



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1206

AN ORDINANCE BY COUNCILMEMBER ALEX WAN AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 5, SUBDIVISION I, SECTION 10-212 OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE THAT THERE SHALL BE NO PROHIBITION ON FOOD SERVICE ESTABLISHMENTS LICENSED TO SELL DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES TO SELL MIXED DRINKS FOR OFF-PREMISES CONSUMPTION IN APPROVED CONTAINERS UNDER THE CONDITIONS CONTAINED IN STATE LAW; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

WHEREAS, state law provides that no person may sell or otherwise deal in alcoholic beverages at retail without first obtaining a alcohol license issued by the state as well as a license issued by the county or municipality wherein the retail alcohol license establishment is located, see OCGA § 3-3-3(a); OCGA § 3-1-1 et seq.; and

WHEREAS, in 2020, the Georgia General Assembly amended state law at OCGA Sec. 3-3-10 related to the sale and service of alcoholic beverages to permit certain retailers to make deliveries of alcoholic beverages pursuant to specific terms and conditions, except where prohibited by local ordinance; and

WHEREAS, accordingly, on September 8, 2020, the Atlanta City Council adopted Ordinance 20-O-1558 which was approved on September 17, 2020 and which amended Chapter 10 of the City of Atlanta Code of Ordinances, (the Alcohol Code), at Section 10-212 to provide that there would be no prohibition on certain retailers to make deliveries of alcoholic beverages pursuant to the terms and conditions contained in state law; and

WHEREAS, in 2021, the Georgia General Assembly amended state law at OCGA Sec. 3-3-11 related to the sale and service of alcoholic beverages so as to allow food service establishments licensed to sell distilled spirits for consumption on the premises to sell mixed drinks for off-premises consumption in approved containers under certain conditions, except where prohibited by local ordinance; and

WHEREAS, accordingly, it is the desire of the Atlanta City Council to amend the Alcohol Code at Section 10-212 to provide that there shall be no prohibition on food service establishments licensed to sell distilled spirits for consumption on the premises to sell mixed drinks for off-premises consumption in approved containers under the conditions contained in state law.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: That Chapter 10, Article II, Division 5, Subdivision I, Section 10-212 of the City of Atlanta Code of Ordinances, is hereby amended so that it shall read as follows (with permanent additions in underline font):

Sec. 10-212. - Sale or delivery beyond the licensed premises. ~~to unlicensed premises.~~

- (a) Except as otherwise authorized by O.C.G.A. § 3-3-10, it shall be unlawful for any licensee under this article to make deliveries of any alcoholic beverage by the package beyond the boundaries of the premises covered by the license.
- (b) Except as otherwise authorized by O.C.G.A. § 3-3-11, it shall be unlawful for any licensee to allow the sale or delivery of any alcoholic beverage by the drink to any area other than the premises covered in the application for license, private, meeting and dining rooms located on the premises of the licensee and the designated rooms of any guest in a hotel or motel in which is located a licensee under this article. It shall also be unlawful for any person to remove any alcoholic beverage served by the drink to any area beyond the licensed premises. Each retail licensee licensed to sell alcoholic beverages for on-premises consumption shall have the following notice prominently displayed at all exits and printed on any menus which the licensee distributes:

"It is unlawful for any person to remove any alcoholic beverage served here to any area beyond these premises.

Atlanta City Code."

SECTION 2: The amendments in this ordinance shall become effective immediately.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

SECTION 4: That the Municipal Clerk is instructed to retain all legislative history references in the codified versions of Chapter 10 including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

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A true copy,

**ADOPTED by the Atlanta City Council
APPROVED per City Charter Section 2-403**

**APR 18, 2022
APR 27, 2022**



**A. Vanessa Waldon
Deputy Municipal Clerk**