

STATE OF GEORGIA
COUNTY OF FULTON

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

WHEREAS, the City of Sandy Springs (the "City") currently prohibits any person to bring in his own alcoholic beverage in any retail establishment without regard to whether such establishment is licensed, exempting from the term retail establishment only a private hotel or other similar guest room or a private club, and further excepting those retail eating establishments licensed to sell wine for consumption on the premises, which have adopted a policy allowing a dining patron to bring an unopened bottle of wine into the establishment for consumption on the premises and to charge what is known as a corkage fee; and

WHEREAS, other local jurisdictions have enacted ordinances which also allow other retail establishments to have a BYOB policy so long as certain requirements are met as set forth in the various ordinances; and

WHEREAS, the City Council has determined that provided certain licensing and other requirements are met, a BYOB policy should be left to the discretion of the individual retail establishment;

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 his own alcoholic beverage into any retail 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 a retail establishment licensed to sell wine for consumption on the premises from bringing an unopened bottle of wine into said establishment for consumption where the establishment has a policy permitting same.
2. This section shall not prohibit any person who is a patron of a retail establishment from bringing an 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 retail establishment for consumption on the premises by the patron; and (b) the retail establishment is licensed as required hereinafter.
3. Any wine not consumed at a retail establishment, as described in subsections 1 and 2 of this Section, shall be disposed of at the premises and not carried out in an open container, unless the retail establishment is able to reseal and repackage the opened bottle of wine as required by O.C.G.A. § 3-6-4.
4. A retail establishment, as described in subsection 2, shall be required to be licensed by the city and meet all application requirements and be governed by the ordinance provisions as set forth in Division 2 of Article II of this Chapter for a limited pouring permit of wine only. Further, no retail

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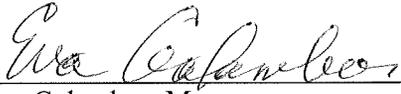
establishment so licensed shall have any employee under the age of 18 working in the establishment, and the retail establishment shall have an established closing time no later than 10:00 P.M. The fee for a retail establishment to permit wine to be brought into the establishment, as described in subsection 2, shall be in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council.

5. All applicable state laws and city ordinances which address the use and serving of alcoholic beverages shall apply to this section.

6. For purposes of this section, the term retail establishment shall not include a private hotel room or other similar guest room or a private club.”

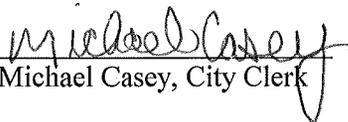
APPROVED AND ADOPTED this the 3rd day of January, 2012.

Approved:



Eva Galambos, Mayor

Attest:



Michael Casey, City Clerk

(Seal)

