





To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the May 1, 2012 City Council Work Session Agenda

Agenda Item: Proposed amendment to Chapter 6 of the Sandy Springs Code of Ordinances to allow package sales of wine and growlers by holders of retail consumption on the premises licenses

---

***City Attorney's Recommendation:***

The following proposed amendment is for consideration by the Mayor and Council if they wish to allow the package sale of wine and growlers by those licensees holding retail consumption on the premises licenses for wine, provided those licensees also obtain a package wine license and/or package malt beverage license.

***Background:***

It appears that with the greater interest in and promotion of wines and fresh draft beer, many restaurants make a concentrated effort to offer unique and special wines and craft beers to their customers. In some instances the offered wines and/or beers may not be available for purchase in local package stores. When that occurs restaurant owners/management have made it known to Sandy Springs' Revenue Supervisor and some council members that they would like to have ability to sell bottles of wine and growlers under these circumstances.

***Discussion:***

Currently the sale of unopened bottles of wine and the filling and sale of growlers by pouring licensees is strictly prohibited by Section 6-113 which makes it unlawful for any alcoholic beverages to be sold by the package from premises licensed for consumption on the premises.

Should the Mayor and Council wish to allow the package sale of wine and/or growlers, this section could be amended as follows:

“Sec. 6-113. – Package sales prohibited.

Except as may be otherwise specifically provided hereafter, it shall be unlawful for any distilled spirits and/or malt beverages to be sold by the package from premises licensed for consumption on the premises. Wine and/or growlers may, however, be sold by the package

from premises licensed for consumption on the premises, provided that package wine and/or malt beverage licenses are also obtained.”

***Alternatives:***

The Mayor and Council could decide to retain the existing Alcoholic Beverages Ordinance as is and not permit the package sale of any alcoholic beverages from premises licensed for consumption on the premises.

***Concurrent Review:***

John McDonough, City Manager