

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE I, SECTION 6-8 SO AS TO
MAKE PROVISION FOR BUSINESS ESTABLISHMENTS TO HAVE A POLICY
PERMITTING BYOB UNDER CERTAIN CIRCUMSTANCES**

WHEREAS, the City of Sandy Springs (the "City") currently permits any person to bring his or her own alcoholic beverage in any licensed retail establishment, provided the owners or their agents have a policy permitting a patron to bring an unopened bottle of wine into the retail establishment for consumption on the premises by the patron; and the retail establishment is licensed by the city, meets all application requirements and is governed by the ordinance provisions as set forth in Division 2 of Article II of the Chapter 6 as to a limited pouring permit of wine only; and

WHEREAS, the City Council has determined that the BYOB requirements should provide a more specified definition as to the term retail business establishments as addressed in Sec 6-8 (2) of the current ordinance; and

WHEREAS, the City Council has further determined that a Brownbagging license for BYOB be authorized for business establishments as defined, provided the business establishment has met the requirements and payment of applicable fees; and

WHEREAS, the City Council wishes to continue permitting BYOB as to a private hotel or other similar guest room or a private club and retail eating establishments licensed to sell wine for consumption on the premises, which have adopted a policy allowing such.

NOW, THEREFORE, in order to accomplish the foregoing, the Mayor and City Council of the City, pursuant to their authority, do hereby amend Chapter 6, Article I, Section 6-8 so that said Section 6-8 shall now read as follows:

“Sec. 6-8. – Brownbagging; when BYOB is allowed

It is prohibited for any person to bring in his own alcoholic beverage in any business establishment without regard to whether such establishment is licensed to serve alcoholic beverages except for the following specific exceptions:

1. This section shall not prohibit any person dining at an eating establishment licensed to sell wine for consumption on the premises from bringing an unopened bottle of wine into said establishment for consumption where such eating establishment has a policy permitting same.
2. This section shall not prohibit any person who is a patron of a business establishment which provides as its primary business art instruction, sewing and embroidery instruction, or cooking instruction from bringing one unopened bottle of wine into the establishment where:
(a) the owners or their agents have a policy permitting a patron to bring an unopened bottle of wine into the business establishment for consumption on the premises by the patron; and (b) the business establishment is licensed as required hereinafter.
3. This section shall not prohibit any person who is a patron of a business establishment which provides as its primary business art instruction, sewing and embroidery instruction, or cooking instruction from bringing no more than two (2) unopened sixteen (16) ounce containers of beer, or the equivalent, into the establishment where: (a) the owners or their

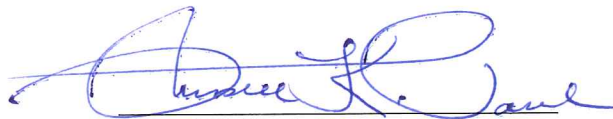
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agents have a policy permitting a patron to bring an unopened bottle of beer as described into the business establishment for consumption on the premises by the patron; and (b) the retail establishment is licensed as required hereinafter.


4. Any wine not consumed at a business establishment, as described in subsection 2 of this Section, shall be disposed of at the premises and not carried out in an open container, unless the business establishment is able to reseal and repackage the opened bottle of wine as required by O.C.G.A. § 3-6-4.
5. Any beer opened and not consumed at a business establishment, as described in subsection 3 of this Section, shall be disposed of at the premises and not carried out in an unsealed container.
6. A business establishment, as described in subsections 2 and 3 of this Section, licensed as required, may have available for its patrons use, either for a fee or not, glasses and openers for the patrons' use.
7. A business establishment, as described in subsections 2 and 3 of this Section, shall be a licensed business by the city and meet all application requirements for a Brown Bagging Beer and Wine License and be governed by the ordinance provisions set forth in Division 2 of Article II of this Chapter except as to the attendant fees. Further, such a business establishment so licensed shall not have any employee under the age of 18 working in the establishment and shall have an established closing time no later than 10:00 P.M. The attendant application fee for a business establishment, as described in subsections 2 and 3 hereinabove shall be in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by the city council.
8. All applicable state laws and city ordinances which address the use and serving of alcoholic beverages shall apply to this section, unless otherwise specifically provided hereinabove.
9. For purposes of this section, the term business establishment shall not include a private hotel room or other similar guest room or a private club."

APPROVED AND ADOPTED this the 18th day of April, 2017.

Approved:


Russell K. Paul, Mayor

Attest:


Michael D. Casey, City Clerk

(Seal)

