

AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY AUTHORIZING AN EXCEPTION TO THE FULL-SERVICE KITCHEN REQUIREMENTS FOR RETAIL CONSUMPTION LICENSEES

WHEREAS, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

WHEREAS, the City of Dunwoody’s Alcohol Beverages Ordinance, Chapter 4, currently requires that all establishments having a license for Retail Consumption on the Premises have a full-service kitchen prepared to serve food every business hour; and

WHEREAS, the Mayor and City Council find that, under some circumstances, it would be burdensome to require same and desire to amend the City of Dunwoody Code to except certain smaller establishments from this requirement; and

WHEREAS, the Mayor and City Council find that, under certain circumstances, it would be desirable to allow beer or malt beverages to be removed from the premises licensed for consumption on the premises.

THEREFORE, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

ADDITIONS = UNDERLINE
DELETIONS =

Section 1: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code, Article II (Licensing), Section 4-25 (Retail Consumption on the Premises Licenses), is hereby amended as follows:

- (a) Four classes of retail consumption on the premises licenses are available. Except otherwise specifically provided in this chapter, retail consumption on the premises licenses are available only to establishments having a full-service kitchen prepared to serve food every hour they are open, unless the total square footage of the establishment is under 2000 square feet.
 - (1) Full pouring license: Retail sale of distilled spirits, wine, and beer by the drink.
 - (2) Limited pouring license: Retail sale of wine or malt beverages by the drink.

- (3) Limited pouring license: Retail sale of wine and malt beverages by the drink.
- (4) Brewpub: See definition in section 4-2
- (b) The application shall be accompanied by the requisite fee in an amount as set by resolution of the city council, which amount shall remain in effect until modified or amended by subsequent resolution adopted by the city council. Sunday sales may be made, upon payment of an additional fee, as set by resolution of the city council, provided the licensee otherwise meets the qualifying requirements for Sunday sales. Service from more than one bar at a licensed location may be made upon payment of an additional fee per bar, as set by resolution of the city council.

Section 2: Alcohol Beverages, Chapter 4 of the City of Dunwoody Code, Article VII (Requirements for Consumption On-The Premises Licenses), Section 4-193 (Carry-out of alcoholic beverage unlawful), is hereby amended as follows:

- (a) All alcohol beverages sold or otherwise dispensed by consumption on the premises licensees shall be consumed only on the licensed premises except as provided herein. Except beer or malt beverages in an air tight container sealed by the licensee or as permitted pursuant to O.C.G.A. § 3-6-4, it shall be unlawful for any person to remove from the licensed premises any alcohol beverages sold for consumption on the premises. The licensee shall be responsible for ensuring that no person so removes any alcohol beverages from the premises in any type of container, except as permitted herein.
- (b) It shall be unlawful for any person purchasing alcohol beverages for consumption on the premises to leave the premises without paying for such alcohol beverages.

Section 3: This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED, this _____ day of _____, 2012.

Approved:

Mike Davis, Mayor

STATE OF GEORGIA
CITY OF DUNWOODY

ORDINANCE 2012-XX-XX

ATTEST:

Approved as to Form and Content:

Sharon Lowery, City Clerk (Seal)

Brian Anderson, City Attorney