

ORDINANCE 17-04-01

**AN ORDINANCE OF THE CITY OF HELEN, GEORGIA, TO AMEND THE
OFFICIAL CODE OF THE CITY OF HELEN, GEORGIA, BY THE
AMENDMENT OF CHAPTER SIX OF THE HELEN MUNICIPAL CODE:
ALCOHOLIC BEVERAGES**

WHEREAS, the City Commission of Helen, Georgia has reviewed requests from local business owners for the amendment of the Municipal Code as it pertains to alcoholic beverages; and

WHEREAS, the Legislatures of the State of Georgia has enacted certain legislation to encourage Farm Wineries pursuant to O.C.G.A Section 3-6-21.1 et. seq. for promotion of the Agricultural and Tourism industries in the State of Georgia, and

WHEREAS, the provisions of O.C.G.A. Section 3-5-40 requires a license from the Governing Authority of the local municipality where such farm winery tasting room operations are be located in order to operate a Farm Winery tasting room; and

WHEREAS, the City Commission wishes to provide a revised licensing procedure for those seeking Farm Winery Tasting Room Licensure to operate within the City such that such applicants may act in accordance with applicable state statutes; and

WHEREAS, the City Commission has also entertained a request to allow full service grocery stores within the city, that also include full service kitchen food operations, to engage in the sale of beer and wine for on premises consumption in addition to the sale of beer and wine in closed packages for consumption off premises;

WHEREAS, the City Commission believes that such amendments will be beneficial to the city, its merchants, its visitors, and its citizens; and further serve to promote the tourism industry within the City;

WHEREAS, it is necessary to amend the Official Code of the City of Helen, Georgia, in order to facilitate those changes within the City's Alcoholic Beverage Code:

NOW THEREFORE, IT IS HEREBY ORDAINED, by the Helen City Commission that The Official Code of The City of Helen, Georgia, is amended by amending Chapter 6, Alcoholic Beverages, Article II. Licenses, Generally, as follows by the addition of Section 6-31 as follows:

Sec. 6-31. - Consumption Sales Only, Full Service Grocery Store Exception

Except as otherwise provided herein, persons holding a license to sell alcoholic beverages for consumption on the premises shall also not hold a license for the sale of alcoholic beverages by the package, with the exception that a Full Service Grocery Store, as defined herein, may hold both types of licenses. A Full Service Grocery Store is defined as a retail market which meets all of the following criteria:

- (a) A retail market that maintains at all times that it is open an inventory of saleable

- food products, including meat, dairy, vegetables, fruits, dry goods, and beverages;
and
- (b) Has an interior floor space and storage area of at least 8,000 square feet and devotes at least 50% of such interior floor space for the display of food for sale products; and
 - (c) Includes a full service kitchen that sells and serves prepared foods;
 - (d) Has a designated location for beer and wine pouring for on premises consumption;
 - (e) does not sell or offer distilled spirits or vehicular fuel.

(Ord. 17-04-01)

BE IT IS FURTHER ORDAINED, by the Helen City Commission that The Official Code of The City of Helen, Georgia, is amended by the further amendment of Chapter 6, Alcoholic Beverages, by the addition of the following sentence to the existing code section, Section 6-71(d);

"The sale of growlers is authorized for those licensees who hold both a license for on premises consumption and for beer and wine package sales, if that licensee qualifies as a full service grocery store pursuant to Section 6-31."

OTHER than its amendment by the addition of this sentence, Section 6-71(d); remains in full force and effect, and no other amendment is intended hereby.

BE IT IS FURTHER ORDAINED, by the Helen City Commission that The Official Code of The City of Helen, Georgia, is amended by the further amendment of Chapter 6, Alcoholic Beverages, by the addition of the following sentence to the existing code sections: Section 6-72(a) and Section 6-126(a);

"Ancillary Wine, Beer and Malt Beverage Tasting Licenses are authorized for those licensees who hold both a license for on premises consumption and for beer and wine package sales, if that licensee qualifies as a full service grocery store pursuant to Section 6-31."

OTHER than their amendment by the addition of this sentence to each, Sections 6-72(a) and 6-126(a); remain in full force and effect, and no other amendment is intended hereby.

BE IT IS FURTHER ORDAINED, by the Helen City Commission that The Official Code of The City of Helen, Georgia, is amended by the further amendment of Chapter 6, Alcoholic Beverages, Article IV, Wine, by the repeal of the prior Sections 6-104 and 6-105 of the Helen Municipal Code; and the replacement of those code sections with the following;

Sec. 6-104. - Farm Winery Annual Fee(s).

Each farm winery tasting room license, at each location, as defined and regulated under section 6-105, shall pay to the City of Helen a fee of \$600.00 for the operation of a tasting room license only, where such tasting room serves solely as an outlet for the promotion of that farm winery's wine. Should the farm winery also seek authorization from the Revenue Commissioner for the sale of alcoholic beverages not produced by a

farm winery for the on premises consumption of alcohol, pursuant to O.C.G.A. § 3-6-21.3, the farm winery shall pay to the City of Helen the same license fee(s) that would be applicable to any other licensee seeking licensure for on premises consumption, including the fee for Sunday Sales, if Sunday Sales are requested.

(Ord. No. 95-04-01, 5-16-95, 17-04-01)

Sec. 6-105. - Farm winery tasting room, Licensing

(a) The provisions of this ordinance provide a licensing process for the business of operating a Georgia farm winery tasting room in conformance with the laws of the State of Georgia and City of Helen, Georgia.

(b) Definitions: "Farm Winery" and "Tasting Room" shall be defined in accordance with O.C.G.A. § 3-6-21.1 et. seq., and as may hereafter be amended.

(c) Types of Sales: Wine sold under the provisions of the Georgia Farm Wineries statutes, shall be sold for retail purposes only, sold only in accordance with the state requirements codified at O.C.G.A. § 3-6-21.1 et. seq. and incorporated herein by reference, and only under the provisions of a City of Helen farm winery license issued hereunder. Sales for the on premises consumption of alcohol may be allowed under a City of Helen farm winery license to the extent consistent with the law, rules, and regulations of the State of Georgia, and upon payment of applicable fees as identified in Sec. 6-104.

(d) Under this code section, the licensee shall be authorized to carry on the business of operating a farm winery tasting room in their licensed premises. For the purposes of this ordinance, all areas within the city currently, or in the future, zoned PUD, C-1, C-2, C-3, or H/M as defined in Chapter 34, "Land Development Code" of the 1994 Helen City Code, are designated as special entertainment districts pursuant to O.C.G.A. § 3-6-21.2. Such designation is made solely for the purpose of allowing Sunday sales in farm winery tasting rooms.

(Ord. No. 95-04-01, 5-16-95, 17-04-01)

Section 6-106. Sunday Sales. All farm winery tasting rooms, as defined in section 6-105 of the 1994 Helen City Code, and located within a special entertainment district may offer wine for on-premises consumption or in closed packages for consumption off premises on Sundays from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2.

(Ord. No. 95-04-01, 5-16-95, 17-04-01)

BE IT IS FURTHER ORDAINED, by the Helen City Commission that The Official Code of The City of Helen, Georgia, is amended by the further amendment Chapter 6, Alcoholic Beverages, by the deletion of the second sentence of Section 6-102; said sentence no longer being necessary as

Sunday Sale hours for farm wineries are defined in Section 6-106 of the Helen Municipal Code and O.C.G.A. § 3-6-21.2.


OTHER than its amendment by the deletion of the second sentence, Section 6-106; remains in full force and effect, and no other amendment is intended hereby.

(Code 1987, § 33-102(7); Ord. No. 91-5, 6-18-91; Ord. No. 94-06-02, 7-19-94; Ord. No. 17-04-01; O.C.G.A. § 3-6-21.2).

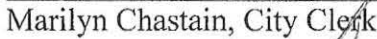
Be it further ordained, by the Helen City Commission, that any ordinance or resolution previously existing, either replaced by or inconsistent or in conflict with this ordinance, are repealed in their entirety if replaced hereby, and repealed partially to the extent of the conflict or inconsistency of the previous ordinance.

Be it further ordained, by the Helen City Commission, that this ordinance shall become effective upon adoption.

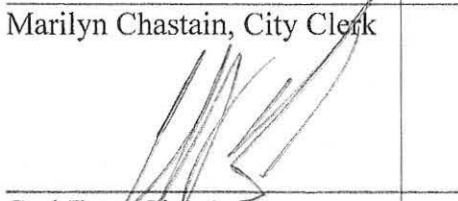
This ordinance approved by the Helen City Commission this 18 day of April, 2017.

 (SEAL)
Helen Wilkins, Mayor

ATTEST:


Marilyn Chastain, City Clerk

APPROVED AS TO FORM:


Carl Free, City Attorney

Date 4-18-17

Passed First Reading 4-4-17

Passed Second Reading 4-18-17

Approved and Adopted 4-18-17