

GWINNETT COUNTY
BOARD OF COMMISSIONERS
LAWRENCEVILLE, GEORGIA

ORDINANCE ENTITLED: Alcoholic Beverages

READING AND ADOPTION: March 1, 2022

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

Name	Present	Vote
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland D. Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins, III, District 3	Yes	Aye
Marlene M. Fosque, District 4	Yes	Aye

On motion of Commissioner **Hendrickson**, which carried by a **5-0** vote, the Gwinnett County Board of Commissioners hereby amends Chapter 6 the Code of Ordinances of Gwinnett County, entitled "Alcoholic Beverages," by adding new Sections 6-73 and 6-129, and by repealing Sections 6-4 and 6-125, and by replacing those repealed sections with new Sections 6-4 and 6-125.

WHEREAS, the Gwinnett County Alcoholic Beverage Ordinance regulates the sale and consumption of alcoholic beverages within unincorporated Gwinnett County; and

WHEREAS, during the 2019 - 2020 session of the Georgia General Assembly, revisions were made to Official Code of Georgia Annotated Section 3-3-1 et seq through House Bill 879 to allow delivery of malt beverages and wine from licensed package retailers to residents within the licensing jurisdiction; and

WHEREAS, during the 2020 - 2021 session of the Georgia General Assembly, revisions were made to Official Code of Georgia Annotated Section 3-3-1 et seq through Senate Bill 236 to allow curbside pick-up of mixed drinks accompanying a food order in certain circumstances; and

WHEREAS, the revisions to state law also allow local governments to expand by resolution or ordinance the hours during which Sunday sales of alcoholic beverages are permitted at licensed retail establishments; and

WHEREAS, pursuant to the revised state law, Official Code of Georgia Annotated Section 3-3-7, Gwinnett County is eligible to expand package sales by retailers of malt beverages and wine on Sundays for an additional hour and a half between 11:00 AM and 12:30 PM and an additional half hour between 11:30 PM and 12:00 midnight; and

WHEREAS, pursuant to the Official Code of Georgia Annotated Section 3-3-7(p.1), Gwinnett County is eligible to make changes to hours of sale as described herein by resolution or ordinance, and

WHEREAS, enabling delivery of malt beverages and wine and expanded hours for Sunday sales of alcoholic beverages at licensed retail establishments would expand business opportunities for local retailers and provide greater convenience for residents; and

WHEREAS, the Board of Commissioners finds it is in the best interest of Gwinnett County to adopt the recommended amendments to the Alcoholic Beverages Ordinance as set forth in Exhibit 1 attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the Gwinnett County Board of Commissioners, that Chapter 6 of the Code of Ordinances of Gwinnett County is hereby amended by adding new Sections 6-73 and 6-129, and by repealing Sections 6-4 and 6-125 in their entirety, and by replacing those repealed sections with new Sections 6-4 and 6-125, as set forth in Exhibit 1 attached hereto.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this ordinance shall be effective upon adoption.

BE IT FURTHER RESOLVED that all ordinances, regulations or parts of the same in conflict with this Resolution are hereby rescinded to the extent of said conflict.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Nicole L. Hendrickson
Nicole L. Hendrickson, Chairwoman

Date Signed: 3/10/2022

ATTEST:

By: Tina M. King
Tina King, County Clerk



APPROVED AS TO FORM:

By: Theresa A. Cox
Theresa A. Cox, Deputy County Attorney

Exhibit 1

Chapter 6 - Alcoholic Beverages

ARTICLE I.- IN GENERAL

Section 6-4 shall be repealed in its entirety and replaced with a new section 6-4 to read as follows:

6-4. – Sale or possession for sale without license or beyond boundaries of premises covered by license.

It shall be unlawful for any person, corporation, partnership or other legal entity to sell, permit the sale of, or possess for the purpose of sale at any retail business location any alcoholic beverage where the person, corporation, partnership or other legal entity does not have a license granted by the county to sell or possess for sale these alcoholic beverages, or to sell or make deliveries beyond the boundaries of the premises covered by the license, except as provided in Section 6-129 or otherwise allowed by state law.

ARTICLE II. – RETAIL SALES OF DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES

A new section 6-73 shall be added to read as follows:

Sec. 6-73. – Sale of mixed drinks for off-premises consumption

Sale of mixed drinks for off-premises consumption shall be permitted from an establishment licensed to sell distilled spirits for consumption on the premises consistent with the provisions of this ordinance and O.C.G.A. Section 3-3-11.

Secs. 6-74–6-102.- Reserved.

ARTICLE IV. – RETAIL PACKAGE SALES OF MALT BEVERAGES AND WINE

Section 6-125 shall be repealed in its entirety and replaced with a new section 6-125 to read as follows:

Sec. 6-125. - Hours and days of sale.

- (a) Retail package licensees shall not engage in the sale of beer and/or wine except between the hours of 7:00 a.m. and 12:00 midnight Monday through Saturday and 11:00 a.m. and 12:00 midnight on Sunday. The hours within

which business may be carried on shall be determined by the standard time in force at the time of the sale of beer and/or wine.

- (b) Retail package beer and/or wine shall not be sold at any time in violation of any local ordinance or regulations or of any special order of the governing authority.

A new section 6-129 shall be added to read as follows:

6-129. - Delivery of malt beverages and wine.

Delivery of malt beverages and wine shall be permitted from a licensed establishment consistent with the provisions of this ordinance and O.C.G.A. Section 3-3-10.

Secs. 6-130—6-154. - Reserved