



AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND CHAPTER 4 OF THE CODE OF THE CITY OF ALPHARETTA, GEORGIA TO REVISE PROVISIONS RELATED TO DELIVERY, CONSUMPTION SALES, AND RETAIL ESTABLISHMENTS, TO ADD PROVISIONS RELATED TO MIXED DRINK SALES, TO REPEAL PROVISIONS RELATED TO DELIVERY OF ALCOHOLIC BEVERAGES, AND TO REVISE PROVISIONS RELATED TO SALE OR POSSESSION FOR PURPOSE OF SALE WITHOUT LICENSE OR BEYOND BOUNDARIES OF PREMISES COVERED BY LICENSE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, the Mayor and Council of the City of Alpharetta (the "City Council" or "Council") are charged with the protection of the public health, safety, and welfare of the citizens of Alpharetta; and

WHEREAS, the City Council has adopted Chapter 4 of the Code of the City of Alpharetta, Georgia ("City Code") regarding alcoholic beverages; and

WHEREAS, the City Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to its needs; and

WHEREAS, the City Council deems it appropriate to amend Chapter 4 of the City Code.

NOW THEREFORE, the Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 4-3 of the Code of the City of Alpharetta, Georgia, is hereby amended to read as follows:

Sec. 4-3 – Sale or possession for purpose of sale without license or beyond boundaries of premises covered by license.

No person shall sell or possess for the purpose of sale any alcoholic beverage unless such person has a license from the city to sell or possess for sale alcoholic beverages, or sell or make deliveries beyond the boundaries of the premises covered by the license, unless permitted by state law or local ordinance.

Section 2: Section 4-31 of the Code of the City of Alpharetta, Georgia, is hereby repealed.

Section 3: Secs. 4-31 – 4-46 of the Code of the City of Alpharetta, Georgia shall be Reserved.

Section 4: Section 4-49 of the Code of the City of Alpharetta, Georgia, is hereby amended to read as follows:

- (a) Except as may be otherwise expressly provided in this chapter, establishments holding a license to sell alcoholic beverages for consumption on the premises shall not hold a license for the sale of alcoholic beverages by the package.
- (b) The foregoing prohibition, however, shall not apply with respect to the following:
 - (1) Supermarkets and brew pubs, as defined in section 4-1; provided, however, no such license shall include or authorize the sale of distilled spirits by the package;
 - (2) Eating establishments, as defined in section 4-1, may sell wine and/or beer by the package for off-premises consumption, provided that the sale of wine and/or beer for off-premises

consumption is an ancillary function of the eating establishment. Notwithstanding the foregoing, the sales of wine and/or beer by the package for off-premises consumption shall not be used in calculating the total annual gross food and beverage sales for the establishment for the purpose of determining whether the establishment constitutes an eating establishment as set forth in section 4-1, however, all sales of wine and/or beer sold for off premises consumption shall be notated on the monthly alcohol compliance form; and

- (3) Distilleries and breweries, as defined in Article XVII and Article XIX, respectively
- (c) For the purposes of this chapter, any supermarket, brew pub, or eating establishment that wishes to sell alcoholic beverages by the package for off-premises consumption shall submit an application for said license, as the off-premises consumption license is not automatically granted with the approval of an on-premise consumption license.
- (d) Any brew pub or eating establishment with a license to sell wine and/or beer by the package for off-premises consumption may not sell beer or wine by the package at any date or time when the sale of package beer or wine for carryout purposes is prohibited by ordinance or state law.
- (e) Any brew pub or eating establishment seeking a license to sell wine and/or beer by the package for off-premises consumption must meet the distance requirements to grounds or buildings as required for beer or wine package off-premises consumption retail locations.
- (f) For the purposes of this chapter, where a person holds a license to sell alcoholic beverages by the package, including distilled spirits, at one establishment, and a license to sell alcoholic beverages for consumption on the premises at a contiguous establishment, and the licensed premises of each establishment are physically separate from the other, with the only interconnectivity between the establishments (if any) being an inside connecting service door or passageway, such establishments shall be considered separate and distinct establishments, provided that:
 - (1) Each establishment operates under a trade name different from the other;
 - (2) All business transactions are kept separate;
 - (3) Each establishment must operate in compliance with all other provisions of this chapter and all other laws and regulations applicable to such business;
 - (4) Each establishment has a separate entrance for the public and the establishments share no common entrance;
 - (5) The inside connecting service door or passageway (if any) must be located behind the bar or service counter of each establishment or otherwise so situated or maintained as to be reasonably accessible only to the licensee or employees of the establishments, and only the licensee and employees of the establishments may use such door or passageway; and
 - (6) All other conditions required by state regulations applicable to such contiguous operations are met.

Section 5: Section 4-137 of the Code of the City of Alpharetta, Georgia, is hereby amended to read as follows:

No package beer, malt beverage or wine shall be sold at retail except in the following types of retail establishments, subject to such establishments holding a license to sell beer, malt beverages or wine (as applicable) by the package:

- (1) Package retailers who sell distilled spirits;
- (2) Establishments maintaining 80 percent of the floor space and storage area in a manner which is devoted principally to the retail sale of other products and located in zoning districts in which these establishments are permitted as a conforming use or in districts where existing establishments exist as a nonconforming use;
- (3) Supermarkets, as defined in section 4-1;
- (4) Brew pubs or eating establishments licensed to sell alcoholic beverages for consumption on the premises which sell wine and/or beer by the package for off-premises consumption in accordance with the provisions set forth in section 4-49(b); provided, however, package sales shall be limited to wine and beer only. Brew pubs or eating establishments seeking to sell wine or beer by the package must obtain a separate license to do so and must meet the distance requirements for each license.

Section 6: It is the intention of Council, and it is hereby ordained by the authority of Council, that the provisions of this Ordinance shall become and be made a part of the Code of the City of Alpharetta, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

Section 7: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 13: This Ordinance shall be effective immediately upon its adoption by the City Council.

SO ORDAINED, the 1st day of May, 2023.

CITY OF ALPHARETTA, GEORGIA

By: 

Jim Gilvin, Mayor

COUNCIL MEMBERS



Donald F. Mitchell

Donald F. Mitchell

Brian Will

Brian Will

Douglas J. Derito

Douglas J. Derito

John Hipes

John Hipes

Jason Binder

Jason Binder

Dan Merkel



ATTEST:

Lauren Shapiro

Lauren Shapiro, City Clerk

APPROVED AS TO FORM:

Molly Esswein

Molly Esswein, City Attorney