

**AN ORDINANCE BY COUNCILMEMBERS IVORY YOUNG JR. AND KWANZA HALL AS SUBSTITUTED BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 10 ARTICLE I SECTION 10-1 OF THE CITY OF ATLANTA CODE; TO CREATE A DEFINITION OF GROWLER; TO AMEND THE DEFINITION OF BREWPUB; TO AMEND ARTICLE II, DIVISION 2, SECTION 10-59 TO AUTHORIZE THE RETAIL SALE MALT BEVERAGES INCLUDING GROWLERS FOR OFFSITE CONSUMPTION BY BREWPUBS; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages and certain other types of businesses with in its territorial limits;

WHEREAS, Chapter 10 of the City of Atlanta Code of Ordinance regulates the issuance of license for the consumption of alcoholic beverages on and off the premises; and

WHEREAS, Brewpubs are eating and drinking establishments that manufacture beer or malt beverages on site and serve them to patrons; and

WHEREAS, it is a benefit to the local economy for locally owned and operated Brewpubs to be able to sell the their locally manufactured beer and malt beverages for consumption on premises and in retail form; and

WHEREAS, Brewpubs are uniquely situated to serve on site and prepare growlers and packages for retail sales; and

WHEREAS, O.C.G.A. § 3-5-36 provides that the Possession of a Brewpub License shall not prevent the holder from obtaining a retailers license for the same premises; and

WHEREAS, it is the desire of the Atlanta City Council that the Alcohol Code be amended to allow Brewpubs the ability to sell beer and/or malt beverages manufactured on site by the package and in the form of Growlers.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS as follows:

SECTION 1. That Chapter 10, Article I, Section 10-1 of the Atlanta City Code is hereby amended to add a definition for Growler to be defined as:

*Growler* means a bottle capable of being sealed with a tamper-proof or other seal for the purposes of complying with open container laws, that is filled with a malt beverage from a tank, keg, cask, barrel or other container.

SECTION 2. That Chapter 10, Article I, Section 10-1 of the Atlanta City Code is hereby amended to amend the definition of Brewpub to read as follows:

*Brewpub* means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises ~~and solely in draft form~~. As used herein, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food. Neither barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to O.C.G.A. § 3-5-36(2)(D), or retail sales by the package or growler, shall be used when determining the total annual gross food and beverage sales. A Brewpub licensed as a brewer or manufacturer of beer in accordance with Section 10-60(a)(2)(a) may secure an additional and separate license for the retail sale of beer for off premises consumption, so long as the malt beverages that are sold by the package by a brewpub must be manufactured onsite.

SECTION 3. That Chapter 10, Article II, Division 2, Section 10-59 of the Atlanta City Code is hereby amended to add a new subparagraph (c) to read as follows:

(c) Notwithstanding any other provision of this Chapter to the contrary, a licensee of a Brewpub holding a valid license for the sale of alcoholic beverages for consumption on the premises shall be required to have an additional and separate license in order to engage in the retail sale of beer for off premises consumption.


SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

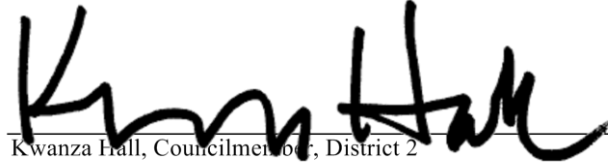
SECTION 5. This Ordinance shall become effective immediately upon its approval.

CITY COUNCIL  
ATLANTA, GEORGIA

16-O-1277

SPONSOR SIGNATURES

  
Ivory Lee Younger, Councilmember, District 3

  
Kwanza Hall, Councilmember, District 2

**CITY COUNCIL  
ATLANTA, GEORGIA**

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**Workflow List:**

|  |           |                    |
|--|-----------|--------------------|
| Clerk of Council                               | Completed | 05/17/2016 3:36 PM |
| Atlanta City Council                           | Completed | 05/16/2016 1:00 PM |
| Public Safety & Legal Administration Committee | Completed | 05/24/2016 3:00 PM |
| Atlanta City Council                           | Pending   | 06/06/2016 1:00 PM |
| Mayor's Office                                 | Pending   |                    |

**RESULT:            REFERRED WITHOUT OBJECTION            Next: 5/24/2016 3:00 PM**

| Certified by Presiding Officer   | Certified by Clerk |
|--|--------------------|
|  |                    |
| <p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p> |                    |