

CITY OF LOOKOUT MOUNTAIN, GEORGIA

ORDINANCE NO. 257

AN ORDINANCE to amend Ordinance No. 69 of the City of Lookout Mountain, Georgia, to provide for the licensing of Georgia Farm Winery Tasting Rooms and sales of wine by Georgia Farm Winery Tasting Rooms in the City's Community Convenience Commercial District and Tourist-Oriented Commercial District, and for other purposes.

BE IT ORDAINED by the Council of the City of Lookout Mountain, Georgia, and it is hereby ordained:

SECTION 1. Article I, Section 2 of the City of Lookout Mountain, Georgia Controlled Beverages Ordinance (Ordinance No. 69, as amended) is hereby amended by the addition thereto of the following definitions:

- 2.15 . "Commissioner" shall have the meaning set forth and further defined in O.C.G.A. § 3-1-2(5).
- 2.16 "Georgia Farm Winery" shall have the meaning set forth and further defined in O.C.G.A. § 3-6-21.1(a)(2).
- 2.17 "Tasting Room" shall have the meaning set forth and further defined in O.C.G.A. § 3-6-21.1(a)(3).
- 2.18 , "Samples" shall mean a tasting of an individual wine in an amount of not more than two ounces, which may be given complimentary or for a fee.

SECTION 2. The City of Lookout Mountain, Georgia Controlled Beverages Ordinance (Ordinance No. 69, as heretofore amended) is further amended by the addition thereto of the following new Article IV, and the remaining articles of the City of Lookout Mountain, Georgia

Controlled Beverages Ordinance shall be renumbered in sequence as Articles V, VI, etc. New Article IV shall read as follows:

ARTICLE IV
GEORGIA FARM WINERY TASTING ROOMS

SECTION 1. LICENSE AUTHORIZED. A Georgia Farm Winery may, subject to the provisions of this Article, provide Samples of its wine and the wine of any other Georgia Farm Winery for consumption on the Premises, and may also sell such wine in closed packages for consumption off the Premises, in a Tasting Room at a location that is one of the locations authorized by O.C.G.A. § 3-6-21.1(b). The License authorized by this Article shall be limited to Georgia Farm Winery Tasting Rooms licensed by the State of Georgia in accordance with O.C.G.A. § 3-6-21.1, et seq., and the Licensee shall be permitted to perform only those acts which are allowed by such statutes. No License or opportunity for a License is hereby created authorizing any other use, and sales of Controlled Beverages at retail by Persons other than Georgia Farm Wineries shall continue to be prohibited in all zoning districts of the City of Lookout Mountain other than the Community Convenience Commercial District. Sales by Georgia Farm Wineries on Sunday shall be governed by the laws of the State of Georgia, including O.C.G.A. § 3-6-21.2.

SECTION 2. UNLAWFUL ACTIVITIES. No person shall engage in the dispensation or sale of wine in a Tasting Room without first complying with the rules and regulations set out in this Ordinance. Any Person violating the rules and regulations set forth herein shall be subject to revocation of any License issued hereunder and punishment as prescribed by the City. In addition to the rules and regulations herein set forth, each Licensee doing business in the City under this Ordinance shall comply with all laws of the State of Georgia, Federal laws and rules and regulations of the State Revenue Commission relating to the sale and distribution of Controlled Beverages in Georgia, and any violation of same shall subject said Licensee to immediate suspension or revocation of any License issued hereunder and also shall subject said Licensee to criminal prosecution by the proper authority as provided by law and the Ordinances of the City.

SECTION 2. THE APPLICANT.

2.1 Qualifications. Any applicant for a license to dispense and sell wine in a Tasting Room within the City shall have the qualifications set forth in Section 2.1 of Article II of this Ordinance, which qualifications are specifically incorporated herein by reference, and in addition thereto must be the owner of a Georgia Farm Winery.

2.2 Joint or Corporate Applicants. If the application covers a partnership or limited liability company, all members of the partnership or limited liability company must meet the qualifications herein set forth, and if the application is in the name of a corporation, all officers of said corporation must possess the qualifications herein set forth.

SECTION 3. THE APPLICATION.

3.1 Form of Application. An application for the sale of wine in a Tasting Room shall be made on forms furnished by the City and shall be presented and processed in person by the Applicant and shall be accompanied by the documents required by Section 3.1 (a) through (e) of Article II of this Ordinance. Such application shall also be accompanied by proof satisfactory to the City that the Georgia Farm Winery which the Applicant represents has been issued a farm winery license by the Commissioner.

3.2 Notice of Hearing on Application. Notice of the hearing on each application shall be advertised in an official newspaper of the City once a week for two weeks immediately preceding the meeting of the Council of the City at which the application is to be considered. The application may be considered only at a regular monthly meeting of the Council of the City.

3.4 Falsification of Application. The making of any statement on an application for a license which shall be false or later found to be false shall constitute grounds for denial of or revocation of any license.

SECTION 4. LOCATIONAL AND SITING CONSIDERATIONS.

4.1 Location. No license for the dispensation and sale of wine in a Tasting Room shall be granted to any person unless the entire Premises of the proposed location is situated within the Community Convenience Commercial District or the Tourist-Oriented Commercial District. In addition, such Premises must be situated more than 100 yards from any school or schoolhouse.

4.2 Number of Locations. The owner of a Georgia Farm Winery shall be entitled to the issuance of only one License for the operation of a Tasting Room, and each License issued under this Article shall cover only one Premises.

SECTION 5. COMPLIANCE WITH OTHER PROVISIONS OF THIS ORDINANCE. Each Licensee of a Tasting Room shall be subject to all provisions of this Ordinance applicable to sales of Controlled Beverages at Retail and to all provisions of this Ordinance applicable to sales of Controlled Beverages for Consumption on Premises and shall pay the fees applicable to Licenses for the sale of Controlled Beverages at Retail as well as the fees applicable to Licenses for the sale of Controlled Beverages for Consumption on Premises.

SECTION 3. Savings Clause. If any of the sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Council of the City to pass each section, phrase, paragraph and word separately.

SECTION 4. Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

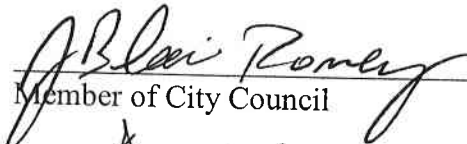
SECTION 5. Part of Code of Ordinances. It is the intention of the Council of the City that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City, and the Sections of this Ordinance may be renumbered to accomplish such intention.

SECTION 6. Effective Date. This Ordinance shall be effective ten (10) days after its adoption and approval by at least three (3) members of the Council of the City of Lookout Mountain, Georgia, after two (2) readings at least one (1) week apart.

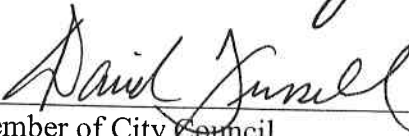
APPROVED on first reading on May 19, 2011.



Member of City Council




Member of City Council



Member of City Council



Member of City Council



Member of City Council

William P. Goscod
Mayor of Lookout Mountain, Georgia

APPROVED AND ADOPTED on second reading on June 16, 2011.

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William P. Goscod
Mayor of Lookout Mountain, Georgia

ATTEST:

[Signature]
City Clerk