

**AN ORDINANCE BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS  
MODIFYING FORSYTH COUNTY ALCOHOL ORDINANCE,  
OTHERWISE KNOWN AS ORDINANCE 68, OR CHAPTER 6 ARTICLE IV OF  
THE FORSYTH COUNTY CODE OF ORDINANCES**

**WHEREAS**, the Constitution of the state of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, the Board of Commissioners of Forsyth County adopted an ordinance establishing rules and regulations for licensing the sale of distilled spirits, wine, and malt beverages within Forsyth County, Georgia, on January 27, 2003; and

**WHEREAS**, in the interests of health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to amend the Alcohol Ordinance; and

**WHEREAS**, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

**NOW THEREFORE**, the Board of Commissioners of Forsyth County, Georgia, hereby ordains as follows:

**Section 1.**

Article I of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by modifying Section 1.2 (to be codified as Section 6-2 of the Code of Forsyth County, Georgia), and adding the bold, underlined language thereto:

*“...Package means a bottle, can, keg, barrel, or other original consumer container.*

**Packaged goods retailer means a person licensed as a retailer to sell alcoholic beverages in unbroken packages for consumption off the premises; excluding a manufacturer....”**

**Section 2.**

Article I of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by modifying Section 1.4.1 (to be codified as Section 6-4.1 of the Code of Forsyth County, Georgia), and adding the bold, underlined language thereto:

**(g) Conditional licenses shall only be eligible for renewal one time. In the event that condition (d) is not met prior to the deadline set under the first allowed renewal, the Business License Department Head shall schedule a public hearing at the last regularly scheduled hearing in December.**

### Section 3.

Article I of the Forsyth County Alcoholic Beverages Ordinance is hereby amended by modifying Section 1.7 (e)(3) (to be codified as Section 6-7(e)(3) of the Code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(3) The subsection shall not prohibit the sale of growlers, distilled spirits not to exceed ~~2,250~~ **4,500** milliliters per consumer per day...

### Section 4.

Article I of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 1.7(h) (to be codified as Section 6-7(h) of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(h) ~~No licensee, or employee of the licensee, authorized to sell alcoholic beverages by the package shall permit the consumption of alcoholic beverages on the premises as prescribed by Georgia law under~~ **Notwithstanding any contrary term or prohibition in this chapter, in any retail package liquor store in which alcoholic beverages are legally sold in unbroken packages, the tasting of alcohol samples by retail dealers and their employees is permitted to the extent allowed by** O.C.G.A. § 3-3-26. ~~unless~~ **Consumption of alcoholic beverages on the premises is allowed, if** the licensee holds a state brewpub license, is a state licensed distillery or a state licensed brewery, and complies with all requirements in this chapter related to retail growler sales by brewpubs, retail sales of distilled spirits by a distillery or retail sales of malt beverages by a brewery.

### Section 5.

Article I of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 1.7(i) (to be codified as Section 6-7(i) of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(i) Except where specifically authorized herein, no licensee or employee of the licensee, authorized to sell alcoholic beverages by the drink shall permit any person to remove from the licensed premises any alcoholic beverage sold or dispensed for consumption on the premises. This specifically prohibits the use of “to go” cups or any device permitting any person to remove the alcoholic beverages from the licensed premises. **This section shall not prohibit the sales of mixed drinks to-go for any food service establishment which is licensed to sell distilled spirits for consumption on the premises to the extent allowed by § O.C.G.A. 3-3-11.** Notwithstanding the restrictions contained in this subsection (i), duly licensed d brewpubs shall be entitled to sell growlers, as well as a licensed distillery and licensed brewery as defined in Section 6-7(e)(2)(3), in compliance with this chapter.

#### Section 6.

Article I of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 1.7(l) (to be codified as Section 6-7(l) of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(l) ~~It shall be unlawful for any delivery to be made to and/or sales be made outside of the outlet; provided that this subsection shall not prohibit the~~ **Delivery and/or the sale of alcohol shall be permissible** on the premises of a golf course which is licensed to sell alcoholic beverages or as part of an online curbside pickup service. Licensees solely licensed to sell by the package may offer online curbside pickup. Online curbside pickup shall not be offered by any retailer licensed to sell for consumption on the premises. Online purchased goods must be delivered to the customer’s vehicle and the vehicle must be located within a clearly designated pickup area located within a paved parking area adjacent to the place of business. Any employee delivering alcoholic beverages to a vehicle for online curbside pickup must confirm the individual receiving the alcoholic beverages is at least 21 years of age. It shall be unlawful to sell or dispense alcoholic beverages from drive-in or service windows. The consumption and/or sale of alcoholic beverages shall be allowed in open areas and patios provided that the licensee is in compliance with all other

appropriate regulations as to the safe and orderly operation of such outlet, including, but not limited to, regulations pertaining to maximum capacity, ingress and egress.

#### Section 7.

Article I of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 1.7(m) (to be codified as Section 6-7(m) of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(m) ~~Reserved.~~ **Home Delivery of alcohol is permitted as set out in O.C.G.A § 3-3-10, and by regulations promulgated by the Georgia Department of Revenue. For all purposes of this section, licensees possessing a retail license for consumption on premises may deliver packaged malt beverages and wine, with a qualifying food entrée. A packaged goods retailer may sell and deliver malt beverages and wine in unbroken packages to an individual for personal use, but not for resale. Additionally, retail packaged liquor stores that are also packaged goods retailers, may deliver distilled spirits and unbroken packages if the products are sold to an individual for personal use and not for resale. In addition to any criminal penalties that may be provided by law, the Business License Department Head is authorized to enforce compliance with this section. Upon each violation of any provision of O.C.G.A. § 3-3-10 a licensee shall be subject to a fine not to exceed five hundred dollars (\$500.00) and a suspension of the authorization to deliver alcohol for up to thirty (30) days.**

#### Section 8.

Article II of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 2.5 (to be codified as Section 6-55 of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

Retail package outlets shall engage in the sale of beer and/or wine only between the hours of 6:00 a.m. and 11:45 p.m. Monday through Saturday, and between the hours of ~~12:30 p.m.~~ **11:00 a.m.** and ~~11:30 p.m.~~ **12:00 a.m.** on Sundays.

#### Section 9.

Article II of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 2.8 (5) (to be codified as Section 6-58 (5) of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(5)...A farm winery located on the premises where the farm wine is produced that is licensed to sell wine in a tasting room or other licensed farm winery facility for consumption on the premises or in closed packages for consumption off the premises shall be authorized in accord with the terms hereof to sell its wine on Sundays from ~~12:30 p.m.~~ 11:00 a.m. until ~~11:59 p.m.~~ 12:00 a.m. in the tasting room or other licensed farm winery facility...

#### **Section 10.**

Article III of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 3.4 (to be codified as Section 6-94 of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

The sale of distilled spirits by the package shall occur only between the hours on 9:00 a.m. and 11:45 p.m. Monday through Saturday, and between the hours of ~~12:30 p.m.~~ 11:00 a.m. and ~~11:30 p.m.~~ 12:00 a.m. Sundays.

#### **Section 11.**

Article III of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 3.5 (to be codified as Section 6-95 of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

~~It shall be unlawful for any person to consume any alcoholic beverage on premises licensed for the sale of distilled spirit by the package, excluding state license distilleries, and it shall be unlawful for any licensee authorized to sell distilled spirits by the package to open for, or break the package for a purchaser, and/or permit the consumption of alcoholic beverages on said premises.~~

- (a) **Retail package liquor stores may conduct up to fifty-two (52) tasting events per calendar year.**
- (b) **Prior to holding a tasting event under this section, the licensee shall provide written notice to the Business License Department Head.**
- (c) **Tasting events as provided for in this section shall only be authorized to take place on the licensed premises and during the hours of operation provided for by Section 3.4 of this chapter.**
- (d) **Tasting events may last no longer than four (4) hours and are limited to one (1) event per day.**

- (e) Only alcoholic beverages that the licensee is licensed to sell on the licensed premises, and which are part of the licensee's inventory may be served during a tasting event under this section.
- (f) During a tasting event under this section, only one (1) type of alcoholic beverage may be offered (i.e., malt beverages wine or distilled spirits). However, multiple brands of one (1) type of alcohol may be offered so long as no more than four (4) packages are open at any one time.
- (g) Packages opened for the purposes of a tasting event may not be sold and should be kept locked in a secure room, except when in use during the tasting event.
- (h) If the event is for malt beverages, a customer shall not be served more than eight (8) ounces of malt beverage during the event. If the event is for wine, a customer shall not be served more than five (5) ounces of wine during the event. If the event is for distilled spirits, a customer shall not be served more than one and one-half (1 ½ ) ounces of distilled spirits during the event.
- (i) Only food that is lawful to sell on the licensed premises may be offered as part of a tasting event, and such food shall be offered at no cost to the consumer.
- (j) The Licensee must comply with any and all provisions set out in O.C.G.A. § 3-15-2 and any and all regulations enacted by the Commissioner of the Department of Revenue.

## Section 12.

Article VI of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 6A.2(c) (to be codified as Section 6-243 (c) of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(c) A brewer licensed to manufacture malt beverages in the State of Georgia shall include the right to sell up to 3,000 barrels of malt beverages per year produced at to individuals on the brewer's licensed premises to individuals who are on such premises for personal use and not for resale, subject to the following terms and conditions:

(1) For Consumption on the premises, and the brewer may only make sales of its malt beverages to an individual while the individual is physically on the brewer's licensed premises where the brewer produces malt beverages;

(2) For Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day. the brewer may make sales of the malt beverages that the brewer produces at the brewer's licensed premises where the individual is purchasing the malt beverages;

(3) As long as the brewer and all of the brewer's licensed premises are under common ownership, the brewer may make sales of malt beverages the brewer produces at any licensed premises of the brewer, and subsequently transfer in compliance with the limitation and reporting obligations of subsection (c) of this Code section, to the brewer's licensed premises for sale where the individual is purchasing the malt beverages;

(4) The brewer may only make sales of malt beverages for which the brewer is the sole owner of the brand and brand label:

(5) Sales for consumption on the premises are not subject to a daily maximum amount;

(6) Sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per individual per day; and

(7) The maximum amount of malt beverages the brewer may sell pursuant to subsection (b) of this Code section in each calendar year shall be 6,000 barrels in the aggregate, among all of the brewer's licensed premises making such sales.

(8) Nothing in this Code section shall be interpreted to prohibit a brewer from transferring any liquid, regardless of whether such liquid would be deemed to be malt beverages or not, to or from any of the brewer's licensed premises; provided, however, with respect on any malt beverages a brewer produces at one of the brewer's license premises and transfers to be sold to individuals pursuant to subsection (b) of this Code section at another of the brewer's licensed premises, the maximum number of barrels of malt beverages permitted to be transferred from on licensed premises of the brewer to another licensed premises of the brewer shall not exceed the number of barrels of malt beverages the brewer produces under brands and brand labels for which the brewer is the sole owner at the licensed premises receiving the transferred malt beverages.

Article VI of the Forsyth County Alcoholic Beverages ordinance is hereby amended by modifying Section 6B.3 (c) (to be codified as Section 6-253 (c) of the code of Forsyth County, Georgia) and adding the bold, underlined language thereto:

(c) A limited exception to the provisions of a three-tier system for the distribution and sale of distilled spirits shall exist to the extent that the license to manufacture distilled spirits in the State of Georgia and the county shall include the right to sell up to ~~500~~ **750** barrels of distilled spirits per calendar year **to individuals on such** ~~produced at the distiller's licensed premises to individuals who are on such premises for:~~ **for personal use and not for resale, subject to the following terms and conditions:**

(1) ~~Consumption on the premises; and~~ **Such retail sales of distilled spirits shall only be made to an individual who is physically on such distiller's licensed premises and is of the age required by Code Section 3-3-23;**

(2) ~~Consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 2,250 milliliters of distilled spirits per consumer per day.~~ **A maximum of three of such distiller's licensed premises shall be permitted to make such retail sales. If such distiller has more than one licensed premises, such distiller shall annually designate the specific licensed premises, up to a maximum of three, from which such distiller has elected to exercise its limited right to sell distilled spirits pursuant to this subsection and shall provide notification of such designation to the department for each calendar year;**

(3) **Such retail sales made for consumption on the premises shall not be subject to a daily maximum amount;**

(4) **Such retail sales made for consumption off the premises shall not exceed a maximum of 4,500 milliliters of distilled spirits per individual per day;**

(5) **The distiller shall only make such retail sales of distilled spirits that such distiller has distilled, rectified, blended, aged, or bottled at one or more of its licensed premises;**

(6) **The distiller shall only make such retail sales of distilled spirits for which such distiller is the sole owner of the brand and brand label;**

(7) Beginning on April 1, 2022, and continuing thereafter, such distiller shall only make such retail sales of distilled spirits at a licensed premises at which such distiller reports on-site production volume, unless such licensed premises:

(a) Operates under the same federal distilled spirits permit of a licensed premises of such distiller at which such distiller reports on-site production volume;

(b) Is designated under paragraph (2) of this subsection as one of such distiller's licensed premises for retail sales;

(c) Is used for aging distilled spirits transferred from such distiller's on-site production volume in wooden containers for a period exceeding one year at such licensed premises; provided, however, that such licensed premises may also be used for aging distilled spirits transferred to such licensed premises as permitted under subsection (d) of this Code section; and

(d) Has physically located at such licensed premises at all times during such calendar year not less than 500 barrels of distilled spirits owned by such distiller that are being aged in wooden containers.

(8) Beginning on April 1, 2022, and continuing thereafter, the maximum volume of distilled spirits that such distiller may sell from each specific licensed premises permitted to make such retail sales under this subsection during any calendar quarter shall be limited as follows:

(a) From a licensed premises at which such distiller reports on-site production volume, the maximum volume shall be the on-site production volume at such licensed premises during such calendar quarter; and;

(b) From a licensed premises that meets all of the qualifications described in subparagraphs (a) through (d) of paragraph (7) of this subsection, the maximum volume shall be the difference between:

(i) The total aggregate on-site production volume of such distiller in the state among all of such distiller's licensed premises during such calendar quarter; and

**(ii) The total aggregate retail sales made by such distiller under this subsection at all other licensed premises at which such distiller makes retail sales under this subsection during such calendar quarter.**

**(c) Nothing in this Code section shall prohibit a distiller from transferring any liquid, regardless of whether such liquid would be deemed to be a finished product of distilled spirits or was distilled by such distiller, to or from any of such distiller's licensed premises or from selling such transferred liquid to individuals present at such distiller's licensed premises, subject to the terms and limitation of subsection (b) of this Code section.**

**Section 14.**

**Severability:** Should any section, subsection, clause, sentence, phrase, or part of this Ordinance for any reason be held, deemed, or construed to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions thereof and the Board of Commissioners hereby declares that it would have passed this Ordinance, each section, subsection, clause, sentence, phrase, and part thereof irrespective to the fact that one or more sections, subsections, clauses, sentences, phrases, or parts thereof, be declared unconstitutional or invalid.

**Section 15.**

**Effective Date and Repealer Provision:** This Ordinance shall become effective immediately upon passage and any and all existing or pre-existing Forsyth County Alcohol Ordinance, amendments, and resolutions in conflict with the terms of this Ordinance are hereby repealed.

**BE IT RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**FORSYTH COUNTY BOARD OF COMMISSIONERS**

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**Cindy J. Mills, Chairman**

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**Molly Cooper, Vice Chairman**

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**Alfred John, Secretary**

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**Todd Levent, Member**

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**Laura Semanson, Member**

**Attest:**

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**Clerk to the Board**

