



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the July 17, 2012 City Council Meeting Agenda

Agenda Item: An Ordinance to Amend Chapter 6, Article I, Section 6-1(b) of the Sandy Springs Code of Ordinances so as to remove from the definition of the word "growler" the requirement that the growler bottle be made of glass

City Attorney's Recommendation:

The City Attorney recommends the adoption of the attached Ordinance in order to accomplish the Mayor's and City Council's expressed wish to remove the requirement that the growler bottle be made of glass, since growler bottles may also be made of plastic.

Background:

In recognition of the fact that growlers have become a popular new manner for selling malt beverages, on June 5, 2012, the Mayor and City Council amended Chapter 6 of the Code of Ordinances so as to allow for the sale of growlers.

Since then, it has come to everyone's attention that while the definition of growler as enacted requires that the growler be a glass bottle, a growler bottle may also be made of plastic.

Discussion:

As a result of learning the above, the City Attorney was asked to prepare an amendment deleting the word "glass" from the definition of growler, so that the only requirement is that the growler be a bottle, without any limitation on the substance of which it may be made. The remaining portion of the definition requiring that the bottle not exceed 2 liters and not be less than 12 ounces and that it be filled with beer from a keg by a licensee, or an employee of a licensee, holding a package malt beverage license issued by the City of Sandy Springs remains the same.

Alternatives:

Decide to retain the requirement that a growler be a glass bottle.

Concurrent Review:

John McDonough, City Manager

STATE OF GEORGIA
COUNTY OF FULTON

**AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE I, SECTION 6-1(b)
OF THE SANDY SPRINGS CODE OF ORDINANCES
SO AS TO REMOVE FROM THE DEFINITION OF “GROWLER”
THE REQUIREMENT THAT THE BOTTLE BE MADE OF GLASS**

WHEREAS, on June 5, 2012, the Mayor and City Council of the City of Sandy Springs, pursuant to their authority, amended Chapter 6, Article I, Section 6-1(b) to add the word “growler” as a defined term, as well as Chapter 6, Article II, Division 4, Section 6-137 so as to allow for the sale of growlers; and

WHEREAS, it has come to the attention of the Mayor and City Council that growler bottles may be made of substances other than glass; and

WHEREAS, in defining the term “growler”, the ordinance, as enacted, limits it to a glass bottle; and

WHEREAS, the Mayor and City Council have determined that in light of the fact that a growler bottle may be made also of plastic, the limitation on the kind of bottle should be removed;

NOW, THEREFORE, in order to accomplish the foregoing, the Mayor and City Council of the City of Sandy Springs, pursuant to their authority, do hereby amend the definition of the word “growler” set forth in Chapter 6, Article I, Section 6-1(b) by deleting the word “glass”, so that the definition for “growler” shall now read as follows:

“Growler means a bottle not to exceed 2 liters and not less than 12 ounces that is filled with beer from a keg by a licensee, or an employee of a licensee, holding a package malt beverage license issued by the City of Sandy Springs.”

SO ORDAINED, this the _____ day of _____, 2012.

Approved:

EVA GALAMBOS, Mayor

Attest:

Michael Casey, City Clerk
(SEAL)