

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY GEORGIA AS IT RELATES TO “**OPEN CONTAINERS**” FOR THE PURPOSE OF ENSURING THAT FOOD SERVICE ESTABLISHMENTS LOCATED IN ATHENS-CLARKE COUNTY ARE NOT PROHIBITED FROM SELLING MIXED DRINKS FOR OFF-PREMISES CONSUMPTION IN APPROVED CONTAINERS AS RECENTLY AUTHORIZED BY GEORGIA LAW; AND FOR OTHER PURPOSES.

WHEREAS, the Unified Government of Athens-Clarke County desires to amend the Code of Athens-Clarke County, Georgia as it relates to “Open Containers” for the purpose of ensuring that food service establishments located in Athens-Clarke County are not prohibited from selling mixed-drinks for off premises consumption in approved containers as recently authorized by Georgia law;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 6-3-12 entitled “*Open containers*” ~~of the~~ Code of Athens-Clarke County, Georgia, subsection (a) entitled ““*Open container*” ~~defined~~” ~~is~~ deleted in its entirety and the following new subsection is inserted in lieu thereof:

“Sec. 6-3-12. – Open containers.

(a) “*Open container*” defined. The term “open container”, as used in this chapter, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term “open container” shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption. Notwithstanding the foregoing, the term “open container” shall not mean any tamper evident container that constitutes an “approved container” as defined in O.C.G.A. Sec. 3-3-11.”

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.