

ORDINANCE 93-3
Amendment 1

**AN ORDINANCE TO AMEND AN ORDINANCE PROVIDING FOR THE
REGULATION AND LICENSING OF FARM WINERY TASTING ROOMS**

ORDINANCE 93-3 IS HEREBY AMENDED IN ITS ENTIRETY TO READ AS FOLLOWS:

“BE IT ORDAINED by the City Council of Dahlonega, and it is hereby ordained by the authority thereof:

WHEREAS, THE CITY OF DAHLONEGA, GEORGIA, desires to enact a resolution whereby the agricultural, manufacturing, and tourism industries of Georgia are promoted; and,

WHEREAS, the legislature of the State of Georgia has enacted certain legislation to encourage the manufacture and sale of wine within the state according to the Farm Wineries legislation of O.C.G.A. § 3-6-21.2; and

WHEREAS, the provision of O.C.G.A. § 3-5-40 requires a license from the governing authority of the County or municipality wherein such operations shall be located in order to operate a tasting room; and

WHEREAS, it is proper after due consideration, motion made, seconded and passed that a resolution be enacted under the following provision for the regulation and licensing of farm winery tasting rooms.

RESOLVED, that the Mayor and City Council of Dahlonega, Georgia will issue retail licenses for the tasting rooms and retail sales of Farm Wineries as defined in O.C.G.A. § 3-6-21.1 as follows:

SECTION 1. DEFINITIONS.

“Farm Winery” and “Tasting Room” shall be defined according to O.C.G.A. § 3-6-21.1 and as may be hereafter amended.

SECTION 2. TYPE OF SALE.

Wine sold under the provisions of Farm Wineries shall be sold for retail purposes only and shall be sold only in special, limited retail facilities operated under a license issued hereunder. Such Farm Winery may operate a tasting room in connection with such retail sales so long as upon the same immediate premises as the retail sales. Sale by the drink may be allowed in such tasting rooms to the extent consistent with the law, rules and regulations of the State of Georgia.

SECTION 3. RETAIL LICENSEE QUALIFICATIONS.

The retail licensee must be a person of good moral character and a citizen of the United States.

(1) No license shall be granted to any person who shall have been convicted of a felony; nor any crime including misdemeanors involving moral turpitude, or any misdemeanor involving abuse of alcohol in any form. The applicant shall provide a clear G.C.I.C. report of the manager of the premises prior to the issuance of any license under the terms of this resolution

(2) Licenses may be issued to individual applicants, partnerships, or corporations. Upon making application for a license, an individual, partnership, or corporation shall be required to divulge the names of any and all persons who have or will have any interest, monetary or otherwise, in the business he will operate under said license. In addition, the application shall set forth the purpose, location for said business operation, including the plans for the building in which said business shall be operated and a plat of the property on which said building shall be situated.

(3) The licensee shall be the owner, lessee, or manager of the premises for which the license is held, and said licensee shall be active in, and solely responsible for the management and operation of the business for which the license is granted. If a corporation, the licensee will be the manager, and said licensee shall be active in, and responsible for the management and operation of the business, whether or not a shareholder of said corporation. The manager of said premises must be a bona fide resident of Lumpkin County for at least six months prior to making application for a license.

(4) No license shall be granted to any public official, State, County, or Municipal, nor shall any license be granted to any person to operate a business wherein a public official as defined above has any interest in a business being operated under a license issued hereunder subsequent to the issuance of same, said license shall be automatically revoked. However, unless otherwise prohibited by State law, family members and relatives of public officials will not be deemed to be public officials under the provisions of these regulations.

(5) Each applicant shall make a sworn statement of his qualifications pursuant to the foregoing provisions of Section 2 herein and place same on file with the Clerk of the City of Dahlonega, Georgia, before any license is issued.

Any misrepresentation or concealment of fact in said application or sworn statement shall be grounds for revocation of the license.

SECTION 4. REGULATIONS.

No holder of a license under this resolution, nor any agent or employee of the licensee, shall do any of the following upon the licensed premises:

- (1) Knowingly sell or serve wine to a minor;
- (2) Knowingly sell or serve wine to any person while such person is in an intoxicated condition.

