

**AN ORDINANCE AMENDING CHAPTER 4 OF THE CITY OF DUNWOODY CODE OF ORDINANCES BY AUTHORIZING AN EXCEPTION TO THE FULL-SERVICE KITCHEN REQUIREMENTS FOR RETAIL CONSUMPTION LICENSEES**

**WHEREAS**, the City of Dunwoody is charged with protecting the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the City of Dunwoody's Alcohol Beverages Ordinance, Chapter 4, currently requires that all establishments having a license for Retail Consumption on the Premises have a full-service kitchen prepared to serve food every business hour; and

**WHEREAS**, the Mayor and City Council find that, under some circumstances, it would be burdensome to require same and desire to amend the City of Dunwoody Code to except certain smaller establishments from this requirement; and

**WHEREAS**, the Mayor and City Council find that, under certain circumstances, it would be desirable to allow beer or malt beverages to be removed from the premises licensed for consumption on the premises.

**THEREFORE**, Mayor and City Council of the City of Dunwoody hereby ordain as follows:

ADDITIONS = UNDERLINE  
DELETIONS = ~~STRIKETHROUGH~~

**Section 1:** Alcohol Beverages, Chapter 4 of the City of Dunwoody Code, Article VII (Requirements for Consumption On-The Premises Licenses), Section 4-193 (Carry-out of alcoholic beverage unlawful), is hereby amended as follows:

- (a) ~~Except as permitted pursuant to O.C.G.A. § 3-6-4, all~~ All alcohol beverages sold or otherwise dispensed by consumption on the premises licensees shall be consumed only on the licensed premises except as provided herein. Except beer or malt beverages in an air tight container of sixty-four (64) ounces or less sealed by the licensee, such that it shall be apparent if the container has been subsequently opened or tampered with, sold by a licensee who does not sell distilled spirits or as permitted pursuant to O.C.G.A. § 3-6-4, Subject to the above exception, it shall be unlawful for any person to remove from the licensed premises any alcohol beverages sold for consumption on the premises, ~~and it shall be unlawful for the licensee to permit any person to remove from the licensed premises any alcohol beverages sold for consumption on the premises.~~ The licensee shall be

responsible for ensuring that no person so removes any alcohol beverages from the premises in any type of container, except as permitted ~~by O.C.G.A. § 3-6-4~~ herein.

- (b) It shall be unlawful for any person purchasing alcohol beverages for consumption on the premises to leave the premises without paying for such alcohol beverages.

**Section 2:** Alcohol Beverages, Chapter 4 of the City of Dunwoody Code, Article II (Licensing), Section 4-25 (Retail consumption on the premises licenses), is hereby amended by appending a section (c) as follows:

(c) Any establishment that has over 75% of its total gross sales from the sale of malt beverages or wine is exempt from the requirement in this section of having a full service kitchen in order to obtain a limited pouring license. This exemption does not apply if a licensee sells distilled spirits or has a full pouring license.

**Section 3:** This Amendment shall become effective immediately upon its adoption by the City Council, and incorporated into the Code of the City of Dunwoody, Georgia. This Amendment hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this 9th day of April, 2012.

Approved:

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Michael G. Davis, Mayor

ATTEST:

Approved as to Form and Content:

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Sharon Lowery, City Clerk (Seal)

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Brian Anderson, City Attorney