

## ORDINANCE

### AN ORDINANCE TO AMEND THE CODE OF LAWRENCEVILLE, GEORGIA, CHAPTER 34 GOVERNING ALCOHOL TO ALLOW CUSTOMERS TO BRING IN BOTTLES OF WINE TO CERTAIN RESTAURANTS; TO ALLOW RESTAURANTS TO CHARGE A CORKAGE FEE; TO PROVIDE FOR THE SERVING OF WINE IN AN ART SHOP; TO ALLOW AND REGULATE BREWPUBS AND FOR OTHER PURPOSES

The City Council of the City of Lawrenceville, Georgia hereby ordains that Chapter 34 of the City Code of the City of Lawrenceville, Georgia is hereby amended by deleting subsection (h) of Section 34-102 in its entirety and replacing it with the following:

- (h) Growler means a reusable glass jug used to transport draft beer for off premises consumption that is not to exceed sixty-eight (68) ounces and not less than twelve (12) ounces and is filled with beer from a keg by a licensee or an employee of a licensee holding a license as a retail dealer of beer sold in original packages for consumption off the premises from the City or holding a license as a Growler Shop subject to the provisions of Section 34-213 of this Chapter.

Chapter 34 of the City Code of the City of Lawrenceville, Georgia is hereby further amended by adding the following definitions in Section 34-102:

#### **34-102 Definitions**

- (c) Art Shop means a retail business located in the Downtown Overlay District devoted exclusively to providing art education limited to instruction in paintings, sculpture and similar crafts. An Art Shop may also sell portraits, paintings, sculptures, art supplies, and similar crafts or display for viewing portraits, paintings, sculptures and similar art work. Art Shop may also provide art education limited to instruction in paintings, sculpture and similar crafts. An Art Shop shall not allow any activities that would cause the business to be an “adult entertainment establishment” as defined in Section 32-215 of this Code.
- (e) Brewpub means a restaurant in which beer or malt beverages are manufactured or brewed subject to state law barrel production limitations for retail consumption on the premises and sold solely in draft form.

Chapter 34 of the City Code of the City of Lawrenceville, Georgia, is further amended by adding the following Subsections, to Section 34-109:

**34-109 License Fees Enumerated**

- (aa) Art Shop License, \$500 per year.
- (bb) Brewpub License, \$2,500 per year.
- (cc) Growler Shop License, \$500 per year.

Chapter 34 of the City Code is hereby further amended by deleting Section 34-186 in its entirety and replacing it with the following:

The remaining definitions shall be relettered as required to insert these definitions in alphabetical order.

**34-186 Bring Your Own Bottle (Brown Bagging) Prohibited**

It is prohibited for any person to bring in his or her own alcoholic beverage (brown bag) in any establishment either licensed or unlicensed to serve alcoholic beverages; provided however, the establishments that meet the definition of a restaurant set forth in this Chapter and that are licensed pursuant to this Chapter as a retail dealer of distilled spirits to be consumed on the premises, and/or a retail dealer of beer to be consumed on the premises, and/or a retail dealer of wine to be consumed on the premises may allow customers to bring in a bottle or bottles of wine and charge a corkage fee as a convenience charge for opening and serving the wine brought in by the customer. Facilities licensed as an Art Shop under this Chapter may also allow customers to bring in a bottle or bottles of wine and/or beer subject to the specific provisions governing the operation of an Art Shop.

Chapter 34 of the City Code is hereby further amended by adding the following section at Section 34-211.

**34-211 Art Shop**

- (a) Notwithstanding any other provision of this chapter to the contrary, the City Clerk is authorized to issue an Art Shop license to businesses:
  - (1) located in the Downtown Overlay District; and
  - (2) which meet all other license application requirements set forth in this chapter; and
  - (3) which operates as an Art Shop.
- (b) An Art Shop established under this section may:
  - (1) allow customers to bring in a bottle or bottles of wine and beer to be consumed on the premises except on Sundays;

- (2) any wine and/or beer served on the premises shall only be served by an employee of the Art Shop otherwise authorized to serve alcoholic beverages under this Chapter;
  - (3) No customer of an Art Shop shall consume more than two six ounce servings of wine or two twelve ounce servings of beer during a three hour period or four six ounce servings of wine or four twelve ounce servings of beer within a single business day.
  - (4) the serving of wine and/or beer in an Art Shop shall be subject to all of the provisions related to the service of other alcoholic beverages under this Chapter, including but not limited to the prohibition of serving wine or beer to anyone under 21 years of age or to anyone intoxicated.
- (c) Nothing in this section shall prohibit an Art Shop from serving food provided it meets all of the requirements provided in this City Code and is properly permitted by the City.

Chapter 34 of the City Code is hereby further amended by adding the following as Section 34-212:

**34-212 Brewpub**

- (a) No person shall be permitted to own or operate a Brewpub without first obtaining a Brewpub license from the City Clerk pursuant to the same procedures as are set forth in this Chapter, and each Brewpub license holder shall comply with all other applicable state and local license requirements.
- (b) A Brewpub license authorizes the holder of such license to:
  - (1) Manufacture on the licensed premises not more than ten thousand (10,000) barrels of beer in a calendar year solely for retail on the premises and solely in draft form in an open container; and
  - (2) Operate a restaurant that shall be the sole retail outlet for such beer. Such outlet may offer for sale any other alcoholic beverages produced by other manufacturers which are separately authorized for consumption on the premises by this chapter, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and, provided, further, that in addition to draft beer manufactured on the premises, each Brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers for consumption on the premises only; and
  - (3) Notwithstanding any other provision of this section, sell up to a maximum of one thousand (1000) barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers;

- (c) Possession of a Brewpub license shall not prevent the holder of such license from obtaining another license authorized under this chapter permitting the sale of alcoholic beverages for consumption on the premises for the same premises.
- (d) A Brewpub license does not authorize the holder of such license to sell alcoholic beverages at retail by package for consumption off the premises.
- (e) A Brewpub licensee shall not offer or permit any free sampling of beer by its customers on the premises.
- (f) A Brewpub licensee shall pay all state and local license fees and excise taxes applicable to individuals licensed as manufacturers, retailers, and, where applicable, wholesalers.
- (g) A Brewpub licensee shall measure all beer manufactured on the premises and otherwise comply with applicable regulations respecting excise and enforcement tax determination of such beer as required.
- (h) Except as set forth above in this section, a Brewpub license holder shall be subject to all provisions of this chapter.

Chapter 34 of the City Code of the City of Lawrenceville, Georgia, is hereby further amended by adding the following as Section 34-213.

**34-213 Growler Shop**

- (a) No person shall be permitted to own or operate a Growler Shop without first obtaining a Growler Shop license from the City Clerk pursuant to the same procedures as are set forth in this Chapter, and each Growler Shop license holder shall comply with all other applicable state and local requirements.
- (b) A Growler Shop shall be located in the Downtown Overlay District and shall be engaged only in the sale of growlers. Growlers may not be sold at any establishment engaged in the sale of distilled spirits.
- (c) The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. S 3-3-26 or other provisions of this Ordinance, provided that after the growler is filled the growler must be sealed on the licensed premises with a tamper-proof plastic cap and may not thereafter be opened or consumed on the premises. Licensees or employees of the Growler Shop may fill or refill growlers with draft beer at a Growler Shop as provided herein in a growler not smaller than twelve (12) ounces in volume and not to exceed sixty-eight (68) ounces in volume.

- (d) A Growler Shop shall be authorized to sell samples of draft beer to patrons over the age of twenty-one years. Samples shall not exceed three (3) ounces in volume nor shall any one individual be offered more than four (4) samples within a twenty-four (24) hour period.
- (e) Nothing in this section shall prohibit a Growler Shop from serving food or other non-alcoholic products provided it meets all of the requirements provided in the City Code and is properly permitted by the City.

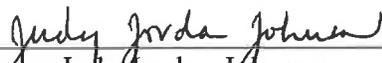
Chapter 34 of the City Code of the City of Lawrenceville, Georgia, is further amended by deleting subsection (g) of Section 34-192 and replacing subsection (g) with the following:

**34-192 Suspension or Revocation of License**

(g) An act or omission of a licensee, owner of more than ten (10) percent interest in the licensed establishment, or employee of the licensee or licensed establishment willingly or knowingly performed, which constitutes a violation of federal or state law or of any provision of this chapter will subject the licensee to suspension or revocation of its license in accordance with the provisions of this chapter, when the City Clerk determines to his own satisfaction that the act or omission did occur, regardless of whether any criminal prosecution or conviction ensues; provided, however, in the case of an employee, the City Clerk must determine that the acts of the employee were known to or under reasonable circumstances should have been known to the licensee, were condoned by the licensee, or where the licensee has not established practices or procedures to prevent the violation from occurring.

Except as amended in this Ordinance, all other provisions of Chapter 34 of the City Code of the City of Lawrenceville, Georgia shall remain in full force and effect.

IT IS SO ORDAINED, this 6<sup>th</sup> day of August, 2012

  
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Mayor Judy Jordan Johnson

Attest:   
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City Manager