRITS \$5,000	___ DISTILLED SPIRITS \$4,000	___ TASTING ROOM \$750
		___ GROWLER \$750
		___ TRANSFER FEE \$200
		___ CATERER \$50