

ORDINANCE NO. 794

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF CHAMBLEE, GEORGIA, CHAPTER 6, "ALCOHOLIC BEVERAGES," AND FOR ALL OTHER LAWFUL PURPOSES**

WHEREAS, the City of Chamblee is charged with providing for the health, safety, and welfare of the citizens of the City; and

WHEREAS, the city regulates the sale of alcoholic beverages through Chapter 6 of the Chamblee Code; and

WHEREAS, on August 3, 2020, Governor Kemp signed HB 879 ("the Act") into law; and

WHEREAS, the Act amends several state statutes that affect the local regulation of alcoholic beverage establishments; and

WHEREAS, the Mayor and City Council have determined that in light of the Act, and for other reasons, amending the City's alcoholic beverage ordinance is in the best interest of the public's health, safety, and welfare,

BE IT ORDAINED AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHAMBLEE, GEORGIA that the provisions of Chapter 6, "Alcoholic Beverages," shall be amended as follows:

**PART I**

The provisions of Section 6-1 shall be amended by amending the following definition, to read as follows:

*Full-service kitchen* means a kitchen consisting of a three-compartment pot sink, a stove or grill, permanently installed, and a refrigerator, all of which has been approved by the DeKalb County Health and Fire Departments.

**PART II**

The provisions of Section 6-16 shall be amended by amending subparts (e) and (f), to read as follows:

Sec. 6-16. - Handling permit required.

...

I certify that this is a true and exact copy of the record and/or records on file with the City Clerk's office

  
City Clerk Date 3/22/2021

(e) *Access to criminal history records information "CHRI"*. This Code section 6-16 "Handler permit required" requires a state and national criminal back check of persons engaged in handling alcoholic beverages as defined in this Code. This section is enacted pursuant to O.C.G.A. § 35-3-35 to regulate the issuance of permits of the employment of those engaged

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in handling alcoholic beverages. An applicant, employee, or volunteer seeking to engage in the handling of alcoholic beverages shall submit his/her fingerprints by the method prescribed by the city clerk.

- (f) *Application.* An application for a permit shall include the applicant's legal name, all of the applicant's aliases and/or any other name by which the applicant has ever been known, address, business name and address, date of birth with the written proof thereof, and prior arrest record of the applicant. The police department shall make a complete search relative to any police record of the applicant.

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**PART III**

The provisions of Section 6-41 shall be amended to read as follows:

Sec. 6-41. - License required; regulation of sale or delivery off of licensed premises.

- (a) It shall be unlawful for any person to sell or possess for the purpose of sale any alcoholic beverage where the person does not have a license from the city to sell or possess for sale these alcoholic beverages.
- (b) It shall be unlawful to sell or make deliveries of alcoholic beverages beyond the boundaries of the premises covered by the license, except as follows:
- (1) A retail dealer that is licensed to sell malt beverages may deliver malt beverages in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale to an address designated by such individual, but only in compliance with O.C.G.A. § 3-3-10 and the rules and regulations promulgated by the department of revenue, as amended.
  - (2) A retail dealer that is licensed to sell wine may deliver wine in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale to an address designated by such individual, but only in compliance with O.C.G.A. § 3-3-10 and the rules and regulations promulgated by the department of revenue, as amended.
  - (3) A retail establishment that is licensed under section 6-96 to sell distilled spirits by the package may deliver distilled spirits in unbroken packages lawfully sold to and purchased by an individual for personal use and not for resale to an address designated by such individual, but only in compliance with O.C.G.A. § 3-3-10 and the rules and regulations promulgated by the department of revenue, as amended.
  - (4) An establishment that holds a license to sell alcoholic beverages by the package may offer "online curbside pickup"-type services for sales of unbroken packages of the kind

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of alcoholic beverages that it is licensed to sell, but only in compliance with rules and regulations promulgated by the department of revenue, as amended.

- (5) A restaurant that holds a consumption on the premises license under section 6-142 may offer “online curbside pickup”-type services for sales of unbroken packages of malt beverages and wine, but only in compliance with rules and regulations promulgated by the department of revenue, as amended.
  - (6) A duly licensed wholesaler may deliver alcoholic beverages to a retail sales outlet as allowed in section 6-77.
- (c) Violations of this section shall be punishable as provided in section 1-6.

**PART IV**

The provisions of Section 6-44 shall be amended by amending subpart (a), to read as follows:

Sec. 6-44. - Application for license.

- (a) *Access to criminal history records information “CHRI”*. This Code section 6-44 “Application for license” requires a state and national criminal background check of persons engaged in operating an alcoholic beverage establishment as regulated in this Code. This section is enacted pursuant to O.C.G.A. § 35-3-35 to regulate the issuance of licenses to sell alcoholic beverages. The primary applicant and each additional applicant for an alcoholic beverage license shall submit his/her fingerprints by the method prescribed by the city clerk. An application is not complete until all applicants have submitted their fingerprints and the City of Chamblee has received notice that each applicant has fulfilled this requirement.

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**PART V**

The provisions of Section 6-46 shall be amended by amending subparts (a) and (b), to read as follows:

Sec. 6-46. - Distance of premises from schools, churches, etc.

- (a) An initial alcoholic beverage license application shall be denied if the applicant seeks to sell:
  - (1) Any wine, malt beverages or distilled spirits by the package within 200 yards of any public or private elementary or secondary school, including those located in churches.
  - (2) Any wine, malt beverages or distilled spirits by the package within 100 yards of any church building or any parcel of land located in a residential zoning district.

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- (3) Any wine, malt beverages or distilled spirits by the package or for consumption on the premises within 100 yards of an alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein.
  - (4) Any distilled spirits by the package within 200 yards of a college campus.
  - (5) Any wine or malt beverages by the package within 100 yards of a college campus.
  - (6) This subparagraph (a) shall not apply to require denial of an application for a license at a location where the sale of alcoholic beverages was lawful at any time during the 12 months immediately preceding the filing of the application.
- (b) The term "college campus" means the buildings and grounds of any public or private technical school, vocational school, college, university, or other institution of postsecondary education.

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**PART VI**

The provisions of Section 6-100 are amended to read as follows:

Sec. 6-100. - Hours of sale.

Retailers shall not engage in the sale of spirituous liquors except between the hours of 8:00 a.m. and 11:45 p.m. on Monday through Saturday and on Sundays between the hours of 11:00 a.m. and 11:45 p.m. The hours within which this business may be carried on shall be determined by the standard time in force at the time of the sale.

**PART VII**

Article IV, Retail Package Sales of Distilled Spirits, shall be amended by adding a new Section 6-101, to read as follows:

Sec. 6-101. – Tasting events at licensed retail package liquor stores.

- (a) No retail package liquor store licensee may conduct a tasting event under O.C.G.A. § 3-15-1, et seq. unless the licensee has listed the event on its schedule of tasting events for the calendar year and has provided its schedule to the city clerk, using the form provided by the city clerk, at least seven days before the tasting event.
- (b) A retail package liquor store licensee that intends to conduct any tasting events under O.C.G.A. § 3-15-1, et seq. during the upcoming calendar year shall provide the city clerk a schedule of its tasting events, using the form provided by the city clerk, on or before December 20. A licensee may provide the city clerk an amended schedule of tasting events up to three times during any calendar year.
- (c) It shall be unlawful to conduct a tasting event that violates O.C.G.A. § 3-15-2 or the rules and regulations promulgated under O.C.G.A. § 3-15-3, as amended.

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**PART VIII**

The provisions of Section 6-123 shall be amended to read as follows:

Sec. 6-123. - Hours of sale.

Retail package licensees may engage in the sale of beer and wine between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday and on Sundays between the hours of 11:00 a.m. and 11:45 p.m. The hours within which this business may be carried on shall be determined by the standard time in force at the time of the sale.

**PART IX**

The provisions of Section 6-149 shall be amended to read as follows:

Sec. 6-149. - Carry-out of opened alcoholic beverages unlawful.

- (a) Except for beer or malt beverages in a growler sealed by the licensee such that it shall be apparent if the container has been subsequently opened or tampered with, or as permitted pursuant to O.C.G.A. § 3-6-4, all alcoholic beverages opened or dispensed inside a consumption on the premises licensed establishment shall be consumed only on the licensed premises. Subject to the above exceptions, it shall be unlawful for any person to remove from the licensed premises any opened alcoholic beverages or any alcoholic 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 opened alcoholic beverages or any alcoholic beverages sold for consumption on the premises. The licensee shall be responsible for ensuring that no person violates this subpart.
- (b) It shall be unlawful for any person purchasing alcoholic beverages for consumption on the premises to leave the premises without paying for such alcoholic beverages.
- (c) Carry-out of opened alcoholic beverages shall be lawful solely within the premises of any mixed-use development defined under this chapter.

**PART X**

Article VI, Retail Sales of Alcoholic Beverages for Consumption on the Premises, shall be amended by adding a new Section 6-157, to read as follows:

Sec. 6-157. – Grocery store.

- (a) To be eligible for a license to sell malt beverages and/or wine for consumption on the premises as a grocery store, an establishment must:

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- (1) Apply for and be eligible to obtain a license to sell beer and/or wine in unbroken packages at retail under section 6-121;
  - (2) Devote at least 8,500 square feet of indoor retail floor space to the display and sale of food and other nonalcoholic items;
  - (3) Offer for sale food prepared on the premises every hour that it offers for sale beer or wine for consumption on the premises;
  - (4) Contain an indoor area with tables and seating for customer dining that occupies at least 400 square feet of floor area, and
  - (5) Derive more monthly revenue from the sale of food prepared on the premises than it derives from the sale of alcoholic beverages sold for consumption on the premises.
- (b) A grocery store that is eligible for a consumption on the premises license is authorized to apply for a Sunday sales permit.
- (c) A grocery store that is licensed under this section may sell and deliver alcoholic beverages to a customer for consumption on the premises between the hours of 9:00 a.m. and 10:00 p.m. Monday through Saturday and on Sundays between the hours of 11:00 a.m. and 10:00 p.m.
- (d) A grocery store that holds a license to sell malt beverages and/or wine for consumption on the premises is not eligible to sell distilled spirits by the package or for consumption on the premises.

**PART XI**

The provisions of Section 6-256 are amended to read as follows:

Sec. 6-256. - Hours of sale.

Retail package licensees may engage in the sale of wine and beer between the hours of 8:00 a.m. and 11:45 p.m. Monday through Saturday and on Sundays between the hours of 11:00 a.m. and 11:45 p.m. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale.


**PART XII**

It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this


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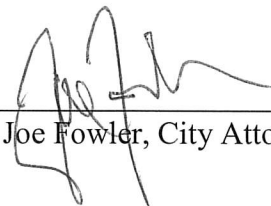
ordinance.

The foregoing was proposed by Council member Robson with a motion that the same be adopted. Said motion was seconded by Council member Lupton. Same was then put to a vote and 4 Council members voted in favor of the ordinance, and 0 Council members voted against the ordinance. Said motion was thereupon declared passed and duly adopted this 16<sup>th</sup> day of March, 2021.

  
Emmie Niethammer  
City Clerk, City of Chamblee, Georgia

Approved this 16<sup>th</sup> day of March, 2021

  
The Honorable R. Eric Clarkson  
Mayor, City of Chamblee, Georgia

Approved as to form:   
Joe Fowler, City Attorney

First reading: February 16, 2021

Second reading: March 16, 2021