

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 CITY'S CODE OF ORDINANCES; TO PROVIDE FOR AN EXCEPTION TO THE PERMITTED OUTSIDE CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE DEFINED CITY SPRINGS AREA; 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 Article II of Chapter 6 of the City of Sandy Springs Code of Ordinances is amended as follows:

SECTION I: Article I of Chapter 6 of the City of Sandy Springs Code of Ordinances regarding alcoholic beverages, is amended by adding an exception related to the permitted outside consumption of alcoholic beverages within the defined City Springs area, to read as follows:

Sec. 6-7. - Carry-out of alcoholic beverage unlawful.

- (a) Except as provided for in Division 7 of Article II of this Chapter, all alcoholic beverages sold or otherwise dispensed for consumption on the licensed premises shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises, and it shall be unlawful for the licensee to permit any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. The licensee shall be responsible for ensuring that no person so removes any alcoholic beverages from the premises in any type of container.

Notwithstanding the foregoing and as authorized by O.C.G.A. § 3-6-4, any eating establishment in Sandy Springs which is licensed to sell wine for consumption on the premises may permit a patron, who has purchased a meal and consumed a portion of a bottle of wine, to remove one partially consumed bottle of wine off premises, if the bottle of wine has been securely resealed by the licensee, placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and has a dated receipt for the bottle of wine and meal attached by the licensee. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

- (b) Except as provided for in Division 7 of Article II of this Chapter, each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form:

It is a violation of the Code of Ordinances of the City of Sandy Springs to take any type alcoholic beverage out of this establishment unless specifically permitted by state law and Sandy Springs ordinance. Such sign shall be in uniform letters not less than one inch in height.

- (c) It shall be unlawful for any person purchasing alcoholic beverages for consumption on the premises to leave the premises without paying for such alcoholic beverages.

- (d) Except as provided for in Division 7 of Article II of this Chapter, it shall be unlawful for customers to gather outside the establishment of a consumption on the premises licensee and consume alcoholic beverages.
- (e) Except as provided for in Division 7 of Article II of this Chapter, it shall be unlawful for the manager or any employee of a consumption on the premises licensee to allow persons to gather outside the establishment and consume alcoholic beverages.

SECTION II: Division 1 of Article II of Chapter 6 of the City of Sandy Springs Code of Ordinances regarding vendors of alcoholic beverages, is amended by adding an exception related to the permitted outside consumption of alcoholic beverages within the defined City Springs area, to read as follows:

Sec. 6-31. - Sales and consumption on public property.

- (a) Except as provided in subsections (b) and (c) of this section and Division 7 of Article II of this Chapter, it shall be unlawful for any person to sell, serve, or otherwise dispense any alcoholic beverage in a street, alley, or parking lot commonly used by the public or in any other public place or on public property.
- (b) Private parties and organizations may secure a permit from the city manager to serve, sell, or otherwise dispense alcoholic beverages on property owned or leased by the city.
- (c) An outdoor festival host holding the required special event permit may allow or prohibit alcohol consumption at the outdoor festival in a city park and shall have the right to require that alcohol consumed at the outdoor festival be purchased or obtained from an official outdoor festival vendor. Such authorization and/or limitations shall be set forth on the application for the special event permit.

SECTION III: Division 7 of Article II of Chapter 6 of the City of Sandy Springs Code of Ordinances regarding vendors of alcoholic beverages, is amended by adding an exception related to the permitted outside consumption of alcoholic beverages within the defined City Springs area, to read as follows:

Division 7. SPECIAL PROVISIONS AND EXCEPTIONS WITHIN CITY SPRINGS

Sec. 6-181. *General.*

Except as specifically otherwise provided herein, the provisions of this article are intended to set forth certain exceptions and provisions applicable only to licensees whose establishments are located within City Springs (as hereinafter defined) holding licenses to sell alcoholic beverages for consumption on the premises. Except as specifically set forth in this article, all such licensees remain subject to all other provisions of the city's alcoholic beverage ordinances.

Sec. 6-182. *Definition of City Springs.*

City Springs is defined as the area of the city encompassed by the following: "beginning at the southeast corner of the intersection of Sandy Springs Circle and Johnson Ferry Road and traveling eastward along the southern right-of-way of Johnson Ferry Road to the intersection with Roswell Road, then traveling southward from the intersection of Johnson Ferry Road with Roswell Road along the western right-of-way of Roswell Road to the intersection with the southern right-of way of Mt. Vernon Road, then traveling westward along the southern right-of-way of Mt. Vernon Road to the intersection with the eastern property line of the city owned parking lot, then south along the eastern property line of the city owned parking lot

to the intersection with Hilderbrand Drive, then west along the northern right of way of Hilderbrand Drive to the intersection with the western right-of-way of Bluestone Road, then traveling northward along the western right-of-way of Bluestone Road to the intersection with the southern right-of-way of Mt. Vernon Road, then travelling westward along the southern right-of-way of Mt. Vernon Road to the intersection with eastern right-of-way of Sandy Springs Circle, then traveling northward along the eastern right-of-way of Sandy Springs Circle to the intersection with Johnson Ferry Road and the point of beginning.” City Springs shall not be deemed to include establishments not physically located within the designated City Springs area.

Sec. 6-183. *Outside consumption of alcoholic beverages permitted within the defined City Springs area.*

- (a) Two drink on-street limit. Any establishment licensed to sell alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic cup, or alternative container other than a can, bottle, or glass, for removal from the premises; provided, however, that no establishment shall dispense to any person more than two such alcoholic beverages at a time for removal from the premises, and no person shall remove at one time more than two such alcoholic beverages from the licensed premises.
- (b) Size limited to a maximum of sixteen (16) ounces. No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall hold in possession on the streets and sidewalks, in parks and squares, or in other public places within the defined City Springs area any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.
- (c) Drinking from can, bottle, or glass prohibited. It shall be unlawful for any person to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass, or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, parks and squares, rights-of-way, parking lots, whether public or private, or in other public places within the defined City Springs area, except to the extent permitted for a special event pursuant to Section 6-185(c).
- (d) Purchase from licensed premises within City Springs. Alcoholic beverages consumed pursuant to this provision must be purchased from a licensed premise within the defined City Springs area.
- (e) Consumption limited to the defined City Springs area. No alcoholic beverage purchased pursuant to this provision may be consumed outside of the defined City Springs area.
- (f) Consumption limited to lawful hours of operation. No alcoholic beverage purchased pursuant to this provision shall be consumed except within the authorized hours of sale of the establishment where purchased.
- (g) Any alcoholic beverages purchased pursuant to this Division may be excluded from any outside area within City Springs as may be designated and demarcated by the City in its sole discretion.
- (h) Each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in uniform letters not less than one inch in height in substantially the following form:

It is a violation of the Code of Ordinances of the City of Sandy Springs to take any type alcoholic beverage out of this establishment except in an authorized container not exceeding sixteen (16) ounces. Any alcoholic beverage removed from this establishment in an authorized container shall not be removed from the City Springs area unless specifically permitted by state law and Sandy Springs ordinance.

The aforementioned sign shall be accompanied by a visual representation of the defined City Springs area highlighting the area where alcoholic beverages may be transported and consumed pursuant to this Division.

Sec. 6-184. *Alcohol/food sales ratio.*

A licensed establishment located within the defined City Springs area shall derive a minimum of fifty (50) percent of its total annual gross food and beverage sales from the sale of prepared meals or food.

Sec. 6-185. *Special events and city-sanctioned or city-sponsored events.*

- (a) For the purposes of this Division, a city-sanctioned or city-sponsored event is one which is conducted or sponsored, in full and or in part, by any department, agency, board or commission of the City of Sandy Springs or as may be specifically approved by the City Council.
- (b) The City Council may approve and allow the sale of alcoholic beverages within the defined City Springs area by Sandy Springs licensees holding licenses to sell alcoholic beverages for consumption on the premises, but whose establishments are not located within the defined City Springs area, upon application made in conjunction with a special event permit application or in conjunction with a city-sanctioned or city-sponsored event. The City Council may prescribe such other conditions and stipulations as it may deem appropriate with regard to the approval and the applicant shall comply with all provisions of Sec. 6-183 above.
- (c) The City Manager or his designee may approve and allow invitees of a city-sanctioned or city-sponsored special event at City Springs to bring their own alcoholic beverages into the event for consumption only within areas expressly designated as a condition of the special event permit so long as such alcoholic beverages are transported to and from the event area in a cooler or basket, and may prescribe such other conditions and stipulations as he may deem appropriate with regard to the approval. Notwithstanding the foregoing, it is prohibited for any person to bring in their own alcoholic beverage in any business establishment in City Springs without regard to whether such establishment is licensed to serve alcoholic beverages, except as provided in Section 6-8 of this Chapter.

Sec. 6-186. *No abrogation of other laws.*

The provisions of this article shall not be deemed to abrogate or otherwise impact any state law or local ordinance pertaining to public drunkenness, disorderly conduct, driving with an open container or under the influence of alcohol, or similar laws.

SECTION IV: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

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

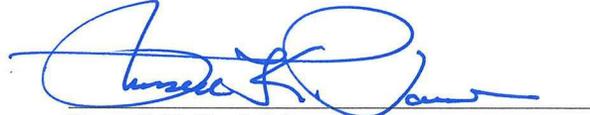
SECTION VI: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, 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.

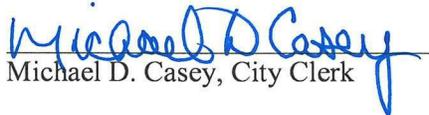
APPROVED AND ADOPTED this the 17th day of July, 2018.

Approved:



Russell K. Paul, Mayor

Attest:



Michael D. Casey, City Clerk

(Seal)

