

## **RESOLUTION 04-2011**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF CARROLLTON, STATE OF GEORGIA, TO AMEND CHAPTER 6 (“ALCOHOLIC BEVERAGES”), ARTICLE VII (“CONSUMPTION ON THE PREMISES”), SECTION 6-167 (“REMOVAL OF BEVERAGES PROHIBITED”) TO ALLOW THE REMOVAL OF PARTIALLY CONSUMED BOTTLES OF WINE FROM RESTAURANTS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, Chapter 6 (“Alcoholic Beverages”), Article VII (“Consumption on the Premises”), Section 6-167 (“Removal of Beverages Prohibited”) of the Code of Ordinances, City of Carrollton, Georgia currently prohibits the removal of any alcoholic beverage sold for consumption on the premises from any licensed premises; and

WHEREAS, the Georgia General Assembly recently amended the Georgia Alcoholic Beverage Code to allow for the removal of partially consumed bottles of wine from restaurants under certain circumstances; and

WHEREAS, the Mayor and City Council find it in the public interest to have consistency between the City’s Alcoholic Beverage Ordinance and the Georgia Alcoholic Beverage Code.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Carrollton do hereby amend Chapter 6 (“Alcoholic Beverages”), Article VII (“Consumption on the Premises”), Section 6-167 (“Removal of Beverages Prohibited”) as follows:

### **Sec. 6-167. Removal of beverages prohibited.**

(a) Except as provided in subsection (e) below, all alcoholic beverages sold by consumption on the premises licensees shall be consumed only on the licensed premises. It shall be unlawful for any person to remove from the licensed premises any alcoholic beverages sold for consumption on the premises. Each licensee shall be responsible for ensuring that no person so removes any alcoholic beverages from the premises in any type of container.

(b) Each consumption on the premises licensee shall post in a prominent place at each exit from the licensed premises a sign in substantially the following form:

"It is a violation of City Ordinance to take any type alcoholic beverage from this outlet."

Such sign shall be uniform letters not less than one inch in height.

(c) Except as provided in subsection (e) below, [i]t shall be unlawful for any person to drink or have in his possession an open container of any alcoholic beverage:

- (1) On any public street, sidewalk, park or other public place within the city, or upon or within any motor vehicle on the streets, sidewalks, parks and public places of the city; or

(2) While on private property, open to public view, without the express permission of the owner, agent or person in lawful possession thereof.

(d) However, a licensee for the sale of alcoholic beverages by the drink or for the consumption of alcoholic beverages on the licensee's premises shall have the right to serve alcoholic beverages to patrons seated in an outdoor dining area as part of the operation of the premises. The licensee shall not have the right to serve alcoholic beverages to any person who is not seated at a table or in a chair provided by the licensee. In addition, alcoholic beverages shall only be transported into outdoor dining areas and/or opened in outdoor dining areas by a licensee's working employees as part of their work duties.

(e) Notwithstanding the above, any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

ADOPTED this 6th day of June, 2011.

MAYOR AND CITY COUNCIL OF CARROLLTON

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Mayor, City of Carrollton

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Clerk, City of Carrollton