

CITY OF DALTON  
ORDINANCE  
Ordinance No. 20-16

An Ordinance Of The City Of Dalton To Amend Article I “In General” And Article II “License” Of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 Of The City Of Dalton As Provided Herein; To Provide For The Home Delivery Of Alcohol; To Provide For Carryout Of Alcohol; To Provide For Tasting Events; To Provide For License Fees; To Provide An Effective Date; To Repeal All Ordinances Conflicting Therewith; To Provide For Severability; And For Other Purposes.

WHEREAS, the Article I “In General” and Article II “License” of Chapter 6 “Alcohol” Of The Revised Code Of Ordinances Of 2001 Of The City Of Dalton has been amended from time to time;

WHEREAS, the City desires to revise and amend Article I “In General” and Article II “License” of Chapter 6 “Alcohol” to provide for the home delivery of alcohol and to provide for tasting events;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

Section 6-1 “Definitions” of Article I “In General” of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 of the City of Dalton is amended by adding the following definition:

Package goods retailer means a person licensed pursuant to O.C.G.A. §3-3-10(a)(7) to sell alcoholic beverages in unbroken packages for consumption off premises.

-3-

Section 6-63 “Types of Licenses” of Article II “License” of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 of the City of Dalton is amended by adding the following:

Section 6-63 (16) Retail delivery license.

Section 6-63 (17) Package delivery license.

-4-

Section 6-66 “Limitations on use” of Article II “License” of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 of the City of Dalton is amended by adding the following:

Section 6-66 (d) Holders of a pouring distilled spirits license shall not be permitted to sell distilled spirits in the package for home delivery.

Section 6-66 (e) Holders of a pouring wine license shall be permitted to sell wine by the package for home delivery upon obtaining a retail delivery license.

Section 6-66 (f) Holders of a pouring malt beverage license shall be permitted to sell malt beverages by the package for home delivery upon obtaining a retail delivery license.

Section 6-66 (g) Holders of a package wine license shall be permitted to sell wine by the package for home delivery upon obtaining a package delivery license.

Section 6-66 (h) Holders of a package malt beverage license shall be permitted to sell malt beverages by the package for home delivery upon obtaining a package delivery license.

Section 6-66 (i) Holders of a package distilled spirits license shall be permitted to sell distilled spirits by the package for home delivery upon obtaining a package delivery license.

-5-

Section 6-73 “Amount of fees” of Article II “License” of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 of the City of Dalton is amended by adding the following:

Section 6-73 (a)(12) retail delivery license ..... 500.00

Section 6-73 (a)(13) package delivery license ..... 500.00

-6-

Section 6-77 “Wine Tasting” of Article II “License” of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 of the City of Dalton is hereby repealed in its entirety. Section 6-77

“Malt Beverage, Wine and Distilled Spirits Tasting” of Article II “License” of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 of the City of Dalton is hereby adopted and shall read as follows:

- (a) A malt beverage tasting permit for purposes of this section shall be limited to a person possessing a current license from the city for the sale of malt beverage by the package and a valid current malt beverage license from the state.
- (b) A wine tasting permit for purposes of this section shall be limited to a person possessing a current license from the city for the sale of wine by the package and a valid current wine from the state.
- (c) A distilled spirits tasting permit for purposes of this section shall be limited to a person possessing a current license from the city for the sale of distilled spirits beverage by the package and a valid current distilled spirits beverage license from the state.
- (d) Any tasting occurring on the premises of a business possessing a tasting permit shall be limited to an area that is separated from the retail area of the premises by walls or other partitions that prohibit pedestrian traffic through the tasting area.
- (e) An eligible licensee may petition the city for a tasting permit provided it meets all requirements of the city's alcohol beverage ordinance and presently maintains a valid license for the sale of malt beverage, wine, or distilled spirits by the package issued by the city.

- (f) A tasting permit shall allow the permittee to offer or sell samples in connection with an instructional or educational promotion and the samples must be consumed in the presence of a representative of the licensed business.
- (g) A tasting permit shall allow the permittee to offer 52 tasting events per year, for no more than one time per day, for a maximum of four hours, and only during the hours the licensed premises may lawfully sell unbroken packages of alcohol.
- (h) A tasting event may only include one type of alcoholic beverage per event, may include more than one brand of each type of alcoholic beverage, and no more than four brands may be open at any one time during the tasting event.
- (i) A tasting permittee shall be subject to all laws, rules and regulations of the city and state, including O.C.G.A. § 3-3-26 and rule 560-2-5-.05 of the state department of revenue, alcohol and tobacco division, and shall be subject to tasting permit revocation for violation thereof.
- (j) Said tasting permit need only be applied for once and shall automatically renew when said license to sell malt beverages, wine, or distilled spirits by the package is renewed. Provided, however, that the city may revoke or suspend such tasting permit and/or impose such conditions on its operation at the city's discretion for violation of this Code or in furtherance of the health, safety and welfare of the city's inhabitants.

-7-

Article II “License” of Chapter 6 “Alcohol” of the Revised Code Of Ordinances Of 2001 of the City of Dalton is amended by adding Section 6-79 to read as follows:

Section 6-79 – Home deliveries

- (a) A package goods retailer that holds a pouring malt beverage license may obtain a retail delivery license for home deliveries of malt beverages.
- (b) A package goods retailer that holds a pouring wine license may obtain a retail delivery license for home deliveries of wine.
- (c) A package goods retailer that holds a package malt beverage license may obtain a package delivery license for home deliveries of malt beverages.
- (d) A package goods retailer that holds a package wine license may obtain a package delivery license for home deliveries of wine.
- (e) A package goods retailer that holds a package distilled spirits license may obtain a package delivery license for home deliveries of distilled spirits.
- (f) A retail delivery licensee and package delivery licensee shall be subject to all laws, rules and regulations of the city and state, including O.C.G.A. § 3-3-10 and shall be subject to delivery license revocation for violation thereof.

-8-

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the ordinance not so declared to be unconstitutional, invalid, or unlawful.

-9-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are

hereby repealed.

-10-

This Ordinance shall take effect and be in force following its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of Dalton requiring it.

ADOPTED AND APPROVED on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on \_\_\_\_\_ and a second reading on \_\_\_\_\_. Upon second reading a motion for passage of the ordinance was made by Council member \_\_\_\_\_, second by Council member \_\_\_\_\_ and upon the question the vote is \_\_\_\_\_ ayes, \_\_\_\_\_ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
CITY CLERK  
CITY OF DALTON