





To: Honorable Mayor and City Council Members

From: Wendell K. Willard

Date: For Submission onto the June 1, 2010 City Council Work Session

Agenda Item: Consideration of an amendment to the "Brownbagging Prohibited" ordinance (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:***

This is a policy matter for the City Council to debate and consider. Should the Council decide in favor of allowing eating establishments to choose to allow this practice and to charge a "corkage fee", attached is an example of how the amended ordinance could read.

***Background:***

Inquiry has been made by residents as to how to proceed to bring this matter to the attention of the Council for consideration in light of the existing ordinance which prohibits any person to bring his own alcoholic beverage into any retail establishment without regard to whether such establishment is licensed.

Specifically, it was brought to our attention 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 a decision is made to amend the law, whether or not to adopt a policy allowing a patron to bring an unopened bottle of wine should, in any event, ultimately be left to the retail establishment.

***Alternatives:***

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

***Concurrent Review:***

John McDonough, City Manager.

Section 6-8 of the Sandy Springs Code of Ordinances currently reads 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. 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.”

Should a decision be made to allow “corkage”, the amended ordinance could 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.”