

STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA TO AMEND CHAPTER 6 (ALCOHOLIC BEVERAGES) OF THE CODE OF THE CITY OF SANDY SPRINGS, GEORGIA TO DELETE, MODIFY AND ADD PROVISIONS PERTAINING TO THE REGULATION AND LICENSING OF BREWPUBS AND RELATED PROVISIONS GOVERNING THE SALE OF ALCOHOLIC BEVERAGES BY THE PACKAGE, INCLUDING GROWLERS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that Chapter 6 of the Code of the City of Sandy Springs (the "Code") is amended as follows:

SECTION I: Section 6-1(b) of the Code is hereby amended as follows:

Brewpub means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36. In calculating the total annual gross food and beverage sales for any such establishment for the purpose of determining whether the establishment constitutes an 'eating establishment' as defined herein, barrels of malt beverages sold to licensed wholesale dealers, as authorized pursuant to subparagraph (D) of paragraph (2) of O.C.G.A. § 3-5-36, or to the public for consumption off the premises in accordance with subparagraphs (A) and (D) of paragraph (2), paragraph (3) and paragraph (4) of O.C.G.A. § 3-5-36, shall not be used.

Growler means a bottle capable of being sealed with a tamper-proof cap, top or other seal for the purpose of complying with open container laws, and further provided that the container may hold not less than twelve (12) ounces, but not to exceed sixty-eight (68) ounces, and is filled with malt beverage drawn from a barrel, cask, tank, or keg by a licensee, or an employee of a licensee, holding a package malt beverage license issued by the City of Sandy Springs.

SECTION II. Section 6-52(a) (1) is hereby amended as follows:

Sec. 6-52. - Retail package licenses.

- (a) Applicants may apply for one or more of the following type retail licenses:
 - (1) *Package malt beverage license*. Retail sale of malt beverages in the original package and retail sale of growlers as authorized herein.

SECTION III. Section 6-136 is hereby amended as follows:

Sec. 6-136. – Delivery and storage.

- (a) Except as may be otherwise specifically provide herein as to brewpubs, alcoholic beverages shall be delivered to and received at licensed premises in the original container and in a conveyance owned and operated by a licensed wholesale dealer (or a licensed common carrier acting for a wholesaler) with a permit from the city to make deliveries in the city. Alcoholic beverages shall be sold at retail only on the licensed premises.
- (b) A retail licensee shall store alcoholic beverages only on the licensed premises and at no other place. All stock shall be available at all times for inspection by any authorized agent of the city. Except as may be otherwise specifically provided herein as to brewpubs, any alcoholic beverages found in any retail licensee's stock which were not received from a wholesaler licensed to make deliveries in the city shall be subject to immediate confiscation.

SECTION IV: Section 6-137 of the Code is hereby amended as follows:

Sec. 6-137. - On-premises consumption unlawful; sale of growlers.

- (a) It shall be unlawful for any person to consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package. It shall be unlawful for any package licensee to open or break the package of any alcoholic beverages for a purchaser or to permit the consumption of alcoholic beverages on the licensed premises.
- (b) Notwithstanding the foregoing, the sale of growlers, as defined in subsection 6-1(b), is authorized for and by those licensees holding a package malt beverage license, with or without a package wine license, but not authorized under any circumstances for licensees holding a package distilled spirits license, and who do not sell, or offer for sell [sale], vehicular fuel. The filling of growlers with malt beverage drawn from a tap on a barrel, cask, tank, or keg on the premises shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or other provisions of this chapter, provided that no filled growlers may be consumed on the premises. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed and removed from the premises in its original sealed condition. In order to be securely sealed, the growler must be sealed with a tamper-proof cap or seal. With the exception of brewpubs pursuant to subsection (c), Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler.
- (c) Notwithstanding any other provision of this chapter to the contrary, in the case of a brewpub holding a license to sell malt beverages by the package, growlers may be filled from barrels, casks, tanks, or kegs of malt beverages manufactured on the licensed premises, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36.

SECTION V: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION VI: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION VII: This Ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED this the 5th day of April, 2016.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)

