



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the March 20, 2012 City Council Work Session

Agenda Item: Proposed amendments to Chapter 6 of the Sandy Springs Code of Ordinances to permit the sale of beer growlers

City Attorney's Recommendation:

That the proposed amendments set forth hereafter be approved and adopted if the Mayor and Council wish to permit the sale of beer growlers in Sandy Springs.

Background:

“Growlers” have become a popular new manner for selling malt beverages. As a result of numerous inquiries made by those interested in being able to sell “growlers” or establish a business in Sandy Springs which would be allowed to sell “growlers”, the City Attorney was asked to prepare proposed amendments to the Alcoholic Beverages Ordinance to permit the sale of “growlers” in Sandy Springs.

Discussion:

In order to accomplish the above, the following specific ordinance amendments are proposed:

1. Amend Section 6-1(b) on Definitions to add the word “growler” with its definition as follows:

“*Growler* means a glass bottle not to exceed 64 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.”

2. Amend Section 6-137, currently entitled “On-premises consumption unlawful”, by making the existing provision subsection (a), adding the following subsection (b), and adding to the title of the section “Sale of growlers”, so that Section 6-137 would then read as follows:

“Section 6-137. On-premises consumption unlawful. Sale of Growlers.

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Attorney*

(a) It shall be unlawful for any person to consume any alcoholic beverages on premises licensed for the sale of alcoholic beverages by the package. It shall be unlawful for any package licensee to open or break the package of any alcoholic beverages for a purchaser or to permit the consumption of alcoholic beverages on the licensed premises.

(b) The sale of Growlers, as defined in Section 6-1(b), is authorized for and by those licensees holding a package malt beverage license, with or without a package wine license, but not authorized under any circumstances for licensees holding a package distilled spirits license, and who have, at a minimum, at least 50 percent of the total sales of the licensed business from the sale of such malt beverages and wine, as the case may be. The filling of Growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. § 3-3-26 or by subsection (a) of this Section 6-137. Growlers may only be filled from kegs procured by the licensee from a duly licensed wholesaler. Only professionally sanitized and securely sealed Growlers may be filled and made available for retail sale. In order to be securely sealed, the Growler must be sealed with a tamper proof cap or seal. Every customer who purchases a Growler shall, at the time of the purchase, be provided written documentation by the licensee regarding the open containers laws of the State of Georgia and the City of Sandy Springs.”

Alternatives:

To decide not to permit the sale of growlers in Sandy Springs and therefore, not to amend.

Concurrent Review:

City Manager, John McDonough

*City
Attorney*