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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** June 8, 2010

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** An Ordinance to amend Chapter 6, Article I, Section 6-8 so as to exempt those retail establishments licensed to sell wine for consumption on the premises where the establishment chooses to adopt a policy which allows any person dining at the establishment to bring an unopened bottle of wine into the establishment for consumption

**MEETING DATE:** For Submission onto the June 15, 2010, City Council Regular Meeting Agenda

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**BACKGROUND INFORMATION:** (Attach additional pages if necessary)

See attached:

Memorandum  
Ordinance

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**APPROVAL BY CITY MANAGER:** John McDonough APPROVED  
\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:** 6/15/10

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (  ) NO

**CITY ATTORNEY APPROVAL:** GM

**REMARKS:**



To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the June 15, 2010 City Council Meeting Agenda

Agenda Item: An Ordinance to amend Chapter 6, Article I, Section 6-8 so as to exempt those retail establishments licensed to sell wine for consumption on the premises where the establishment chooses to adopt a policy which allows any person dining at the establishment to bring an unopened bottle of wine into the establishment for consumption.

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

The City Attorney attaches an Ordinance amending Section 6-8 prohibiting brown bagging so as to exempt those retail establishments licensed to sell wine for consumption on the premises where the establishment chooses to adopt a policy which allows any person dining at the establishment to bring an unopened bottle of wine into the establishment for consumption.

The City Attorney recommends the adoption of this Ordinance to achieve the desired result expressed by the City Council.

***Background:***

It was brought to the attention of the Mayor and City Council that a group of ten persons recently met to dine at an eating establishment in Sandy Springs with each of three bringing a bottle of wine to share and expecting to pay a corkage fee, as is allowed in some other jurisdictions. At such time, however, they were informed that Sandy Springs did not allow such "corkage" practice.

***Discussion:***

It appears that with the greater interest in and promotion of wines, many individuals enjoy sharing special wines and their knowledge of viticulture, while also enjoying dining out. If such is to be allowed, the existing Chapter 6, Article I, Section 6-8, which totally prohibits brown bagging, excepting only a private hotel room or other similar guest room or a private club, requires amending so as to also exempt retail establishments licensed to sell wine for consumption on the premises where the establishment chooses to adopt a policy which allows any person dining at the establishment to bring an unopened bottle of wine into the establishment for consumption.

***Alternatives:***

The alternative is to leave the ordinance as it currently reads and continue to prohibit all brownbagging.

***Concurrent Review:***

John McDonough, City Manager

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE I, SECTION 6-8 SO AS TO EXEMPT THOSE RETAIL ESTABLISHMENTS LICENSED TO SELL WINE FOR CONSUMPTION ON THE PREMISES WHERE THE ESTABLISHMENT CHOOSES TO ADOPT A POLICY WHICH ALLOWS ANY PERSON DINING AT THE ESTABLISHMENT TO BRING AN UNOPENED BOTTLE OF WINE INTO THE ESTABLISHMENT FOR CONSUMPTION.**

**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

**WHEREAS**, it appears that many individuals enjoy sharing special wines and their knowledge of vinticulture, while also enjoying dining out; and

**WHEREAS**, other local jurisdictions have enacted ordinances which allow retail eating establishments licensed to sell wine for consumption on the premises to adopt 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**, the City Council has determined that such corkage 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:

"It is prohibited for any person to bring in his own alcoholic beverage in any retail establishment without regard to whether such establishment is licensed to serve alcoholic beverages. This section shall not apply to any person dining at an 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. 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."

**SO ORDAINED**, this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Approved:

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EVA GALAMBOS, Mayor

Attest:

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Michael Casey, City Clerk  
(SEAL)